



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 18, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- December 4, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - 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. Nominations - Airport Development and Marketing Committee; Bicycle, Pedestrian Path Advisory Committee; Conservation Commission; Energy and Climate Committee; Heritage Commission; Historic District Commission; Human Rights Committee; Library Board of Trustees; Partner City Committee; Planning Board; Trustees of Trust Funds and Cemetery Trustees; Zoning Board of Adjustment

C. COMMUNICATIONS

1. Adam Wright - Request for Withdrawal of Ordinance O-2025-28-A: Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street

D. REPORTS - COUNCIL COMMITTEES

1. Keene Downtown Group - Request to Use City Property - Ice and Snow Festival - February 7, 2026
2. 2025 Homeland Security Grant Program - Hazmat Training Award
3. Professional Services Contract—WWTP HVAC Replacement & Grit Chamber Ductwork Insulation Repair Project
4. Relating to the Execution of an Agreement for Engineering Services With Stantec Consulting Services, Inc. (Stantec) for the Design of the Gilbo Avenue Solar Pavilion Project (75J0034B)
5. Acceptance and Execution of a Grant Agreement with the New Hampshire Fish and Game Department for the Jordan Road Salamander Crossing Project
6. Acceptance of Donations for the Jordan Road Salamander Crossing Project
7. Acceptance of Donation - Ashuelot River Park Greenspace
8. Land and Water Conservation Fund Grant Round 36 - Patricia T. Russell Park Phase II
9. Transfer of Capital Improvement Project Funds For The Airport Taxiway A Reconstruction Project

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Resignation - Katherine Baer - Library Board of Trustees - Library Director

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance
Ordinance O-2025-39
2. Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations
Ordinance O-2025-40

J. ORDINANCES FOR SECOND READING

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

2. Petition to Amend the Zoning Map - 1.24 Acre Portion of 62 Maple Avenue - Industrial Park to Medium Density
Ordinance O-2025-34-A
3. Relating to the Muzzling of Vicious Dogs
Ordinance O-2025-35
4. Relating to Update of Chapter 18 Property and Housing Standards Code
Ordinance O-2025-36-A
5. Relating to New Chapter 44 Building Construction and Demolition
Ordinance O-2025-37
6. Relating to Amendments to the Planning Board Regulations and Application Procedures
Ordinance O-2025-38

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, December 4, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, 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. Having declared that a quorum was physically present in the Council Chambers, Mayor Kahn recognized that Councilor Michael J. Remy requested to participate remotely due to work travel. Councilor Remy was calling from a hotel lobby, where others could be present. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Workman led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the December 4, 2025 meeting minutes as presented was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

The Mayor called tonight “Giving Thursday,” and encouraged all Councilors to contribute to the City of Keene United Way Campaign. He provided pledge forms and instructions to donate as a part of the “Workplace Campaign” for the City of Keene organization. The payroll deduction paper forms could be completed and returned to the City Clerk. The Mayor said the City wanted to be a good participant in the Campaign and encouraged those who were able to donate to do so. Mayor Kahn added that Monadnock United Way appointed their Housing Coalition Program Manager, Rebecca Levy, beginning January 5, 2026.

The City Clerk had posted a list of current vacancies on the City Boards and Commissions webpage. Mayor Kahn said that anyone interested in learning more should go to the City website. An online volunteer submittal form is always available to show interest in serving. Councilors should encourage members of the public to fill vacancies.

The Mayor announced important December 2025 City events:

- Keene State College (KSC) Academic Showcase: Friday, December 5, 2025 from 2:00 PM to 4:00 PM, at the KSC Student Center. City Councilors were invited and the Mayor called it a good way to show support for the College and students.
- The City of Keene Employee Recognition and Holiday Luncheon: Thursday, December 11, 2025 from 11:30 AM to 1:30 PM, at the Blastos Room. Councilors were encouraged to attend. The employees would be sponsoring a food drive during the luncheon and the Mayor encouraged bringing a non-perishable food item to support The Community Kitchen. There would also be a 50/50 raffle.
- City Council Holiday Party: December 18, 2025 immediately after the Council meeting. The Mayor noted that the location had changed and provided an invitation.
- Free Holiday Parking in the City: December 18–25, 2025 and on January 1, 2026. Time limits would still apply. The City hoped this would encourage people to visit downtown for their holiday shopping and dining.

- City of Keene Holiday Closures: Thursday, December 25, 2025 and Thursday, January 1, 2026. The City would be open for business on the Fridays following each of these holidays.

Mayor Kahn noted that the Municipal Services, Facilities and Infrastructure Committee meeting scheduled for December 24, 2025 was canceled. The Finance, Organization and Personnel Committee meeting scheduled for December 25 was rescheduled to December 23, 2025. The City Council's Inauguration Ceremony would be held on January 1, 2026 at noon (12:00 PM) in the Council Chambers.

Lastly, the Mayor led the Council in honoring City Attorney Amanda Palmeira's birthday.

PRESENTATION - SOUTHWEST REGION PLANNING COMMISSION

Mayor Kahn welcomed Todd Horner, Executive Director of Southwest Region Planning Commission (SWRPC), to provide an update on their current projects and activities. Mr. Horner explained that SWRPC is a public nonprofit organization formed by municipalities for municipalities. With 33 member municipalities in the Monadnock region, Mr. Horner said those members are entitled to a certain number of Commissioners based on population size. These Commissioners oversee the SWRPC's work, approve its budget, and appoint its Board of Directors. At this time, SWRPC included three Commissioners from Keene: Mayor Jay Kahn, Ken Kost (Planning Board member), and Michael Conway (active with Habitat for Humanity). Mr. Horner explained that SWRPC advises, it does not regulate; the organization assists communities with things like zoning but does not engage in regulatory actions itself. SWRPC also connects member communities with resources, whether funding or information, from higher levels of government (e.g., state agencies or a federal delegation). SWRPC also connects member communities together, helping them learn from one another. Mr. Horner said SWRPC works across municipal boundaries to tackle shared issues because many challenges that communities face do not start/stop at the town line (e.g., water, housing markets, labor markets, and the transportation network). SWRPC also assists communities with a wide range of public policy issues: transportation, economic development, natural resources, hazard mitigation, planning, and more. During this presentation, Mr. Horner focused on three of SWRPC's program areas: Community Development Block Grants (CDBG), Brownfields, and the 10-Year Transportation Improvement Plan.

Mr. Horner began with the *CDBG Program*, which he said bears special relevance to the City of Keene. CDBG is a federally funded program, aiming to support projects that benefit low- and moderate-income people. Projects need to be sponsored by a municipality; funds often flow to a subrecipient, but a city or town needs to serve as the grantee. Mr. Horner said SWRPC has a long history of working with the City of Keene as an awardee. SWRPC develops CDBG funding proposals and helps subrecipients with administration (e.g., the compliance issues that often come with federal funding). Mr. Horner reviewed four specific CDBG projects underway in the City of Keene at this time:

- The Roosevelt School Project on Washington Street: Two CDBG grants supported this project: (1) to retrofit the existing school building in the attached new Roosevelt East wing that would include 30 affordable housing units and (2) the new Roosevelt West

building right next door that would include another 30 affordable housing units (60 units total). Roosevelt East was expected to be finished in April 2026 and Roosevelt West in 2027.

- The Base Hill Cooperative on Base Hill Road: A resident-owned, manufactured housing park. A \$500,000 Public Facilities CDBG was awarded to the City of Keene and sub-granted to the Base Hill Cooperative to replace its drinking water system, which Mr. Horner said needed a lot of work. The residents were paying unaffordable water bills. Mr. Horner was glad to report that the Cooperative's new water system was operational at this time, and he called it a successful project that would preserve more than 50 naturally affordable housing units in the City.
- Monadnock Peer Support on Vernon Street: SWRPC worked with Cheshire County to sponsor Monadnock Peer Support (MPS) as subgrantee of a \$750,000 CDBG to assist with a number of improvements to their building (e.g., HVAC, asbestos removal, accessibility improvements, alterations to the floor plan for improved programming, lift on the building-front, roof improvements, window replacements, and exterior returned to original brick and repaired). Mr. Horner called MPS a really important organization, without any similar services in the region. Most improvements were completed or near completion, and he expected the project to wrap up at the end of December 2025.
- Cedarcrest Center on Maple Avenue: Cedarcrest provides pediatric care and educational services to 28 children and young adults with complex medical and developmental needs. Cedarcrest was awarded a \$25,000 CDBG to do the planning work for HVAC and other interior improvements. Mr. Horner said Cedarcrest was working with an engineering firm to determine the load bearing capacity of the roof remodel and the bathing facility area. He said this project showcased how the CDBG Program supports not only construction, but also the soft costs that lead to something being built or improved.

Mr. Horner also highlighted two *potential* CDBG projects in Keene at this time:

- Keene Day Care Center on Wood Street: Mr. Horner said SWRPC was working with Cheshire County to sponsor Keene Day Care Center, a longstanding facility, as a subgrantee. He said it would affect Keene residents. The Day Care had 70 childcare slots and Mr. Horner said they hoped to open 20 more. This CDBG would fund HVAC improvements; at this time, the Day Care was running year-round without air conditioning. The scope of work also included fire sprinklers and replacing single pane windows. Mr. Horner said anticipated submitting the CDBG a proposal in January 2026.
- The Community Kitchen on Mechanic Street: Mr. Horner said this CDBG proposal would also be submitted in January 2026 to install a generator and a lift to the second floor at The Community Kitchen. At this time, the facility had no backup power generation, which is not ideal for an organization with a lot of cold storage space. Additionally, when receiving food on pallets, they had to break the pallets down, load them onto a conveyor belt to the second floor, and load everything back onto pallets. Mr. Horner hoped the lift to the second floor would save the organization a lot of time and labor.

Mr. Horner concluded about the CDBG Program, noting that SWRPC was really trying to get out there and help organizations who could benefit from this funding to be aware of it. He said CDBG is not the most accessible application process, so SWRPC tries to shepherd applicants

who really need this funding through that process, so they can bring this funding to the City of Keene and the region.

Second, Mr. Horner discussed SWRPC's longstanding *Brownfields Program*, through which SWRPC assists member municipalities in performing environmental assessment work on sites with known or suspected contamination. He said this program helps pave the way for redevelopment and addressing public health issues. SWRPC has worked with the City of Keene on a number of sites historically, including the former railroad land that is now home to the Monadnock Food Co-Op, the Courtyard by Marriott, Railroad Square Senior Housing, and more. At this time, Mr. Horner said SWRPC had two current Brownfields sites in Keene, where assessment work was either underway or planned.

- 0 Optical Avenue: at the former drive-in movie theater, SWRPC had just completed a Phase II Environmental Assessment focused on two things: (1) testing for potential groundwater contamination and (2) soil samples from an area on the southern boundary where some illegal dumping occurred right off of New Hampshire Rt-101. There was concern about volatile organic compounds on site, but the environmental engineers did not find that in their groundwater sampling, so the good news was that no further groundwater assessment would be necessary. Mr. Horner reported that soil samples found some elevated levels of lead and asbestos, and the consultant recommended excavation and offsite disposal. He said the contamination site was relatively limited, so the estimate for that cleanup work was \$50,000 to \$75,000, which Mr. Horner noted is not as bad as it could have been. He called this a really important, clear, and relatively clean site. So, he said hopefully this Environmental Assessment work would help move it one step closer to being put to good use.
- 0 Gilbo Avenue: This dirt lot just underwent a Phase I Environmental Assessment, which entailed reviewing historical records, municipal files, historic maps, some site reconnaissance, and other activities to help the City and others understand the site history and any known storage or release of hazardous materials on site. Mr. Horner said the funding was committed to this work and SWRPC was awaiting the landowner's authorization to proceed.

Third, Mr. Horner described SWRPC's *10-Year Transportation Improvement Plan*, which is the capital improvement plan for the State of New Hampshire's transportation system; it is updated every two years. Each Regional Planning Commission across New Hampshire plays a role in development of the Plan by facilitating a process, whereby regional priorities are identified and nominated for inclusion in the Plan. Unfortunately, Mr. Horner reported that the headline from the most recent update cycle was that there is not enough revenue to support the projects already in the 10-Year Plan, let alone new submissions; he cited a \$400 million shortfall over the 10-year period. So, certain projects that had been in the 10-Year Transportation Improvement Plan were removed in the proposed draft but none of the removed projects were from the City of Keene. However, some City of Keene projects were delayed anywhere from one to two years:

- Corridor Improvements to West Street
- New Hampshire Rt-10 from New Hampshire Rt-101 to Market Basket
- New Hampshire Rt-101 and Intersection at Swanzey Factory Road

Overall, Mr. Horner thought this was a relatively good result for the City compared to some of SWRPC's other member municipalities. In response to this situation, Mr. Horner said SWRPC was doing some things to help member municipalities take part in the process as the 10-Year Plan was being developed: alerting communities to the revenue shortfall and helping them understand (whether they saw projects removed or not) that they need to make their voices heard, so the Governor, Executive Council, and New Hampshire Department of Transportation understand how important these regional projects are; he knew City staff had been diligent doing so. SWRPC was also drafting a summary write-up to share with member municipalities, summarizing the revenue shortfall, potential solutions to fill that gap, and information to use when communicating with the Legislature if municipalities think the state should act on resolving the shortfall.

Mr. Horner ended his presentation on the topic of a fun collaboration between the City of Keene and the Southwest Regional Planning Commission. SWRPC worked with the City of Keene, Pathways for Keene, and the Monadnock Regional Rail Trail Collaborative to develop trail maps for the Cheshire Rail Trail network. The trail maps were distributed in local bike shops and at the Chamber of Commerce, as well as posted on SWRPC's website. Mr. Horner called them a useful promotional tool for marketing one of the City and the region's most valuable recreational assets. He shared some copies of the trail maps with the Council.

Councilor Roberts noted that the State of New Hampshire was short of so much money, and he thought this fiscal position was the best it would be for a while; he said it would only get worse. He asked Mr. Horner what he thought about the future of Community Development Block Grants and whether they would be at risk to lose money. Mr. Horner replied that SWRPC was reasonably confident that the CDBG Program would be sufficiently funded in the January 2026 funding round, but he could not say beyond that. The last he saw budget bills going through Congress, CDBG seemed to be flat funded, noting that it was a popular Program on a bipartisan basis.

Mayor Kahn and Mr. Horner agreed that SWRPC would have a CDBG application before the City Council on December 18, 2025. Mr. Horner provided his business cards to the City Council in addition to the Rail Trail maps.

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

Mayor Kahn opened the Public Hearing at 7:33 PM and the City Clerk read the notice of Hearing. The Mayor welcomed Senior Planner Mari Brunner and Planner Megan Fortson to present Ordinance O-2025-34-A on behalf of the Community Development Department.

Ms. Fortson explained that Ordinance O-2025-34 was introduced to City Council for first reading on October 2, 2025 and referred to the Joint Planning Board/Planning, Licenses and Development (PB/PLD) Committee, who reviewed it on October 14. At the October 14, 2025 meeting, the PB/PLD Committee created Ordinance O-2025-34-A, taking it from just proposing to rezone a 1.25-acre portion of the Cheshire Medical Center parcel to actually rezoning the

12/04/2025

entire 50-acre parcel, as well as five other parcels; four of the parcels are along Maple Avenue and two parcels have frontage along Rt-9. Ms. Fortson said the Joint Committee sent Ordinance O-2025-34-A forward to Council, with the PLD Committee recommending the Mayor set a public hearing date and the PB finding the Ordinance consistent with the 2025 Comprehensive Master Plan. When it was sent back to City Council on November 6, 2025, Mayor Khan set this Public Hearing date. After this Public Hearing, Ordinance O-2025-34-A will go back to the PLD Committee for their consideration and final recommendation to the City Council.

Mayor Kahn opened the Hearing to public comments.

Christopher McLean of 122 Water Street asked for clarification about what kind of building plans could happen on a Medium Density Lot compared to an Industrial Park Lot. Ms. Brunner explained that in general, the Industrial Park District is an industrial zoning district, so there would be larger industrial uses allowed. Medium Density is a residential zoning district, which would contain mostly single-family, two-family, three-family, and a few smaller multi-family homes; more like a residential neighborhood. Ms. Brunner said the Industrial Park District historically had one industrial use that no longer exists, none of the parcels zoned Industrial Park at this time were being used for industrial purposes, and some had residential uses. Ms. Brunner said these were some of the reasons City staff recommended changing the zoning designation to align with the surrounding area and the desired development for that area of Keene.

Councilor Favolise wanted to confirm that this was as simple and straightforward as he thought it was. For the City owned parcels in this area—unless the City would want to build a day care center, a data center, or something like that—he said the City would have to rezone this. Ms. Brunner said she believed so, if she understood the Councilor’s question. At this time Ms. Brunner said the City did not own land in this location yet, but if the City were to purchase land there, then Councilor Favolise would be correct.

Councilor Bosley asked the Community Development Department to address Maple Avenue being one of the City’s designated “Institutional Streets,” where institutional uses are allowed. Ms. Fortson agreed that Maple Avenue is on the City’s list of Institutional Streets, where certain uses that do not comply with the underlying zoning district are allowed regardless. For example, the hospital facility and Trinity Lutheran Church and School on Maple Avenue; she said those uses would not be allowed in the Industrial Park or Medium Density Districts but would be on Institutional Streets. Mayor Kahn referred to a convenient reference page in the meeting packet on the kinds of uses permitted beyond residential. He called Industrial Park a very flexible zone for other kinds of low density, low impact uses.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 7:38 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, December 9, 2025. Ordinance O-2025-34-A would be on the December 10, 2025 Planning, Licenses and Development Committee agenda for a final recommendation to City Council; no public comments would be accepted on this item when it is before PLD.

A true record, attest: 

City Clerk

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

Mayor Kahn opened the Public Hearing at 7:39 PM and the City Clerk read the notice of Hearing. The Mayor welcomed Senior Planner Mari Brunner and Planner Megan Fortson to present Ordinance O-2025-28-A on behalf of the Community Development Department.

Ms. Fortson said this application had been in the works for a while. The Ordinance was submitted to Council for first reading on August 21, 2025 and referred to the Joint Planning Board/Planning, Licenses and Development (PB/PLD) Committee for a public workshop on September 8. The original Ordinance involved the proposed rezoning of eight parcels along Winchester and Pearl Streets, for a total of about 2.6 acres. On September 8, 2025, the PB/PLD Committee voted to create an "A" version of the Ordinance, which removed the three of the eight parcels from the proposal. Ms. Fortson explained that Ordinance O-2025-28-A included five parcels, which were shown in blue on the map she displayed for the Council. The PB voted to find that Ordinance O-2025-28-A was consistent with the 2010 Master Plan (used at that time) and the PLD Committee voted to recommend that Mayor Khan set a Public Hearing on the Ordinance. Ms. Fortson said Mayor set a public for September 18, 2025, when Mayor Kahn sent Ordinance O-2025-28-A back to the PB/PLD Committee for another public workshop at the applicant's request; many community members had expressed concern about the potential zone change from Low Density to Commerce. When the applicant returned to the PB/PLD Committee for a second public workshop on October 14, 2025, the applicant proposed the same "A" version of the Ordinance that the PB/PLD Committee created. Ms. Fortson reported that four members of the public spoke in opposition to the proposed zone change at the September 18, 2025 PB/PLD Committee and six spoke in opposition at the October 14, 2025 meeting. She said Mayor Kahn set this Public Hearing during the November 6, 2025 City Council meeting, given that the applicant had revised the proposal to comply with what was approved by the PB/PLD Committee.

Ms. Brunner added some things about the five parcels proposed for rezoning, which were displayed on a map for the Council. She explained that the City's Comprehensive Master Plan (CMP), which is used to evaluate the Ordinance, changed part way through this Ordinance review process. At the PB/PLD Committee's first public workshop, they used the 2010 CMP and at the second public workshop, they used the updated 2025 CMP. Ms. Brunner reviewed what the updated 2025 CMP's Future Land Use (FLU) Map says for this specific area. She showed the Pearl Street neighborhood, which is very historic, with a really well-established neighborhood identity and fabric. She also showed an area zoned Commerce that was also historically a part of that same Pearl Street neighborhood and over time, had transitioned for the parcels along Winchester Street to be more commercial. Ms. Brunner said that the 2025 CMP's FLU Map showed the area along Winchester Street as a "Corridor-Oriented Commerce," which is a specific Character Area, meaning it is focused a little less on the uses and more on what the character of the area actually feels like. Ms. Brunner described the land development pattern,

area identity, and means of transportation envisioned for the Corridor-Oriented Commerce Character Area, “Efficient use of space and development patterns serve as a transition between car-centric places to higher-density, interconnected spaces. Tend to be clustered along major thoroughfares, such as West Street, Winchester Street, and Route 101. Mixed-use regional magnet – A combination of residential, such as multifamily developments, commercial spaces, and low-impact light industrial uses. Area is a regional magnet for chain developments, workforce, and consumers (i.e., Panera, Home Depot, Old Navy, Starbucks, Aroma Joe’s, Burger King, Walmart). Multimodal – Accessible by multiple modes of transportation, including biking, public transit, and pedestrian walking infrastructure. It is easily accessible by car, but without congestion or major safety issues. Serve as connectors between downtown and the outskirt areas.” Ms. Brunner said that is what the 2025 FLU Map envisioned for this area of Keene along Winchester Street.

Mayor Kahn welcomed the petitioner, Adam Wright, and his representative, John Noonan of Fieldstone Land Consultants. Mr. Noonan noted that Mr. Wright also owned property where the Ordinance proposed to rezone. Mr. Noonan said Ms. Fortson fully explained all the iterations of the Ordinance that resulted in the final five parcels proposed in Ordinance O-2025-28-A. Mr. Noonan explained that the original Ordinance O-2025-28 was contentious because of proposed boundary line adjustments for some Pearl Street properties. He said O-2025-28-A proposed using the existing property boundaries as the zoning, maintaining three of the lots in the Low Density District, and rezoning the corner of Pearl and Winchester Streets as Commerce. He said there were a mix of residential and commercial uses at the properties situated along the corner of Pearl and Winchester Streets at this time. The applicant’s intent was to own and develop the land as a commercial use or a mixed-use. Mr. Noonan stated that the residential homes on these lots had been vacant for years and fallen into disrepair. He said the location of these properties did not serve the residential Low Density District very well, as the roundabout vehicle traffic and adjacent fast-food restaurants hinder the appeal of residential homes at the intersection. Based on feedback from the PB/PLD Committee, he said Mr. Wright amended his request to these three lots in the Low Density District (the zoning line would follow the existing property boundaries as depicted on the map). He said the location of the properties on Winchester Street would be better suited to be zoned Commerce, which would allow for a broader range of uses, including many types of commercial businesses and multi-family housing. Mr. Noonan said the many uses permitted would make the properties much more marketable to potential investors and developers. The lots could be developed to include a mix of commercial, multi-family residential, and single-family residential uses—providing a transition zone between the existing commercial and residential uses from Winchester Street to Pearl Street. The applicant thought the frontage of the properties along Winchester Street would provide ideal visibility and access for commercial businesses because there are two lanes of traffic on each side of the divided roadway. Mr. Noonan said the location of these parcels is south of the new roundabout, which allows for heavier traffic along Winchester Street and is typical of the Commerce District, whereas the double lanes are not typical of the residential zones, specifically the Low Density residential zone and the surrounding neighborhood along Pearl Street. During the PB/PLD Committee hearings, Mr. Noonan noted that many concerns were mentioned, mostly about stormwater and floodwater from the Ashuelot River. He said the Site Plan Review process for developing these lots would require review of stormwater and floodwater management, and to ensure there are no impacts. Mr. Noonan added that the residential uses on the land at this time

did not have stormwater management systems and home renovation would not require addressing these concerns.

Mr. Noonan continued, stating that the City of Keene did a lot of work and City staff did a good job on an updated Comprehensive Master Plan. He said the City also has a Land Development Code (LDC) that includes all of the Site Development Standards, which address a lot of the concerns that abutters addressed on stormwater management: questions about impervious areas increasing, how to handle stormwater management and floodwater because this area is the 100-Year Floodplain of the nearby Ashuelot River, safety with vehicle/pedestrian traffic, lighting, and landscaping/screening. Mr. Noonan said all these things were outlined very well and thoroughly in the LDC, noting they all must be reviewed and meet the City's standards when these lots are inspected. Specifically for floodwater, and typically in commercial developments, Mr. Noonan noted that these properties would appear before the Planning Board for a thorough review to ensure any fill in the floodplain is offset with an engineered design that is reviewed by Building Code and the City's Floodplain Administrator. Mr. Noonan said there would also be major compliance with the Planning Board for stormwater management when submitting for any development, so the applicant would provide a Stormwater Management Plan, designating how these sites would handle no increased rainwater outfall. He also referred to the Site Development Standards for traffic, noting that regardless of the type of development at this location (i.e., multi-family or commercial use), the applicant would have to demonstrate the increase of traffic—whether pedestrian or vehicles—and how it would be offset and managed on these sites. If anything commercial was developed, Mr. Noonan said a Lighting Plan would be required. So, he said these things would be reviewed; the applicant believed most of the concerns raised were outlined in the LDC already as to be reviewed by the Planning Board, meet zoning regulations, and would address abutter concerns. Mr. Noonan said the petitioner was asking the City Council to realize that the City has a lot of these standards in place to protect the bodies of water and landowners around developments. He noted that land consultants work very hard to ensure they address those standards and that there are no impacts to abutting properties. Mr. Noonan reiterated that City of Keene staff had done a great job creating a comprehensive Land Development Code that outlines each of these development concerns, which each must be addressed during the Planning and Community Development review and Site Plan application. He said that would be the case regardless of the development type on these lots, whether it is a residential multi-family or commercial type of use.

Mr. Noonan concluded his presentation, noting that if approved, the Pearl Street neighborhood would be maintained by the amended zoning: residential uses would remain and the corner lots on Pearl and Winchester Streets would provide a transition zone into the existing commercial uses along Winchester Street. He stated that the rezoning to Commerce would not eliminate the residential use, it would only expand the types of use that could be developed in this area of the City. Mr. Noonan called the rezoning very much in line with the new CMP, recalling that the CMP changed throughout the hearings on this application. He reiterated that Ordinance O-2025-28-A was approved by the PB/PLD Committee and Mr. Noonan believed it met the intent of the applicant and the Committee's suggestion for rezoning this area in the Community. Mr. Noonan said the proposed rezoning would allow for more opportunities and options to redevelop this intersection and expand the Commerce District in a logical manner. As background, he noted

that the original zoning for these lots was commercial when it was the Pearl Street School; it was one of the first areas commercially zoned in Keene. Mr. Wright thanked the Council for its time.

Councilor Roberts said one thing he heard from a number of people was about “the trust factor.” He said that people lived in those houses for a long time, they were evicted, and then the houses sat there for some years in disrepair. Councilor Roberts said the people who live in that area feel like those people were basically forced out. So, some people in the neighborhood who he talked to really questioned whether the applicant was trustworthy and want to know what they are actually going to do with that property. Councilor Roberts said the applicant would really have to convince that neighborhood. Mr. Noonan said that it was not a question, so he did not know how to answer. He said anything developed on those lots would be presented on. For the rezoning, he said the applicant did not have to present a plan of what their intent was to develop on those specific lots. With rezoning, now there would be more options to develop on that land. Mr. Noonan said anything proposed for development would be clear when submitting a Site Development Plan.

Councilor Madison asked why rezone to Commerce as opposed to something like Medium Density, which allows multi-family or duplexes by right and a number of commercial uses by Conditional Use Permit. Mr. Noonan said ultimately, to avoid “spot zoning” by expanding the Commerce District that is directly next to where the Low Density and Commerce Districts meet currently. Adding another zone at this location would be spot zoning, which is typically frowned upon.

Councilor Tobin’s question was similar. She recalled Ms. Brunner stating that Corridor-Oriented Commerce was intended to have multimodal access. Councilor Tobin said it looked like the Commerce District was supposed to be accessed predominantly by vehicles, so multimodal transportation did not seem like a priority. Councilor Tobin asked why the applicant chose the rezone to the Commerce District. Mr. Noonan referred to the new roundabout in this area of Winchester Street. He noted that the City had spent a lot on infrastructure (e.g., sidewalk improvements, curbing) down Island Street. So, he said the area had become more multimodal, with crosswalks at the roundabout and sidewalks that tie into the commercial area. Mr. Noonan said that a commercial development would be more likely to provide sidewalks and other items in front of their establishment versus a Low Density residence. A commercial development would have a Site Plan for improving sidewalks and a Low Density residence application would not. He said rezoning to Commerce would provide more availability for pedestrian and bicycle traffic in this area, in addition to the two-lane traffic for vehicles. Mayor Kahn noted that this question was addressed by City staff on page 22 of the agenda packet.

Mayor Kahn opened the Hearing to public comments.

Sally Rose of 315 Pearl Street attended two meetings on this Ordinance. She said this meeting had had an excessive amount of talk about housing and affordability. She asked why the City was trying to take any valuable land that could be used for housing and make it commercial when it really is not possible at that location, which she called a neighborhood. Ms. Rose said this is a neighborhood with history that had been written about; it is a fabric of Keene. She thought the City would want to preserve its neighborhoods and its citizens over commerce. She

said there is so much commerce, so many clothing stores, and things that do not do well; why do we need more? Ms. Rose called this a really cute, small neighborhood and said the residents love it there. She said it would not be fair to make it commercial, stating that it is not commercial land; there were three houses there, with people in them, including children that her kids went to school with. Ms. Rose said that these days, she thought housing was a really big issue, and she did not think Commerce was a good idea because it would erode the rest of that neighborhood. She noted that the other end of Pearl Street was already very dangerous to cross, so this proposal would whittle it away. She added that Island Street had also been “blown up.” Ms. Rose said, “the neighborhood is losing its neighborhood.” She thought enough was enough. Ms. Rose thought the Council should leave the housing there.

Steve Popowich, owner of 127B Pearl Street, posed some logistical and technical concerns. In looking at the map, he did not know how any amount of business was going to come on and off Winchester Street within the first 25 feet of the roundabout. He said it would undo all the investment that was put into making that roundabout flow, noting it was so hard before the City put the effort into it, and now it was so much nicer for him. Mr. Popowich said the proposal would bring more people down Pearl Street, backing up traffic, and added that there was already a speeding problem down Pearl Street; a temporary speed bump was recently installed. He cited experiences with speeding cars while walking his dog and noted that families live there, stating that more traffic would not be nice. He referred to Councilor Roberts’ point about the families who were evicted, and Mr. Popowich said he used to pass by there every day on the way to work and see the kids on their way to school. All of a sudden, he said the properties were purchased, closed, and the families were gone. He said they were not abandoned for years and then purchased; they were purchased and closed. He heard the argument that there could be residential in the Commerce District, but he said it should stay Low Density then. He heard the argument that the Commerce District was already right at the corner, so they might as well expand it, but Mr. Popowich called that a slippery slope: “death by 1,000 cuts.” He said that in five years, the applicant would want to take the next couple and then the next couple, etc. Mr. Popowich said it would have to stop somewhere and thought the hard line should be Pearl Street. He was not comfortable with giving a “blank check” to put any Commerce at this location; he heard rumors about some other fast food, when Panera just left Island Street. Mr. Popowich asked, “Why?”

Charles Henderson of 122 Water Street asked what damage Commerce would have to a Low Density area that is clearly around it, where there is already a lot of damage coming from Walmart and McDonald’s. He thought there would be a high risk of people using drugs and also bringing more crime to the area. Mr. Henderson asked if the City Council had thought about the risk factors of putting commercial in there.

Lori Rippey of 352 Pearl Street (basically directly across from the proposed change) had been to a number of these meetings and reiterated her concerns for the Council. One of her biggest concerns was the flood risk. While the petitioners mentioned engineering solutions, she said those are not an end all-be all, and they do not always work correctly. She cited engineered solutions for flooding that had catastrophically failed in our country. Having gone to middle and high school in Keene, Ms. Rippey remembered when all of lower Water Street flooded and people kayaked. In the recent years, Ms. Rippey went through two floods in her current home

and lost a lot of sentimental family things. She said that creating impervious services increases flood risk because there is nowhere for the water to go. So, Ms. Rippey said that while the applicant might have engineered solutions, they might not necessarily be perfect solutions. She cited living on the riverbank and the water rising to the top and undercutting her bank during heavy rain. Ms. Rippey stated that she unfortunately lives on the inside of the turn on Pearl Street, so this proposal would take land from her property, and her trees were dying from the significantly increased erosion during flooding. Ms. Rippey also spoke about noise pollution, stating that patrons tend to loiter raucously outside of businesses that are open early/late. She cited instances already in the McDonald's parking lot, which her home faces, during many parts of the year; she had heard and witnessed drug related crime. She added her concerns about large trucks deliveries and construction noise. Next, Ms. Rippey spoke about light pollution from illuminated signs, headlights from cars, and parking lots for businesses that are open late or very early. She also mentioned environmental pollution that would move closer to the River: garbage and litter (already in abutters' yards from patron litter and blowing from the business dumpsters), and chemical runoff. Ms. Rippey concluded that this proposal would be a huge public safety risk. She thought the roundabout was already too small, people did not merge correctly, the crosswalks are in a blind spot, and she had seen pedestrians almost hit by vehicles.

Shana Stack Davis had lived at 323 Pearl Street for 19 years and said part of the parcel in question runs right at the back of her house. She recalled hearing that when commercial plans happen, applicants think about the abutting neighbors. She did not think that happened when McDonald's was built, citing serious privacy issues; a lot of her privacy trees were cut down during the past season, and now she was experiencing noise, crime, and people hanging out at all hours of the night. She said it is not good for the neighborhood. Ms. Stack Davis said she would hate to see another business, potentially even fast food, go into the proposed location and have even more crime, traffic, noise, and light pollution. She said those things were real on Pearl Street, where there were also already traffic and speeding safety issues; cars drive past her house daily at 60 to 70 mph, and cars with loud bassy music wait for food at McDonald's. Ms. Stack Davis thought that rezoning to Commerce would actually change the dynamics of the historic neighborhood. She said it would start with this and keep going, so that soon it would be in her backyard and next door even more than McDonald's.

Amy Fulton of 75 Wood Street pointed out her parcel on the map. She said this might be a great idea for the developer, but it was not a great idea for anybody else. Ms. Fulton echoed other comments, saying that people abuse Pearl Street. She added that the roundabout needs a Police Officer there to direct traffic because she had witnessed several car accidents. Also, when the bus stops on Island Street (when it is open), cars from Winchester and Island Street do not stop, and the roundabout becomes clogged. Ms. Fulton said someone would get seriously hurt. She added that the petitioner was also not considering the Day Care Center, the Italian Club, and huge industrial park on Wood Street; she had called the City of Keene about this because the property is leased to a pavement company that is open Saturdays and Sundays (the neighbors do not get a break). Ms. Fulton spoke with their owner because the drivers of large dump trucks and tar removing machines drive so fast. Ms. Fulton said there is this large industrial area and now Commerce District was proposed. She said that when she walks her dog into her backyard, she is in Mr. Wright's area and then there would be a business. Ms. Fulton said that would not fair. She questioned the petitioner saying they had been doing this since August 2025 but asked if they

owned those properties when the houses were there and for 20 years let them rot. She thought squatters had lived there since 2006, stating that nobody with money would live there if they had a choice, and that was how that property was allowed to be. Now, Ms. Fulton said there were rumors about drug sales up and down Pearl Street and Wood Street. She felt like a business would just make that worse. She also wondered what would prevent the applicant from building a bar because in a Commerce District they could develop anything that makes money. Ms. Fulton stated that she felt like this application was a “money thing, and it has nothing to do with helping our neighborhood.” She said she would love the Council to not allow this rezoning.

After the work on Island Street and the sheer amount of traffic that neighbors had experienced on Pearl Street in the previous six months, Michelle Knapp of 129 Pearl Street called it “insanity.” She used to be able to just pull out of her driveway easily, with no traffic. Now, in the mornings she would wait for three to seven speeding cars to pass; in the afternoon, she said she had not experienced the new sheer volume of traffic on Pearl Street during her nine years living there. Ms. Knapp described being able to hear the loudness of vehicles, starting at Winchester Street and revving all the way down to West Street. She felt that it was a huge problem, and she thought that the property in question on the corner of Winchester and Pearl Streets was a really important buffer for this neighborhood. Ms. Knapp said there are not a lot of neighborhoods around any longer, and she thought the City should be keeping neighborhoods as neighborhoods. She did not think Commerce should be allowed on that property.

Stephen Gunseth of 228 Pearl Street read a statement from Drew McGuire of Pearl Street: *“I am writing to express my opposition to the proposed rezoning of the property on Pearl Street in Keene. I am concerned that this change would have long term negative effects on both my neighbors and myself. Residents living adjacent to the rezone area could face increased property taxes, already a significant burden in New Hampshire, and particularly Keene, as well as substantial rise in unwanted traffic. These impacts would meaningfully alter the character and livability of our neighborhood. I respectfully urge the City to reject this rezoning proposal, not only for the well-being of current residents, but also for those who may choose to make our community their home in the years to come. Thank you, Drew McGuire.”* Mr. Gunseth stated that as a property owner on Pearl Street, he also opposed the application. He said the area should stay residential. He appreciated what Mr. Wright was trying to do, but Mr. Gunseth objected.

Dillon [no last name provided] of 352 Pearl Street also opposed this rezoning. First, he felt that the proposal was a little too vague, not knowing what the applicant would build there. He said building something giant that shades a lot of the houses could cause mold and damage the roofs, cause plant death, and harm wildlife. Dillon also looked at some studies on commercial versus residential crime rates, citing peer-reviewed sources from Science Direct and the Journal of Urban Economics that showed a 15% increase in crime rate when commerce encroaches into residential neighborhoods (he could send his research to the Council). Dillon was also worried about rezoning to Commerce and the applicant having a “blank check” to build anything; it would be “rolling the dice,” and unclear if it would increase or decrease property values. He talked about the crime rate. Having lived at 352 Pearl Street for about six years, Dillon said he liked to see kids walking up and down the Street. As crime had increased, he found bags of heroin on the ground and had to call the cops a few times. He was unsure what would happen with more properties, where it was unclear what would be going in them, noting that the kids

literally get on the bus right where the applicants proposed Commerce. Dillon said it made him worried because when he drove around Keene, it was mostly commercial property and he saw a lot of people on drugs; he had seen people using drugs in the Walgreens parking lot on West Street and openly on Main Street. Dillon said one of the first things he saw when he moved to Keene was people using drugs. He called Keene a beautiful place and thought the City should keep this area zoned Low Density.

Dawna Woodhull, 29-year resident of Crescent Street on the corner of Meadow Road and Pearl Street, spoke about the traffic. She was rear-ended in July 2025 by someone going 60 mph at the corner by Meadow Road. She said the traffic issues had just been increasing, like with Island Street being closed. When Ms. Woodhull bought her home 29 years ago, her son was six years old and kids could play in the street. She said that everyone before spoke about traffic. Ms. Woodhull said this is a neighborhood; the residents bought there and were paying property taxes to live in a neighborhood (with Keene having the third highest taxes in the state). Ms. Woodhull stated that she was opposed to the Ordinance based on wanting to keep the neighborhood that was known as “Little Italy” when she moved in. She had always appreciated that it was a neighborhood and said it did not feel that way anymore.

Regina Wright, Adam Wright’s mother and property manager of the apartments that Mr. Wright owns, the last of which are at 347 Pearl Street. At almost 80 years old, Ms. Wright said she still managed many properties and had good tenants. She stated that the “trust factor” Councilor Roberts mentioned was “blowing her away” because part of the reason they bought the Winchester Street property was due to the drugs and terrible deterioration. Her tenants 347 Pearl Street frequently commented about what was happening at the properties at the corner of Winchester and Pearl Streets and the disrepair there for years before the Wrights bought them about two years before this. Ms. Wright said she had to have a crew go in there to handle the needles, rats, and mice. She stated that the places were horrible and that everybody who lives on Pearl Street knew about the horrible conditions. Ms. Wright said she came to this meeting to be very positive about this. She stated that Winchester Street is the gateway into the City of Keene and had been beautified nicely (i.e., the roundabouts, the buildings, the streets, the lining in the middle of the street). However, she said this terrible corner at Winchester and Pearl Streets was still a mess and said something needed to be done with it. She thought business should continue, the whole strip all the way down—car dealerships, restaurants, gas stations—noting that people come to spend money in Keene at these businesses (e.g., TJ Maxx, Home Goods, and Walmart). Ms. Wright said she would love it if her taxes went down because people come to purchase things around Winchester Street. She noted the speed bumps on Winchester Street at Keene State College, and she certainly thought the City of Keene should invest in more speed bumps down Pearl Street. She agreed with the speed problems on Pearl Street. She said it was similar at times on Winchester Street and Main Street, noting there was a changing population in Keene, with cars from many different states. Ms. Wright said, “I’m sorry, the old days are gone, but can we do something to help move this along?” “Winchester Street is a vital gateway into the heart of Keene. It has undergone tremendous updates in the last few years to welcome people. First, there was a corridor. Second, the bridge over the Ashuelot River. Third, the construction of two new roundabouts. All of these were designed to improve traffic flow, safety, and welcoming access to local businesses.” Ms. Wright concluded, stating that next, the City needed to consider economic growth (i.e., lessening taxes), beautification of Winchester Street, and connectivity and quality of

life. Ms. Wright said she still had tenants, and she wanted to see traffic slower with speed humps and see more beautification; she thought those were possibilities.

Stephen Allen of 305 Winchester Street thought that the corner of Winchester and Pearl Streets had been a blight on the City for decades. Having lived there for 35 years, Mr. Allen said that everybody has always known the houses on that corner to be “the heroin houses,” and said the houses were totally neglected for decades. Mr. Allen said it seemed as though it would be nice to see that area cleaned up a little.

Michele Wright grew up on Pearl Street and now owns a home in the neighborhood. Ms. Wright was present to say clearly and firmly why she believed the proposed rezoning of Pearl Street was not only ill advised but fundamentally incompatible with the City’s own standards, goals, and long-term obligations outlined in the 2025 CMP. She said that Councilors who prioritized logic, consistency, and responsible planning would see that this proposal did not withstand scrutiny. First, Ms. Wright discussed measurable, predictable, and economic harm. She said every planning study across the country confirmed that introducing commercial zoning into a stable residential area depresses nearby property values. When commercial lighting, signage, extended business hours, parking lots, and traffic enter residential blocks, the market responds with lower demand for those homes. She said lower demand means lower appraisals, lower tax revenue, and diminished long-term economic stability for families and the City; she said there was no data showing the reverse occurring. Second, Ms. Wright stated that environmental and safety impacts of this proposal were guaranteed, not theoretical. She said commercial zoning brings with it unavoidable light and noise pollution, and significantly increased traffic loads. She called Pearl Street a narrow, human-scale street. She said it was never engineered for commercial circulation patterns, loading zones, or overflow parking. Ms. Wright believed that zoning Pearl Street as Commerce would guarantee safety risks for pedestrians, cyclists, and children. She said it would also guarantee increased wear on infrastructure that the City would ultimately pay to repair. Ms. Wright said this was not speculation, but predictable, documented municipal impact. Third, Ms. Wright noted that the City’s own cultural stewardship obligations were being ignored. The Keene Heritage Commission had recently recognized this area as the only remaining historic Italian neighborhood in the City of Keene, which she said is not a sentimental label, but an official acknowledgment of cultural and historical significance. If rezoned, Ms. Wright said the recognized heritage would not change, it would be eliminated. Once commercial zoning fractures a historic residential enclave, she stated that the culture, continuity, and identity vanish; they cannot be legislated back into existence. Ms. Wright thought the Council must ask itself whether demolishing Keene’s last remaining ethnic neighborhood would be consistent with its stated values. Fourth, Ms. Wright stated that rezoning failed the fundamental test of necessity: there was no demonstrated need for additional commercial zones on the street, no market demand analysis, no community benefit analysis, and no evidence that commercial expansion here addresses any documented economic or development gap. In contrast, she said the harms were well documented, predictable, and permanent. Finally, Ms. Wright explained that there was a better, more responsible alternative. She said Keene’s housing needs are real, but the solution is not to destroy an existing neighborhood. Ms. Wright said the solution is to expand residential capacity where infrastructure already supports it: infill development in appropriate zones, adaptive reuse of underutilized downtown commercial buildings, incentivized mixed income developments, and clustered residential expansion in areas already designated for density. She

thought these strategies would add housing, without “cannibalizing” historic neighborhoods and without violating the City’s own long-term planning principles. Ms. Wright concluded, stating that Councilors who relied on linear, fact-based decision making would recognize that this proposal was misaligned with the economic logic, historical preservation standards, urban planning principles, and public interest of the City. She said that approving the rezoning would set a precedent that no stable neighborhood, no matter how historic or culturally significant is safe from commercial encroachment. She added that rejecting the application would affirm that Keene governs with consistency, respect, and foresight. Ms. Wright urged the Council to protect the residents and history of Keene and integrity of its planning process by voting “No.”

Jack Donnell had lived in Keene for about 42 of his 46 years and while he did not have a personal attachment to Pearl Street, he said both of the buildings at the corner of Winchester and Pearl Streets were in terrible condition; he had been in both buildings. He said that when Mr. Wright purchased those homes, he wanted to try and fix them up first, but Mr. Donnell said it was not possible. He called them complete teardown homes and said he was sick of looking at them after 40 years. Mr. Donnell said that when it came down to sheer economics, those two homes could not make money rebuilt because no one wanted to live there. He understood the comments about neighborhoods; he lives in a neighborhood and said he would not want someone to put anything commercial next to his house. Still, at some point, he said this was not in the middle of a neighborhood. He said it was more like two houses at the end of a commercial zone, and it made sense to him to clean that up; he called it horrible. Mr. Donnell also understood that once zoned Commerce, there would be no control over what the applicant could develop there (i.e., blank check). He knew Keene had a shortage of housing but said there could not be houses everywhere either. He said that sometimes things need to be contemporized.

[Didn’t state name] The owner of 308 Pearl Street had lived there for 55 years and said it has tremendous history just as a house, which originally came from Ashuelot Street originally when the neighborhood was opened up to invite construction and homes. She cited her long Italian history, so she wanted to see all of those good things preserved. Her biggest concern—even more after listening to the openness of everyone at this meeting, which she appreciated—was that years ago, before many were involved with this corner property, there was already a fight to prevent further zoning changes on Pearl Street. She explained that it was agreed upon then that the border would remain as the fronting houses on Pearl Street. She stated that she saw no usable purpose for anyone to allow changing that zoning to allow a commercial piece and she was sorry if that was a bad investment. She suggested that the City maybe ought to look at houses when they are in grave deterioration and start speaking up about how do to deal with people who do not take care of structures. She agreed that Mr. Wright was entitled to buy the corner property but stated that she was “not going to listen to the sadness. The gentleman that owned the house before was an entrepreneurial renter who did not keep his house up. I’m sorry that you have a piece of property that is not attractive. Plant grass on it and put a new house back from the corner.” She was totally against changing the zoning in this neighborhood because they were already suffering “horrendously” from the surrounding changes. She cited the fact that Island Street is narrower now than it was, having heard it called “a failed intersection” on the other end of Pearl Street. She said that when you start using phrases like that, the City might need to take a closer look at what it is doing to neighborhoods.

Chris Margraf of 60 Blackberry Lane said he was impartial on this issue, but he grew up in Keene. He remembered Symonds School and that Pearl Street was always the first street called for the bus, and he was always very jealous because his bus was always the last one called. Having grown up in Keene, Mr. Margraf was very proud hearing everybody talk and of how much pride they had in Keene and Pearl Street. As a good friend of Mr. Wright's, Mr. Margraf thought this had to be tough on Mr. Wright. At the same time, Mr. Margraf said he could "just feel it" for all the residents on Pearl Street. He said he would hate to think that that a kid who had grown up in Keene all his life and his mother who had been here and taken great pride in this place would become so divisive and that there would be so much anger. Mr. Margraf stated that if the properties were rezoned, he would expect that Mr. Wright would do the right thing by them; Mr. Margraf was present to represent and support Mr. Wright because Mr. Margraf believes in and loves Keene. Mr. Margraf said this was tough for Mr. Wright. However, Mr. Margraf hoped the Hearing could end on a happier note, with anecdotes about the Pearl Street bus. He thanked the Council for facilitating the Hearing, stating that it was a joy to witness, even though it was hard to see.

Mayor Kahn brought forward and acknowledged agenda items C1 through C3, communications regarding Ordinance O-2025-28-A. The City Clerk read into the record two communications in support of Ordinance O-2025-28-A from Leon Watkins and Michael Wright, and one communication in opposition of Ordinance O-2025-28-A from Shane Brown. Mayor Kahn noted that two additional communications from Rick Grauer and Katherine Kidder, both in support of Ordinance O-2025-28-A, were also received and distributed into Councilors' mailboxes.

Nancy Proctor of Algonquin Drive said her sons grew up with the Wrights—Adam, his brother, and sister. Ms. Proctor had sold many properties to the Wrights over the years, multi-family investment type properties. She said that every time they had bought a property, they 100% improved the property. Ms. Proctor said that when Adam Wright moved to Massachusetts, Regina Wright and her husband managed "those properties, and I'm sure the people on Pearl Street know the property that they own." Ms. Proctor said their properties had been managed well, with great tenants. She said she knows Ms. Wright and that people call Ms. Wright "The Bulldozer," so the tenants were always very respectful, and the Wrights were very cognizant of who they rented to. Ms. Proctor said the Wrights communicated a lot with Keene State College to ensure they secured the best tenants, improving upon the tenants who there before or would have been. Ms. Proctor said she could vouch for the Wright family and Adam Wright, stating that whatever they do to that property at the corner of Winchester and Pearl Streets, it would be done in a great, professional manner. She said Mr. Wright is not a trashy landlord. Working on Island Street, Ms. Proctor said she knew it had been a hassle; she could not get to her office without walking almost one-half mile every day. She would also be glad when the work would end and knew the traffic had been a hassle for Pearl Street because she had to access Pearl Street to reach her office. Ms. Proctor vouched for the Wright family, stating that whatever is going to be at that location, they would do it right.

Mike Pappas of Main Street, property owner in Keene, said the Wright family takes pride in the City. He noted that they own plenty of property in the City of Keene and had always been good landlords and always take care of their places. Mr. Pappas was hired to clean up those two houses when the Wrights first bought them because "they knew that it looked like an eyesore."

Mr. Pappas said he had received so many compliments from cleaning them up. He suggested the Council needed to think about a few things. First, economics: someone would need to buy those houses that are so close to commercial. He said the Wrights, “didn’t buy these houses for peanuts because everybody knows that they’re so close to commercial that they have multiple different values.” Mr. Pappas said he would look at it more as a buffer if Mr. Wright developed businesses there. Mr. Pappas said “there has to be some trust factor. He is from here, you know.” Mr. Pappas cited a similar experience with his properties on Main Street. He said it would be better than selling to an out-of-state investor. Instead, he said Mr. Wright could develop a local business as a buffer, with fences and greenery, and make that the line. Mr. Pappas said the end that faces Winchester Street “reeks of commercial” not of a little tiny neighborhood. He agreed with and applauded Little Italy, calling it wonderful, but said it needed to have a buffer from the businesses. He cited the examples of people with McDonald’s or the Italian Club in their backyards and said there was a buffer; he thought this proposal provided a perfect opportunity to have a buffer from Winchester Street, with a business that is the new line not to be further encroached in the future, but to help benefit the neighborhood, not detract from it. Mr. Pappas noted that Mr. Wright owns other properties on Pearl Street, and he suggested that there could be a stipulation that he could not go any further with businesses. Mr. Pappas said Mr. Wright was not putting every property he has on the Street on the line. Mr. Pappas said the old rundown frat houses needed a breath of fresh air and so did these corner properties. He said Mr. Wright was trying to make the spot better, not making it an eyesore. Mr. Pappas said most businesses (e.g., Rite Aid) that go into these locations spend money on security, lighting, parking, and management at all times of the day and could help a neighborhood. They are not like houses, where there is no indication who is living there. At the end of the day, Mr. Pappas thought some were looking at this encroaching on a neighborhood, but he thought it would make a great buffer and suggested putting these locations together to make a new line facing Winchester Street and a backside facing a nice, cute neighborhood. Mr. Pappas stated, “We’re trying to put up a monstrosity there.”

Patricia Wright of 344 Pearl Street said that when she moved in there 60 years prior, the whole area on Winchester Street was filled, including McDonald’s and Walmart. She used to sit on her porch and see the fireflies in the summertime, and her kids would catch toads and snakes. Her kids played in the road. Now, she called it “the most horrific place.” She said that when McDonald’s was developed, they said that it would be the end of it and the buffer would be the property Mr. Wright was now trying to rezone. Ms. Wright said it would not be a buffer if it would be on the corner across the street from hers and her next-door neighbor’s houses. Ms. Wright was not happy about the fact that the petitioner was talking about putting something commercial in when there was no indication of what it would be; she was concerned about the lighting, noise, traffic, not being able to walk up and down the street, and safety issues (e.g., not having her grandchildren over). Ms. Wright was opposed to the application and said she would oppose it until she could not anymore. Nearing her 82nd birthday and having lived on Pearl Street for more than 60 years, Ms. Wright said she did not want something in her neighborhood that would destroy her personal life, and that was what she felt this petition would do.

Hearing no further public comments, Mayor Kahn closed the Public Hearing at 8:51 PM, except that written comments will be accepted up until 1:00 PM on Tuesday, December 9, 2025. This

12/04/2025

would be on the December 10, 2025 Planning, Licenses and Development Committee agenda for a final recommendation. No public comments will be taken on this item when it is before PLD.

A true record, attest: 
City Clerk

Mayor Kahn called a recess from 8:52 PM to 8:58 PM.

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; AND PARTNER CITY COMMITTEE

Mayor Kahn nominated the following individuals to City boards and committees:

To the Airport Development and Marketing Committee: Peter Temple, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Julie Schoelzel, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028. To the Ashuelot River Park Advisory Board: Arthur Winsor, re-nominated to move from an Alternate to Regular Member, with a term to expire December 31, 2028; Thomas Haynes, re-nominated to serve as an Alternate Member, with a term to expire December 31, 2028. To the Assessors Board: John T. Newcombe, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028. To the Bicycle/Pedestrian Path Advisory Committee: Rowland Russell, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Charles Redfern, re-nominated to move from an Alternate to Regular Member, with a term to expire December 31, 2028; Michael Davern, re-nominated to move from an Regular to Alternate Member, with a term to expire December 31, 2028; Diana Duffy, re-nominated to serve as an Alternate Member, with a term to expire December 31, 2028; Andy Holte, re-nominated to serve as an Alternate Member, with a term to expire December 31, 2028. To the Building Board of Appeals: Corinne Park, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Malcolm Katz, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Steven Walsh, re-nominated to serve as a Regular Member, with a term to expire December 31, 2027. To the Conservation Commission: Robert Milliken, re-nominated to move from an Alternate to Regular Member, with a term to expire December 31, 2028; Steven Bill, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Kenneth Bergman, re-nominated to move from an Alternate to Regular Member, with a term to expire December 31, 2028; Alexander "Sparky" VonPlinsky, re-nominated to serve as an Alternate Member, with a term to expire December 31, 2028. To the Heritage Commission: Cauley Powell, re-nominated to move from an Alternate to Regular Member, with a term to expire December 31, 2028. To the Historic District Commission: Anthony Ferrantello, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Sophia Cunha-Vasconcelos, re-nominated to serve as a Regular Member, with a term to expire December 31,

2028; Peter Poanessa, re-nominated to serve as an Alternate Member, with a term to expire December 31, 2028. To the Housing Standards Board of Appeals: Corinne Park, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Malcolm Katz, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Steven Walsh, re-nominated to serve as a Regular Member, with a term to expire December 31, 2027. To Keene Housing: Cody Morrison, re-nominated to serve as a Regular Member, with a term to expire December 31, 2030. To the Partner City Committee: John Mitchell, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Andrew Madison, re-nominated to move from Councilor to Regular Member, with a term to expire December 31, 2028; William Schoefmann, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028; Doris McCollister, re-nominated to serve as a Regular Member, with a term to expire December 31, 2026; Gerald Lins, re-nominated to serve as a Regular Member, with a term to expire December 31, 2028. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATION - 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. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT - REQUEST FOR AN ACCESS EASEMENT ACROSS CITY-OWNED LAND IN THE TOWN OF SWANZEY - PUBLIC WORKS DIRECTOR

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending 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 Swanzeay. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT - MIKE PAPPAS - PETITION - MAGNOLIA WAY RESIDENTS - REQUEST FOR DISCONTINUANCE AND REMOVAL OF SIDEWALK ON NORTHERLY SIDE OF MAGNOLIA WAY

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the withdrawal from the Petitioner. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORTS - RELATING TO THE LOAD LIMIT POSTINGS OF THE BEAVER STREET AND SPRING STREET BRIDGES - CITY ENGINEER; RELATING TO THE 2025 CONSTRUCTION SEASON SUMMARY AND 2026 CONSTRUCTION SEASON PREVIEW OF UPCOMING PROJECTS - CITY ENGINEER; DRAFT "PROTECTION OF STREETS"

ORDINANCE - PUBLIC WORKS DIRECTOR; *AND* DOWNTOWN INFRASTRUCTURE PROJECT UPDATE - PUBLIC WORKS DIRECTOR

The first Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the report [Relating to the Load Limit Postings of the Beaver Street and Spring Street Bridges] as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the 2025 Construction Summary and 2026 Construction Preview as informational. A third Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the draft "Protection of Streets" Ordinance as informational. A fourth Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the Downtown Infrastructure Project Update as informational. Mayor Kahn filed the four reports as informational.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, began with some positive feedback she received after the recent snowstorm. The crossing guard at Wheelock School shared that there was a large pile of snow on the Marlboro Street crosswalk where children cross and access the sidewalk, and two City employees went above their call of duty and stopped to clear the path for the children and their parents. The City Manager said Antonio and Dominic were so very gracious to stop on their way downtown and make the crosswalk safe. The School wanted to acknowledge this kindness and help they provided. To make it even more amazing, the crossing guard learned that Antonio and Dominic had been working for the prior 24 hours straight during the snowstorm. City Manager Ferland said kudos to the Public Works and Highway team, noting this first storm of the season was a significant one, and the team performed exceptionally well.

City Manager Ferland also recognized the Community Development Department. All three of the City's planning staff had recently passed the American Institute of Certified Planners Certification, which the City Manager called an extensive exam. She said it is not often a City has three planners who have passed it. The exam covers nine major topic areas. The City Manager recognized the Community Development Department for going above and beyond to get that Certification and congratulated Senior Planner Mari Brunner, Planner Evan Clements, and Planner Megan Fortson.

The City Manager also noted some recent social media because the City had been receiving questions about setting the tax rate. She said the City was waiting for the Department of Revenue Administration to set that tax rate for the City, noting that everything on behalf of the City is in the Department of Revenue's hands and she expected to hear from them soon (i.e., any day). Then, she said it would take City staff a few days to print the bills.

Also, this week some Councilors, including Councilors Favolise and Haas, attended the *Aftermath* play. The City Manager and both Deputy City Managers also saw it at the previous year's New Hampshire Manager's Association. City Manager Ferland called it a very powerful play about the life of a firefighter both at work and at home after responding to a very serious critical accident. She said the same could play out for lots of different first responder positions

and the play goes into what happens after that. It includes a question-and-answer period to talk about these issues. The City Manager said there was good attendance, but she hopes to attract more first responders the next time. She thanked Deputy City Manager Bohannon for arranging the play in Keene.

The City Manager noted that she had multiple interviews for the Executive Secretary to the Mayor and City Manager position. Nicole Howe was promoted to Human Resources and splitting her time temporarily. The City Manager was also in the midst of a background check for an Airport Director finalist and hoped to have an announcement at the next City Council meeting.

REPORT - CITY COUNCIL GOALS (2026–2027)

A memorandum was read from City Manager Elizabeth Ferland, recommending that the City Council adopt the proposed City Council Goals for 2026–2027.

Mayor Kahn noted for the public that these goals were the result of two City Council Workshops over the prior month. He said it was very helpful to review the progress made on these goals over the previous two years, but also to look forward to those things the Council needs to address in the coming two years.

City Manager Ferland pointed out one change from the version in the meeting packet. The College City Commission was listed under #4 and it should have been listed as a part of #3. She thanked Councilor Favolise for pointing that out. She provided a revised copy to the Council. City Manager Ferland agreed with the Mayor about the Workshop process to revise these Goals. She said these were still the same eight goals, but they had changed slightly to reflect the current City situation. She said the changes made at the second workshop were incorporated and shown in blue on the printed copy for the Council; those items were to give more direction related to each specific goal. Once approved, the City Manager said staff would begin working on moving these goals forward as part of their budget and capital planning efforts.

A motion by Councilor Greenwald to adopt the City Council Goals for 2026–2027 as presented was duly seconded by Councilor Filiault.

Councilor Haas asked for the next Goals update to occur in a location that allows more public input in whatever appropriate format before the Council goes into its own workshops. Mayor Kahn thought the advantage of this process was having just completed the Master Plan, which had a significant amount of public input, and he was unsure whether that source would be available two years from now. The Mayor said the City Manager and Community Development Department staff would find a mechanism during the Budget process. He added that during that process, the Council should pay attention to the Budget documents and what departments put in them relative to departmental goals and statistical analyses.

12/04/2025

Councilor Tobin said she appreciated all of the work that went into setting up the process, so the Council could have these conversations. It was really helpful for her to hear from people and to talk things through. She really appreciated going through this process.

Councilor Remy asked if he could vote on the updated Goals that were provided to the Council in-person, while participating remotely. The City Manager believed that the updates shown in blue were reflected in the online meeting packet and checked to confirm that Councilor Remy could in fact participate in the vote. She said the only change was moving College City Commission from item #4 to item #3.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

REPORT - AMENDMENTS TO THE PLANNING BOARD REGULATIONS AND APPLICATION PROCEDURES

A Planning Board report was read, unanimously recommending 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 14, 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 Planning Board report further recommended unanimously referring the amended regulations to City Council for incorporation into Chapter 100 Land Development Code of the City Code of Ordinances. Mayor Kahn filed the report from the Planning Board as informational.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO THE PLANNING BOARD REGULATIONS AND APPLICATION PROCEDURES - ORDINANCE O-2025-38

A memorandum was read from Senior Planner Mari Brunner, recommending referring Ordinance O-2025-38 to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Ordinance O-2025-38: Relating to Amendments to the Planning Board Regulations and Application Procedures to the Planning, Licenses and Development Committee.

RESOLUTION - RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E “COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE” - RESOLUTION R-2025-35

A memorandum was read from Senior Planner Mari Brunner, recommending referring Resolution R-2025-35 to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Resolution R-2025-35: Relating to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive” to the Planning, Licenses and Development Committee.

12/04/2025

NON PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss legal matters pursuant to RSA 91-A:3, II(L), and personnel matters pursuant to RSA 91-A:3, II(a), was duly seconded by Councilor Tobin. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. A five minute recess was called by the Mayor. The Session began at 9:29 PM.

The Session concluded at 10:30 PM. A motion by Councilor Greenwald to seal the minutes of the non-public session held this evening as divulgence of the information would render the proposed actions ineffective was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 10:30 PM.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: December 18, 2025

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through: Terri Hood, City Clerk

Subject: **Confirmations - 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**

Council Action:

In City Council December 18, 2025.

Voted unanimously to confirm the nominations.

In City Council December 4, 2025.

Nominations tabled until the next regular meeting.

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
Re-nomination, Slot 8
December 31, 2028

ASSESSORS BOARD

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

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
Corrected: Will Remain an Alternate, Slot 8
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

BICYCLE, PEDESTRIAN PATH ADVISORY COMMITTEE

Brian Phillips
401 Pako Ave
Slot 2
December 31, 2028

CONSERVATION COMMISSION

William White
21 Richardson Court
Slot 2
December 31, 2028

Michele Chalice, Councilor
Slot 3
December 31, 2027

ENERGY AND CLIMATE COMMITTEE

Bryan Lake, Councilor
Re-nomination, Slot 3
December 31, 2027

HERITAGE COMMISSION

Molly Ellis, Councilor
Slot 5
December 31, 2027

Connie Joyce
81 Grant Street
Alternate, Slot 8
December 31, 2028

HISTORIC DISTRICT COMMISSION

Edward Haas, Councilor
Slot 7
December 31, 2027

HUMAN RIGHTS COMMITTEE

Bettina Chadbourne
Slot 4
December 31, 2027

Gregory Kleiner
Moving from Alternate to Regular, Slot 9
December 31, 2028

Sofia Cunha-Vasconcelos
Moving from Regular to Alternate, Slot 12
December 31, 2028

LIBRARY BOARD OF TRUSTEES

Jennifer Friedman
7 Allen Court
Slot 4
June 30, 2026

PARTNER CITY COMMITTEE

Laura Ruttle-Miller, Councilor
Slot 2
December 31, 2027

PLANNING BOARD

Mike Heofer
Moving from Alternate to Regular, Slot 3
December 31, 2028

Ken Kost
Re-Nomination, Slot 5
December 31, 2028

Andrew Madison
178 Elm Street, Apt#2
Slot 6
December 31, 2028

Molly Ellis, Councilor
Slot 9
December 31, 2027

TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES

Janelle Sartorio
6 Kendall Road
Slot 3
December 31, 2028

ZONING BOARD OF ADJUSTMENT

Stephen Buckley
6 Worcester Street
Alternate, Slot 6
December 31, 2028

Michael Zoll
18 Summer Street
Alternate, Slot 7
December 31, 2028

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Wednesday, December 10, 2025 1:05:53 PM

Submitted on 12/10/2025

Submitted fields are:

Name
Brian Phillips
Email
[REDACTED]
Phone
[REDACTED]
Address
401 Pako Ave Keene, NH Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
26 years
Employer
Retired - Keene School District
Occupation
Retired teacher, retired Army officer
Retired?
Yes
Please list any organizations, groups, or other committees you are involved in
Recently elected as Ward 4 Clerk, formerly a Selectman for Ward 4 Board member of the Monadnock Cycling Club Outgoing Scoutmaster of Scout Troop 302, will transition to Troop Committee Chair American Legion
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">• Bicycle/Pedestrian Path Advisory Committee

- Partner City Committee

Please let us know the Board or Commission that you are most interested in serving on.

I am interested in serving on the Bicycle/Pedestrian Path Advisory Committee.

Please share what your interests are and your background or any skill sets that may apply.

I am an avid cyclist and member of a social cycling club, called the Monadnock Cycling Club. I am one of the clubs ride leaders, and also a member of the board. As a scout leader, I am also a merit badge counselor for the Cycling Merit Badge.

Suggest other public bodies of interest

Partner City Committee

Please provide two personal references:

Name

Carra Fisk-Hennessey

Email

[REDACTED]

Phone

[REDACTED]

Name

Ellen Wishart

Email

[REDACTED]

[REDACTED]

[REDACTED]

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Saturday, December 6, 2025 1:01:31 AM

Submitted on 12/06/2025

Submitted fields are:

Name
William White
Email
[REDACTED]
Phone
[REDACTED]
Address
21 Richardson Ct Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
2 years. 7 years including college
Employer
Bedford fire department
Occupation
Firefighter/EMT
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Head of public relations committee for IAFF local 3936.
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">● Ashuelot River Park Advisory Board● Bicycle/Pedestrian Path Advisory Committee● College City Commission● Congregate living and social services licensing board● Conservation Commission● Energy and Climate Committee● Heritage Commission● Historic District Commission

- Human Rights Committee
- Partner City Committee

Please let us know the Board or Commission that you are most interested in serving on.

Heritage commission

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Conservation commission

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Ashuelot river park advisory board

Please share what your interests are and your background or any skill sets that may apply.

I have a strong interest in history and conservation of historical heritage. I have a degree in political science and history from Keene state. I also am an avid outdoorsman and care very much about conservation of natural resources and recreation spaces. As a career firefighter and EMT I am well versed in community service and public safety.

Suggest other public bodies of interest

Public safety, public service, community relations and outreach. Cultural and historical preservation. Parks and recreation.

Please provide two personal references:

Name

Micheal Davenport

Email

mdavenport@bedfordnh.org

Phone

(603) 213-0970

Name

Keith Culligan

Email

kculligan@bedfordnh.org

Phone

(603) 502-7976

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Tuesday, December 16, 2025 3:42:42 PM

Submitted on 12/16/2025

Submitted fields are:

Name
Jennifer Friedman
Email
[REDACTED]
Phone
[REDACTED]
Address
7 Allen Ct Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
5 1/2 years
Employer
Retired
Occupation
Former Library Director
Retired?
Yes
Please list any organizations, groups, or other committees you are involved in
Keene School Board
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Library Board of Trustees
Please let us know the Board or Commission that you are most interested in serving on.
Library Board
Please share what your interests are and your background or any skill sets that may apply.
I served as a public library director for 15 years and an academic librarian for several years before that.

Suggest other public bodies of interest

n/a

Please provide two personal references:

Name

George Downing

Email

gdowning@sau29.org

Phone

[REDACTED]

Name

Joan Murphy

Email

[REDACTED]

Phone

[REDACTED]

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Tuesday, December 16, 2025 4:48:13 PM

Submitted on 12/16/2025

Submitted fields are:

Name
Janelle Sartorio
Email
[REDACTED]
Phone
[REDACTED]
Address
6 Kendall Road Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
40 years
Employer
NH Trust
Occupation
Wealth Advisor
Retired?
No
Please list any organizations, groups, or other committees you are involved in
I am currently the president of Pathways for Keene, a non-profit organization with a mission of developing and maintaining the trail systems within the City of Keene. I also volunteer on a few committees for the Keene Family YMCA and have recently joined the City's 250th Independence Day Celebration committee. I am a past member of the Bicycle and Pedestrian Pathways Committee for the City of Keene.
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Trustees Of Trust Funds And Cemetery Trustees
Please let us know the Board or Commission that you are most interested in serving on.

Trustees of Trust Funds and Cemetery Trustees.

Please share what your interests are and your background or any skill sets that may apply.

In my work as a wealth advisor, over the past ten years, I have worked with the Trustees of Trust Funds for a number of New Hampshire municipalities on investing funds and producing MS-9 and MS-10 reporting. This work has included development of custom investment policy statements in compliance with the NH prudent man or prudent investor regulations, preparing monthly, quarterly and annual MS-9 and MS-10 reporting, submitting annual reporting through the State of NH online site, compiling annual cemetery plot accounting, and working with principal and income accounting.

My work experience also includes reading, interpreting, and administering trusts and wills. More recently, I have been engaged with administering scholarship foundations.

Suggest other public bodies of interest

Bicycle and pedestrian committee.

Please provide two personal references:

Name

Toni Ciampaglione

Email

tciampaglione@nhtrust.com

Phone

██████████

Name

Charles Redfern

Email

██████████

Phone

██████████

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Sunday, November 30, 2025 5:37:39 AM

Submitted on 11/30/2025

Submitted fields are:

Name
Stephen Buckley
Email
[REDACTED]
Phone
[REDACTED]
Address
6 Worcester Street Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
4 months
Employer
New Hampshire Municipal Association (soon to be retired)
Occupation
Attorney
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Former member of the Town of Bow Zoning Board of Adjustment, Planning Board, CIP Committee and Central New Hampshire Regional Planning Commission
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">● Building Board of Appeals/Housing Standards Board of Appeals● Conservation Commission● Planning Board● Zoning Board Adjustment
Please let us know the Board or Commission that you are most interested in serving on.

Zoning Board of Adjustment

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Planning Board

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Conservation Commission

Please share what your interests are and your background or any skill sets that may apply.

Knowledgeable in the field of municipal law, with an emphasis on zoning and planning

Suggest other public bodies of interest

Library Trustees

Please provide two personal references:

Name

Margaret Byrnes

Email

mbyrnes@nhmunicipal.org

Phone

(603) 224-7447

Name

Jonathan Cowal

Email

jcowal@nhmunicipal.org

Phone

(603) 224-7447

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Saturday, January 6, 2024 9:23:18 AM
Attachments: [image001.png](#)



Patricia Little
CITY CLERK

- (603) 352-0133, ext. 2
- plittle@KeeneNH.gov
- 3 Washington Street, Keene, NH 03431
- KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Saturday, January 6, 2024 8:03 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Sat, 01/06/2024 - 08:02</p>

<p>Submitted values are:</p>

First Name:

Michael

Last Name:

Zoll

Address

18 Summer St.

How long have you resided in Keene?

4 1/2 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

n/a

Occupation:

Served as a college/university administrator/educator (vice president/dean of student affairs) for 40 years (through 2023).

Retired

Yes

Please list any organizations, groups, or other committees you are involved in

- Volunteer, Community Kitchen
- Member, St. Bernard's Parish

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

Airport Development & Marketing Committee, Ashuelot River Park Advisory Board, Assessor's Board, Bicycle/Pedestrian Path Advisory Committee, Building Board of Appeals/Housing Standards Board of Appeals, College City Commission, Congregate living and social services licensing board, Conservation Commission, Energy and Climate Committee, Heritage Commission, Historic District Commission, Human Rights Committee, Keene Housing Authority, Library Board of Trustees, Partner City Committee, Planning Board, Trustees Of Trust Funds And Cemetery Trustees, Zoning Board Adjustment

Please let us know the Board or Commission that you are most interested in serving on.

I have no preference; just willing to help as needed.

Please share what your interests are and your background or any skill sets that may apply.

I'm interested in serving the community for the desired outcome of improvement/restoration.

I list these skills/experience on my resume: ● Organizational Development ● Assessment & Evaluation ● Training & Teaching ● Intercultural Competency ● Coaching & Team Development ● Project Management ● Public Speaking ● Crisis Management ● Conflict Negotiation/Mediation ● Risk Assessment ● Contract Management ● Change Management ● Strategic Communication ● Critical Incident Response ● Parent Relations ● Program Development ● Behavioral Intervention ● Technology ● System Design & Implementation ● Restorative Justice ● Writing ● Marketing ● Interpersonal Communication ● Emotional First Aid

Please provide 2 personal references:

Laura Tobin
[Redacted]
[Redacted]

References #2:

Kristin Leach

[REDACTED]

[REDACTED]

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Wednesday, December 17, 2025 9:34:30 AM

Submitted on 12/17/2025

Submitted fields are:

Name
Connie Joyce
Email
[REDACTED]
Phone
[REDACTED]
Address
81 Grant Street Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
61 years. I came to Keene to work for Dr. Ford
Employer
ReMax Town & Country Real Estate
Occupation
Full Time Real Estate Broker for 43 years
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Citizens for a Better East Keene Member Historical Society of Cheshire County Tavern Keeper for the Wyman Tavern 100 Women Who Care Cheshire County Ethics Committee for MR Board of Realtors
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Heritage Commission
Please let us know the Board or Commission that you are most interested in serving on.

Heritage Commission

Please share what your interests are and your background or any skill sets that may apply.

Interested in History, Photography, Antiques and Antique Homes

Suggest other public bodies of interest

Only the Heritage Commission

Please provide two personal references:

Name

Ellen Wishart

Email

[REDACTED]

Phone

[REDACTED]

Name

Debbie Lucey

Email

[REDACTED]

Phone

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Adam Wright
Through: Terri Hood, City Clerk
Subject: **Adam Wright - Request for Withdrawal of Ordinance O-2025-28-A: Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street**

Council Action:

In City Council December 18, 2025.

Voted unanimously to accept the withdrawal of Ordinance O-2025-28-A.

Recommendation:

Attachments:

1. Wright_Communication

Background:

Adam Wright has submitted the attached request to withdraw his petition and pending Ordinance O-2025-28-A which proposed to amend the City of Keene Zoning Map designation on five properties located at the Intersection of Pearl Street and Winchester Street from Low Density to Commerce.

City of Keene

I would like to withdraw my application for the rezoning of Winchester St and Pearl St.

Thank you,

 12/12/25

Adam Wright



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Keene Downtown Group - Request to Use City Property - Ice and Snow Festival - February 7, 2026

Council Action:

In City Council December 18, 2025.

Voted with 14 in favor and one abstaining to carry out the intent of the report.

Recommendation:

On a vote of 3 to 0, the Planning, Licenses and Development Committee recommends that the Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Church Street, Commercial Street, Gilbo Avenue, Main Street, Roxbury Street, Railroad Street, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 7, 2026, from 11:00 AM to 5:00 PM, and reserving an inclement weather date of Sunday, February 8, 2026. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to 93rd Street, Church Street from Main Street to Hannah Grimes back parking lot, and Commercial Street from Main Street to Commercial Street parking lot. The petitioner is further granted permission for two small outdoor campfires in enclosed firepits on City property adjacent to Railroad Square subject to obtainment of a burn permit from the Fire Prevention Bureau. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 26 Community Events Budget.

Attachments:

None

Background:

Mark Rebillard of 64 Blackberry Lane, downtown business owner downtown and Chair of the Keene Downtown Group, was present to represent the 23rd Keene Ice and Snow Festival, to be conducted

downtown on February 7, 2026. Mr. Rebillard explained the Festival has two main purposes: (1) Create a free, fun day for families to get a train ride, balloon animals, face painting, pony rides, free cartoons at the Colonial Theater, s'mores, hot chocolate, sugar on snow, and all these different experiences up and down Main Street. So, he said that families with two kids would not have to pay \$10 each for both their kids to get a balloon, for example. (2) Create a great day for downtown businesses. The Keene Downtown Group's poll of downtown merchants showed that those who participated in the Festival saw an increase in sales of 30% to 300% over an average Saturday. Mr. Rebillard said that is the goal. The Downtown Group works closely with the downtown merchants, trying to create spectacle inside the stores as well (e.g., scavenger hunts). There would also be bands or some other kind of entertainment downtown. The festival typically draws about 7,000 people and Mr. Rebillard said it had really taken off, with 14 ice carvers expected in 2026. He said they were working on some new activities this year too. The Keene Downtown Group was working closely with the City's Protocol Committee to ensure a safe and fun Festival.

Vice Chair Jones recalled some past Ice and Snow Festivals that were 10° F and other years that were 55° F. He wondered what 2026 would be like. Mr. Rebillard recalled one year when the Saturday was 9°, so it was postponed to a 40° Sunday. Vice Chair Jones said he heard some discussion from the Protocol meetings about using the Transportation Center. Mr. Rebillard said the Downtown Group would love that and it would be the only change from other years. He noted a significant change: no longer having access to the Keene Chamber of Commerce, which was formerly the festival headquarters, where the ice carvers would check in. He added that these professional ice carvers from all over New England work with 600 lbs. of ice and the statues can be immense. So, the Downtown Group would need a new registration location, as well as a place for balloon twisting. Vice Chair Jones said logistics for use of the Transportation Center would come up in further Protocol meetings and Mr. Rebillard agreed.

Councilor Haas had recently been asked to join the Keene Downtown Group Board and thought he should recuse from voting. Vice Chair Jones asked the City Attorney, who said under Section 15 of the Council's Conflict of Interest Rule, for a board member, he could have the City Council vote on whether it is a conflict. She said Councilor Haas could abstain from voting at this meeting, but it would come up again at the next City Council meeting to have the Council vote for whether he should recuse himself. Councilor Haas asked the City Attorney to clarify whether he could vote at this meeting. The City Attorney said he could put the question of his recusal to a vote of this Committee, which is also bound by the City Council Rules of Order. Councilor Haas said he would abstain from voting. Vice Chair Jones asked for any opposition from the Committee and heard none.

Councilor Madison said he goes to this event every year when he is not working and it is always great. He commended Mr. Rebillard for bringing forth a great event for the City. Councilor Madison hoped it would be 10°, with lots of snow. Mr. Rebillard noted that if it is too warm, the ice carvings fall apart, and if it is too cold, they crack.

There were no public comments.

Vice Chair Jones welcomed comments on the Protocol Committee meetings from Deputy City Manager Rebecca Landry. The Deputy City Manager said she always likes to review what City staff are planning, so the Council and public can understand that the City makes an effort internally to ensure a safe and successful day for public events like this. She began by noting that the Keene Downtown Group is a veteran at this type of event, after more than 20 years with this Festival and other types of events. She said they had adjusted from year to year as necessary if there had been

any concerns. Deputy City Manager Landry said the City really enjoys supporting any events that can bring more people downtown and into downtown businesses. She said the Police Department would ensure adequate barrier placement and provide staff during the duration of the event. Parking Services would put signage on meters and kiosks the week leading to and through the event. The Fire Department would be present and accept applications for burn permits as may be needed in Railroad Square and other locations. The Community Development Department and Fire Marshal also provide vendor inspections, health food inspections, and food vendor inspections. Several other departments also help this go well. Deputy City Manager Landry said the City appreciates the Keene Downtown Group.

Mr. Rebillard agreed that each year the Downtown Group makes any needed changes to ensure the event is safe for people (e.g., placement of ice carvers, footprint, sidewalk space, ease of access). Vice Chair Jones thought those changes were addressed in the motion and Mr. Rebillard agreed.

Councilor Williams called it a wonderful event, which he really appreciates attending in the cold of February. He enjoys the ice carvings.

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

On a vote of 3 to 0, the Planning, Licenses and Development Committee recommends that the Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Church Street, Commercial Street, Gilbo Avenue, Main Street, Roxbury Street, Railroad Street, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 7, 2026, from 11:00 AM to 5:00 PM, and reserving an inclement weather date of Sunday, February 8, 2026. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to 93rd Street, Church Street from Main Street to Hannah Grimes back parking lot, and Commercial Street from Main Street to Commercial Street parking lot. The petitioner is further granted permission for two small outdoor campfires in enclosed firepits on City property adjacent to Railroad Square subject to obtainment of a burn permit from the Fire Prevention Bureau. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 26 Community Events Budget. Councilor Haas abstained.

Vice Chair Jones reminded the public that this is an advisory Committee, and all recommendations would appear before the City Council at its December 18, 2025 meeting.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2025 Homeland Security Grant Program - Hazmat Training Award**

Council Action:

In City Council December 18, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

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

Attachments:

None

Background:

Fire Chief Martin addressed the committee first and stated this item is in reference to the 2025 Homeland Security Grant program. He stated the City of Keene Fire Department has been awarded \$33,000 as part of this grant program. This funding will be utilized to pursue training to allow members to further improve the department's ability to meet the State of New Hampshire Homeland security goals. All funds and equipment awarded by this grant are 100% funded by the program, with no local match.

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

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



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Professional Services Contract—WWTP HVAC Replacement & Grit Chamber Ductwork Insulation Repair Project**

Council Action:

In City Council December 18, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Precision Temperature Control LLC to perform design and construction services for the WWTP HVAC Replacement & Grit Chamber Ductwork Insulation Repair Project for an amount not to exceed \$396,700.

Attachments:

None

Background:

Assistant Public Works Director Aaron Costa was the next to address the committee. Mr. Costa stated he was before the committee to discuss the Wastewater Plant HVAC replacement project. There are a number of HVAC units at the wastewater plant. The one being discussed tonight is an existing unit, which provides airflow for heating, cooling, and ventilation to the administrative spaces at the wastewater plant. The cooling unit itself has been in service for a long time and is at the end of its useful life. There is also duct work in the grit chamber that is in need of repair as well.

Mr. Costa stated the City advertised a Design Build Request for Proposals and received one proposal from Precision Temperature Control. City staff reviewed the proposal and found it met the requirements as outlined in the RFP. Precision Temperature Control is a full-service mechanical contractor with 40 years of operation in the Monadnock region and has performed work at the wastewater plant before.

Mr. Costa stated staff is recommending that the City contract with Precision Temperature Control to perform design and construction services for an amount not to exceed \$396,700. Funds for this work

is available in the wastewater plant, HVAC replacement project and the wastewater plant GR chamber duct work insulation repair project.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Precision Temperature Control LLC to perform design and construction services for the WWTP HVAC Replacement & Grit Chamber Ductwork Insulation Repair Project for an amount not to exceed \$396,700.

The City Manager commended Mr. Costa's 25 years of employment with the City. Public Works Director Don Lussier echoed the Manager's comments.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Execution of an Agreement for Engineering Services With Stantec Consulting Services, Inc. (Stantec) for the Design of the Gilbo Avenue Solar Pavilion Project (75J0034B)**

Council Action:

In City Council December 18, 2025.

Voted with five in favor and ten opposed, thereby failing to carry the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Stantec for engineering services for the design of the Gilbo Avenue Solar Pavilion Project, for an amount not to exceed \$340,000.

Attachments:

None

Background:

City Engineer Bryan Ruoff stated that the City applied for and received a grant from Northern Borders for the construction of the Gilbo Avenue Solar Pavilion project. As part of this work, the City advertised a request for qualifications in accordance with federal funding. The first round of advertising did not yield any proposals. The proposal was reposted and the City reached out to a couple of firms who they thought might be interested and received qualifications from two firms.

The two firms were interviewed by a review committee comprised of City staff in accordance with the Northern Borders selection criteria. The committee unanimously identified Stantec as the preferred engineering consultant for the project.

The City requested from Stantec a scope of design for the project and after a few review sessions with the consultant, agreed upon a scope and associated fee, which is less than what was stated in the grant amount for the project. Staff has also reached out to the Southwest Regional Planning Commission and Northern Borders to indicate that the City was ready to award the contract and provided them with the grant scope.

Councilor Lake noted he recalled the total project cost to be around 2.4 million dollars and the design cost is coming in at 14% of the total cost. He asked whether this was a pretty standard rate for design costs. Mr. Ruoff stated he would consider this to be an upper level price for engineering. However, with the federal funding requirements, there is a lot more permitting, a lot of social outreach, and engagement of the community and stated this is a price he would expect and it is in line with what the independent government estimate was.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Stantec for engineering services for the design of the Gilbo Avenue Solar Pavilion Project, for an amount not to exceed \$340,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance and Execution of a Grant Agreement with the New Hampshire Fish and Game Department for the Jordan Road Salamander Crossing Project**

Council Action:

In City Council December 18, 2025.

Voted 13 in favor and two opposed to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute, accept, and expend a grant agreement with the New Hampshire Fish and Game Department for the engineering, permitting and construction of the Jordan Road Salamander Crossing Project.

Attachments:

None

Background:

Mr. Ruoff stated the City applied for and received a grant for the Jordan Road Salamander Crossing Project. These are administrative funds through NH Fish and Game and the City will be teaming with the Harris Center for this work. Mr. Ruoff stated one of the conditions of accepting this grant is City Council approval.

The project is estimated at about \$375,000 with a 10% City commitment. City Engineering staff will be in charge of the design of the project. The Harris Center will also be providing volunteer work to meet the financial match of the City.

Councilor Chadbourne noted this project is being located only in one place but there are different crossings throughout the City. Mr. Ruoff stated the City is working with the Harris Center to identify the best location. He stated that 50 to 70 feet north of Peg Shop Road on Jordan Road are vernal pools (wetlands areas), which are the most conducive crossing areas. He stated what the Harris Center has done as part of their initial research in support of this project is to track all the crossings of the endangered species in that area. Based on this, the crossing tunnel will be located under the

road with walls built out to make sure that the creatures cross in that location. It is about a 150 to 180 foot window through which they are crossing the area on Jordan Road, and the City is looking to capture as many animals as possible based on the data. The Councilor noted there are also other locations like North Lincoln Street where the crossings happen. Mr. Ruoff stated this could potentially be a future project as well, but what is before the committee is what the City is working on right now.

Mr. Lussier stated the grant application that was approved was competitive because of the Jefferson Salamander. This is a rare species of salamander that crosses in this area. He stated this rare and endangered species is what made the City's application competitive for these funds. Hence, the reason the City is focused on that area; the funds are competitive and limited.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute, accept, and expend a grant agreement with the New Hampshire Fish and Game Department for the engineering, permitting and construction of the Jordan Road Salamander Crossing Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Donations for the Jordan Road Salamander Crossing Project**

Council Action:

In City Council December 18, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept in-kind donations from the Harris Center for Conservation Education.

Attachments:

None

Background:

The City Engineer stated the City will be teaming with the Harris Center for this project. The Harris Center will be doing all tracking work. New Hampshire Fish and Game have already agreed on this project and are on board.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept in-kind donations from the Harris Center for Conservation Education.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Donation - Ashuelot River Park Greenspace**

Council Action:

In City Council December 18, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$35,000.00 from an anonymous donor, and that the money is allocated for a conceptual design for the Ashuelot River Park - Greenspace.

Attachments:

None

Background:

Deputy City Manager Andy Bohannon addressed the Committee next. Mr. Bohannon stated this item is in reference to a \$35,000 donation to the City to create a conceptual design for the Ashuelot Park Green Space. He explained this is the new park space along Ashuelot Street which was subdivided with the Monadnock Conservancy.

Mr. Bohannon noted this project has been going on since 2014 when members of JCC Properties, Conway School of Landscape and Design and the Monadnock Conservancy partnered with the City to look at what can be done with this green space.

Last spring, City staff came before the Council requesting the submission of an LWCF Grant, which grant was to have been applied for by January 2026. The City did not have all the necessary documents ready to apply for that grant. The City had a design that was previously completed on the total acreage of that lot. However, the grant required a more defined scope. The State suggested the City come back with that more defined scope plan. Mr. Bohannon stated this gives the City more time and it allows the City to place this item in the capital improvement plan and to go through the public process. This is the initial requirement for the LWCF Grant. The other portion is that the City conduct some type of public engagement and a conceptual design.

Mr. Bohannon stated this is a generous gift from this donor and would enable the City to begin to move forward and create this design and come back later in the year with LWCF project.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$35,000.00 from an anonymous donor, and that the money is allocated for a conceptual design for the Ashuelot River Park - Greenspace.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Land and Water Conservation Fund Grant Round 36 - Patricia T. Russell Park Phase II

Council Action:

In City Council December 18, 2025.

Voted 14 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to execute the submission of the application for Land and Water Conservation Fund Grant Round 36 for the Patricia T. Russell Park – Phase 2 project amendment.

Attachments:

None

Background:

Mr. Bohannon stated the next item is in reference to the Land, Water, and Conservation Funds. These are 50/50 matching grants for state and local governments. What the City is looking to do is have an increased amendment to the initial grant that the City received for the skate park. The City received a grant for \$225,000, which provided sufficient funds for constructing the skate park. However, when the building was demolished that cost increased. The City received an additional \$117,000 to help offset that demolition that eliminated the ability for the City to put a parking lot in this location. This amendment would enable the City to go forward with constructing a small parking lot and connecting it to the additional parking lot that is already established within Russell Park, making this project fully complete.

Mr. Bohannon stated he has \$75,000 included in the committee packet as that is the amount staff has estimated for this work but it could be less than that when the budget is put together. He went on to say because this is an amendment and not an actual grant application, it is still going through the grant application process and will be competitive with the other current bids that are in the process. He added this is not a guarantee, but one step for the City to move forward with.

Councilor Lake clarified this is a slight change to the actual project plan. He asked what is being

proposed is an amendment to the grant that has already been submitted. Mr. Bohannon stated the City would go through the CIP process because the City will need to add some additional funding as a match for this grant. If the City is not successful with this grant, the City can re-apply for the grant.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to execute the submission of the application for Land and Water Conservation Fund Grant Round 36 for the Patricia T. Russell Park – Phase 2 project amendment.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Transfer of Capital Improvement Project Funds For The Airport Taxiway A Reconstruction Project**

Council Action:

In City Council December 18, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the transfer of remaining project balance from project 05J0008A, Airport Hazard Beacon Replacement, to project 05J0004B, AIP Taxiway A Reconstruction, to fund unanticipated taxiway paving expenses.

Attachments:

None

Background:

Deputy City Manager Rebecca Landry stated the key piece of this taxiway project has been paving. She stated this taxiway has been closed in preparation for this work. The City has a contract with Casella to start this work in September and finish by Thanksgiving. The first layer of the needed two layers of paving was placed (two inches) by November but the asphalt plant closed because we have an early winter. Hence, the second layer of paving could not be completed. She noted it costs the asphalt plant a lot of money to stay open in the winter. The City reached out to DOT and FAA for additional funding but they declined. There was also no extension on this grant, which was awarded in 2020. It is a 3.3 million grant, which comes in three sections. The first section of 1.6 million dollars includes the paving, which expires in February. Ms. Landry noted the second layer cannot be put off until spring until the asphalt plant reopens.

Ms. Landry stated as a result the City signed a change order which required some additional expenses which was a daily expense to keep the asphalt plant open as well as leasing road dryers, fuel necessary to run dryers and some lighting necessary to keep those dryers running. Ms. Landry stated all the necessary testing for the paving material passed and this was good outcome to a very stressful couple of weeks at the airport.

2025-575

The City's cost for these extra expenses would be around \$50,000 to \$70,000, depending on how much fuel it took to run those dryers. There should not be any significant labor cost because the labor to do the paving was already included in the contract as well as lighting, materials and equipment.

Ms. Landry stated staff has identified two capital improvement projects that can be closed out and the balance used to help fund this additional expense. Staff is requesting that those projects be closed out and the funding that remains in those accounts be moved to the taxiway project. She added the former Airport Director has already come before Council in August to obtain approval to close out the airport fuel tank project of \$36,000 and move those funds to the taxiway project. The motion before the committee will only include the hazard beacon replacement project. Ms. Landry commended the contractor and airport staff for all their assistance.

Councilor Roberts asked how much the City was able to save because of the additional expense of nearly \$50,000. Ms. Landry stated to redo the first layer would be at a cost of around \$350,000 which the City did not have any grant funding for and added this would have prevented the taxiway from being used for the entire winter.

Councilor Lake asked whether any painting would be required. Ms. Landry answered in the affirmative and stated that work is scheduled for December 17.

The Manager commended Ms. Landry taking on this role and getting this project completed.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the transfer of remaining project balance from project 05J0008A, Airport Hazard Beacon Replacement, to project 05J0004B, AIP Taxiway A Reconstruction, to fund unanticipated taxiway paving expenses.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Martine Fiske, Library Director
Through: Elizabeth Ferland, City Manager
Subject: **Resignation - Katherine Baer - Library Board of Trustees - Library Director**

Council Action:

In City Council December 18, 2025.

Voted unanimously to accept the resignation with gratitude for service.

Recommendation:

Move to recommend accepting the resignation with gratitude for Ms. Baer's service.

Attachments:

1. KPL Board of Trustees Resignation

Background:

Ms. Baer notified the Library Board of Trustees (LBT) of her resignation from the Board in August 2025. The Mayor was recently notified of the resignation with a request from the Chair of the LBT that a new member be appointed to fill the vacancy. Ms. Baer has served on the Board since September 2023.

Keene City Council
3 Washington St, Keene, NH 03431
August 27, 2025

Dear Council Members,

Due to family obligations, I will be leaving the Keene area. Therefore, I am submitting this letter of resignation from the Keene Public Library Board of Trustees effective August 31st, 2025. The Board members and the Keene Library Director have been informed.

Thank you for the opportunity to serve.

All the Best,
Katherine Baer



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Subject: **Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance Ordinance O-2025-39**

Council Action:
In City Council December 18, 2025.
Referred to the Planning, Licenses and Development Committee.

Recommendation:
To refer Ordinance O-2025-39 to the Planning, Licenses, and Development Committee for review and recommendation.

Attachments:
1. O-2025-39_Zoning and ZBA Application Procedures_Referral

Background:
With this ordinance, Community Development staff propose updating Article 26 of the Land Development Code (LDC) to clarify submittal requirements for zoning text and zoning map amendment applications, Variance applications, and Special Exception applications, and adding a requirement for on-site posting for Zoning Board of Adjustment (ZBA) applications. A definition for "Primary Entrance" is also proposed to provide greater clarity regarding the meaning of this term as it is used in the LDC.

The rationale for these proposed changes is as follows:

1. The first proposed amendment clarifies when mailed notice is required for zoning text and zoning map amendments and reduces the number of sets of mailing labels from 4 to 2. Only two sets of mailing labels are needed because mailed notice is sent by first class mail for these types of applications instead of a certificate of mailing, which requires extra sets of labels for the Post Office to verify where letters were sent.
2. The second proposal is to modify the submittal requirements for variance and special exception applications to remove the requirement for the plot plan to show the location and dimensions of all structures on adjacent lots. The rationale for this change is that the location

and dimensions of all structures on adjacent lots is not necessary for the ZBA's deliberation, and is an avoidable hassle for the applicant to provide.

3. Amendments 3-5 would require on-site posted notice for variance applications, special exception applications, and enlargement or expansion of a nonconforming use applications. The intent of this proposal is to provide timely notice to abutters rather than relying on letters sent by mail to arrive prior to the hearing. This notice requirement would be in addition to the mailed notice requirement for all abutters within 200 feet of the subject property(ies) and the posted notice requirement in the paper, both of which are required to be at least 5 days prior to the hearing (not including the day of posting or the day of the meeting) per state statute.
4. Amendment 6 proposes to add a definition for the term "primary entrance." This term is used in two locations in the LDC: the remote parking section of Article 9, and the Planning Board screening standard in Article 21. The intent of this change is to provide greater clarify to applicants regarding the meaning of this term.

Per Section 26.4.3.D of the LDC, the procedure for amending Articles 23-29 involves a first reading at City Council, a referral to the Planning, Licenses, and Development Committee (PLD) for a recommendation to City Council, and a final vote by City Council upon receipt of a recommendation from PLD.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance

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 26.3.3.E to clarify when mailing labels should be submitted as part of an application to amend the zoning text or zoning map, as follows.
 - E. If a proposed zoning amendment would change the ~~zoning district boundary of or the~~ minimum lot sizes and ~~or~~ permitted uses in a zoning district containing 100 or fewer parcels, **or if a proposed map amendment would impact 100 or fewer properties, 4-sets 2-sets** of mailing labels and a list of property owners of each property subject to the proposed amendment shall be submitted, in addition to the requirements of the foregoing section. Such list and labels shall include the owner's name and mailing address and the tax map parcel number for each affected property.

2. Modify the submittal requirements for zoning variance and zoning special exception applications in Section 26.5.4.B and Section 26.6.4. by removing the requirement for the scaled plot plan to show all structures and open spaces on lots adjacent to the lot in question, as follows:
 - B. A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question ~~and on the adjacent lots~~, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.

3. Add a new section after Section 26.5.4 to require on-site posting of public hearings for zoning variance applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

26.5.5 On-Site Posting of Public Hearing

- A. An applicant for a variance shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

4. Add a new section after Section 26.6.4 to require on-site posting of public hearings for zoning special exception applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

26.6.5 On-Site Posting of Public Hearing

- A. An applicant for a special exception shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

5. Add a new section after Section 26.7.4 to require on-site posting of public hearings for expansion or enlargement of nonconforming use applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

26.7.5 On-Site Posting of Public Hearing

- A. An applicant for an expansion or enlargement of a nonconforming use shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

6. Add a new definition for the term “primary entrance” to Article 29, as follows.

Primary Entrance - The main or principal way people enter and exit a building or structure for day-to-day use. It is the entrance used by the majority of the public or residents. Entrances used primarily for service, freight, or emergencies shall not constitute a primary entrance.

Jay V. Kahn, Mayor

In City Council December 18, 2025.
Referred to the Planning, Licenses and
Development Committee.


Ciri Wood
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Subject: **Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations
Ordinance O-2025-40**

Council Action:

In City Council December 18, 2025.

Referred to the Joint Planning Board and Planning, Licenses and Development Committee.

Recommendation:

To refer Ordinance O-2025-40 to the Joint Committee of the Planning Board and the Planning, Licenses, and Development Committee for a public workshop.

Attachments:

1. O-2025-40 Relating to Setback Exceptions, ADUs, and Parking Regulations_referral
2. O-2025-40 Application
3. O-2025-40 Narrative
4. O-2025-40 LDC Mockup

Background:

This ordinance proposes to amend several sections of the zoning regulations, including the following:

- Section 1.3.3.4.a of Article 1 by adding a new subsection "vii" to indicate that retaining walls are exempt from structure setback requirements;
- Section 8.4.2.A of Article 8 by removing subsection 2.e to remove the requirement for an interior door between an attached Accessory Dwelling Unit (ADU) and the principal dwelling and amend subsection 2.g to remove the requirement for all ADUs to have city water and sewer;
- Section 9.2.7.A of Article 9 to increase the amount of on-site parking that may be reduced through an administrative process from 10% to 25%;
- Section 9.2.9.B of Article 9 to prohibit remote parking spaces on lots where the primary use is residential (rather than prohibiting them in any residential district); and,

- Table 9-3 of Article 9 to clarify that parallel parking is allowed and to stipulate the width of drive aisles adjacent to parallel parking for both one-way and two-way traffic.

The intent of these proposed changes is to reduce the number of variances or other zoning relief that is sought for retaining walls built within a setback or for providing on-site parking where the use can demonstrate that the amount of parking required by zoning is not needed. Lastly, this ordinance would bring the City's ADU requirements into compliance with state law, which was changed during the 2025 legislative session to prohibit municipalities from requiring an interior door, and would allow for ADUs to have private wells and septic.

The attached materials include the full text of Ordinance O-2025-40, application form, a brief narrative, and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-40. Text that is **bolded and underlined** is proposed to be added, and text that is ~~stricken through~~ is proposed to be deleted.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

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

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

1. That a new section be added after Section 1.3.3.4.a, sub-section vii to indicate that retaining walls are exempt from setback requirements, as follows.
 4. Structure Setback Exceptions.
 - a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
 - viii. Retaining walls**
2. That Section 8.4.2, Subsection A be amended by removing sub-sections 2.e and 2.g, as follows. The intent of this proposed change is to come into compliance with recent changes to state law, specifically HB 577 which amended NH RSA 674:71 to :73.

A. Accessory Dwelling Unit (ADU)

1. Defined. An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. Use Standards
 - a. Only 1 ADU shall be permitted per lot.
 - b. There shall be no more than 2 bedrooms in an ADU.
 - c. ADUs shall be permitted in any district and on any lot that contains a singlefamily dwelling. This shall include any legal non-conforming single-family dwelling.
 - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
 - ~~e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
 - ~~f.e.~~ Only 1 parking space shall be required for an ADU.
 - ~~gf.~~ An ADU shall have city water and sewer service, or, ~~i~~in the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
 - ~~h.g.~~ A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
 - ~~i.h.~~ The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
 - ~~j.i.~~ Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
 - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
 - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.

k.j. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a singlefamily dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.

i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

3. That Section 9.2.7.A "Administrative Reduction" of Article 9 be amended to increase the amount of parking that may be reduced through an administrative process, as follows. The intent of this proposed change is to reduce barriers to development where the proposed development can clearly demonstrate that the number of required parking spaces as detailed in Table 9-1 is too restrictive based on the characteristics of the specific use or site.

9.2.7 Reduction of Required Parking

A. Administrative Reduction. The Zoning Administrator may grant up to a ~~10%~~ **25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.

1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
 - a. Reserve Area. An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
 - b. Proximity to Alternative Modes of Transportation. The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
 - c. Shared Parking. The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
 - d. Proximity to On-Street Parking. Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
 - a. The size and type of the proposed use(s).
 - b. The anticipated rate of parking turnover.
 - c. The anticipated peak parking and traffic loads for all uses.
 - d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
 - e. A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
 - ~~f.e.~~ Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.
 2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.
4. That Section 9.2.9.B "Remote Parking" of Article 9 be amended to allow remote parking to be located on lots located in residential districts with legally non-conforming uses and excess parking capacity, as follows. The intent of this proposed change is to allow for more flexibility for remote parking arrangements in areas that are located within a residential district.

9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential (single family, two family, or multifamily).** ~~in any residential zoning district.~~
- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal

use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.

E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

5. That Table 9-3 “Travel Lane Dimensions” be modified to include travel lane widths adjacent to parallel parking spaces, as follows. The intent of this proposed change is to clarify that parallel parking is allowed and to specify the required width of adjacent travel lanes.

Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
0 degree	10 ft (one-way)
(parallel parking)	20 ft (two-way)

Jay V. Kahn, Mayor

In City Council December 18, 2025.
Referred to the Joint Planning Board and
Planning, Licenses and Development Committee.



City Clerk



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: _____ Date: _____

Address: _____, _____

Telephone: (____) _____ Email: _____

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

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

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: _____

Validation of Number of parcels by the
Community Development Department

Petitioner's Signature

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

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

Date Received by City Clerk: 12/16/2025 Ordinance Number: O-2025-40

On City Council agenda: 12/18/2025 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00	\$ _____
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ _____
Postage Fees for property owners/agents and abutters at current USPS 1 st Class Mailing rate <i>(Only needed if amendment impacts 100 or fewer properties)</i>	\$ _____
Total Fees submitted to City Clerk	\$ <u>N/A</u>

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

CITY OF KEENE
NEW HAMPSHIRE

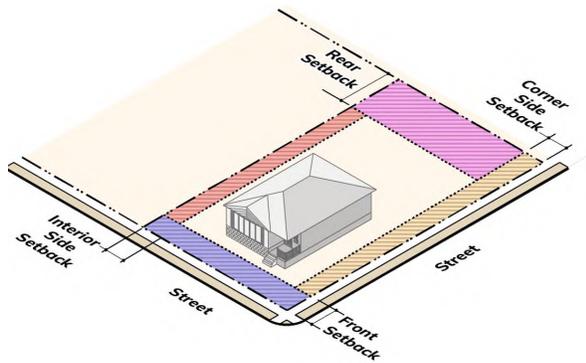
O-2025-40 Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

This Ordinance proposes to amend several sections of the zoning regulations, including:

- Section 1.3.3.4.a of Article 1 by adding a new subsection "vii" to indicate that retaining walls are exempt from structure setback requirements.
- Section 8.4.2.A of Article 8 by removing subsection 2.e to remove the requirement for an interior door between an attached Accessory Dwelling Unit (ADU) and amend sub-section 2.g to remove the requirement for all ADUs to have city water and sewer.
- Section 9.2.7.A of Article 9 to increase the amount of on-site parking that may be reduced through an administrative process from 10% to 25%.
- Section 9.2.9.B of Article 9 to prohibit remote parking spaces on lots where the primary use is residential, rather than prohibiting them in any residential district.
- Table 9-3 of Article 9 to clarify that parallel parking is allowed and to stipulate the width of drive aisles adjacent to parallel parking for both one-way and two-way traffic.

The intent of these proposed changes is to reduce the number of variances or other zoning relief that is sought for retaining walls built within a setback or for providing on-site parking where the use can demonstrate that the amount of parking required by zoning is not needed. Lastly, this ordinance would bring the City's ADU requirements into compliance with state law, which was changed during the 2025 legislative session to prohibit municipalities from requiring an interior door, and would allow for ADUs to have private well and septic.

The attached materials include the full text of Ordinance O-2025-40 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-40. Text that is **bolded and underlined** is proposed to be added, and text that is ~~stricken through~~ is proposed to be deleted.



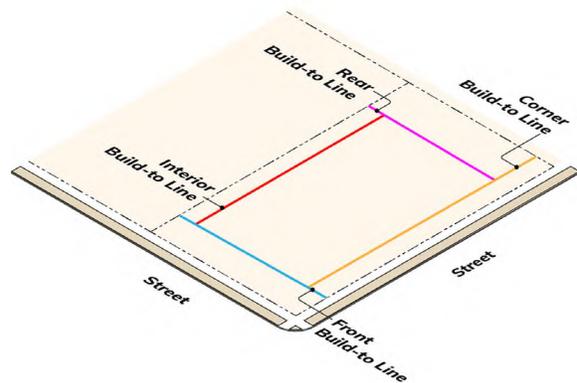
4. Structure Setback Exceptions.

- a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
 - viii. **Retaining walls**
- b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.
- c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.
- d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion

of the front setback beyond the front of the building.

- e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.
 - i. Pools, either above- or in-ground
 - ii. Decks, either detached or attached
 - iii. Garages, either detached or attached
 - iv. Accessory Dwelling Units, either detached or attached

- B. **Building Façade Line.** The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.
- C. **Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where all principal buildings or principal structures must be located. The building façade line of all principal buildings or principal structures must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted



as the building façade line, which begins at the applicable façade wall.

- D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage.

8.4.2 Specific Use Standards

A. Accessory Dwelling Unit (ADU)

1. **Defined.** An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. **Use Standards**
 - a. Only 1 ADU shall be permitted per lot.
 - b. There shall be no more than 2 bedrooms in an ADU.
 - c. ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.
 - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
 - e. ~~An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
 - f. Only 1 parking space shall be required for an ADU.
 - g. ~~An ADU shall have city water and sewer service, or, in~~ the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
 - h. A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
 - i. The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
 - j. Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
 - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
 - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.
 - k. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.
 - i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
OPEN SPACE USES	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA
Gravel Pit	4 spaces / 1,000 sf GFA of office space
INFRASTRUCTURE USES	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
TRANSPORTATION USES	
Parking Lot (Principal Use)	No minimum
Parking – Structured Facility (Principal Use)	No minimum

9.2.2 Use Determination

- A. Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

9.2.3 Mixed Uses

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

9.2.4 Accessible Parking

- A. The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B. In no circumstance shall the number of required accessible parking spaces be reduced.

9.2.5 Zoning District Specific Requirements

- A. No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses in the Downtown Growth and Downtown Limited Districts as stated in Table 9-1.
- B. When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

9.2.6 Alternate Parking Requirements

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

9.2.7 Reduction of Required Parking

- A. **Administrative Reduction.** The Zoning Administrator may grant up to a **10% 25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
 - 1. A specific use or site has such characteristics that the number of required

parking spaces is too restrictive.

2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.

a. Reserve Area. An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**

b. Proximity to Alternative Modes of Transportation. The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.

c. Shared Parking. The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).

d. Proximity to On-Street Parking. Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
 - a. The size and type of the proposed use(s).

- b. The anticipated rate of parking turnover.
- c. The anticipated peak parking and traffic loads for all uses.
- d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
- e. **A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
- f. Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.

2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.

C. Major Reduction Request

1. Requests for reductions in required parking that exceed 10% and are less than 50% shall be considered by the Zoning Board of Adjustment through the special exception process.
2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings.
 - a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
 - b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. The applicant for a special exception shall submit a parking study conducted by a NH licensed engineer that clearly demonstrates the need for a reduction in required parking. The parking study shall address the following.

- a. A description of the proposed use(s).
- b. Days and hours of operation of the use(s).
- c. Anticipated number of employees and number of daily customers or clients.
- d. The anticipated rate of turnover for proposed spaces.
- e. The availability of nearby on-street parking or alternative modes of transportation (e.g. public transit, multi-use pathways).
- f. The anticipated peak parking and traffic loads for each of the uses on the site.
- g. Total vehicle movements for the parking facility as a whole.

(single family, two family, or multifamily). in any residential zoning district.

- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.
- E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

9.2.8 Parking Credit

Any existing parking deficiencies of the required on-site parking spaces for the previous use may be credited to the new use at the discretion of the Zoning Administrator, provided that the previous use was legally established and the number of parking spaces has not decreased.

9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential**

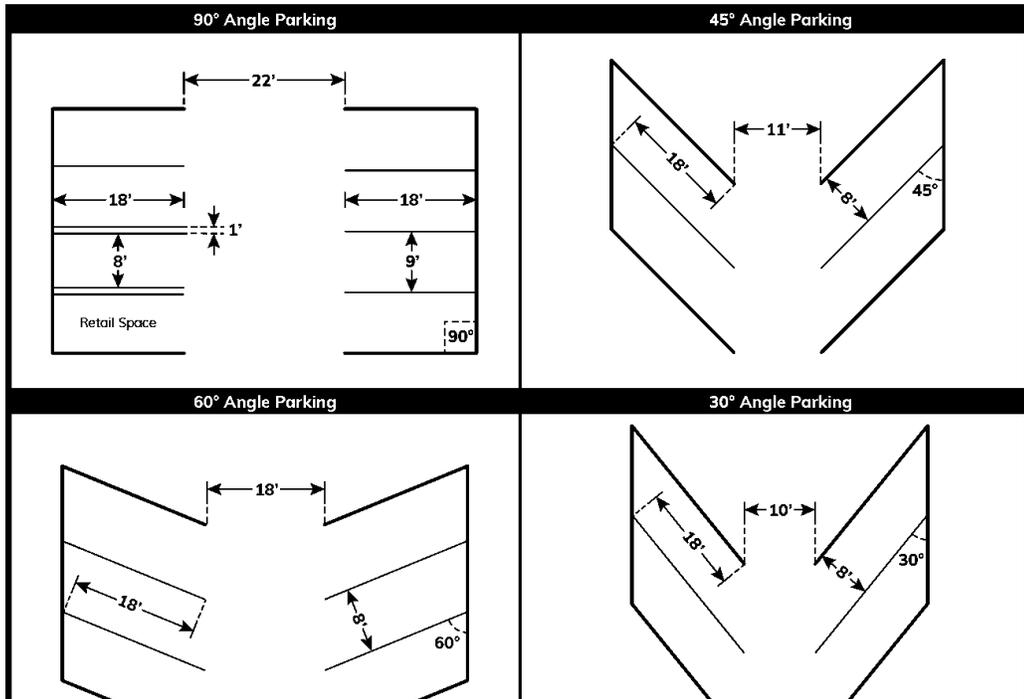
9.4.3 Surface Material and Grade

The surface of parking lots shall be designed as follows.

- A. The surface material shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.
- B. Shall be striped to delineate parking spaces.
- C. Shall be graded to prevent drainage across sidewalks and curb cuts or onto adjacent property.
- D. Shall have a substantial curb or wheel stop of concrete, masonry, steel or heavy timber placed at or near the end of each parking space to prevent vehicles from damaging nearby buildings, lawns, trees or shrubs, or from creating a hazard to pedestrians on any sidewalk or walkway.

Table 9-3: Travel Lane Dimensions

Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
0 degree (parallel parking)	10 ft (one-way) 20 ft (two-way)





CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street Ordinance O-2025-28-A**

Council Action:
In City Council December 18, 2025.
Voted unanimously to withdraw Ordinance O-2025-28-A.

Recommendation:
On a roll call vote of 0 to 4, the Planning, Licenses and Development Committee failed to recommend the adoption of Ordinance O-2025-28-A.

Attachments:

1. Letter Size Pearl Street
2. O-2025-28-A_Zoning Map Amendment_Withdrawn

Background:
Vice Chair Jones noted that in addition to the two written communications received before the deadline from Christopher Hamblet and Michele Wright, nine more written communications were submitted after the deadline and placed in Councilors' mailboxes.

Vice Chair Jones welcomed Senior Planner Mari Brunner and Planner Megan Fortson forward for comments related to Ordinance O-2025-28-A. Ms. Brunner clarified that the Ordinance proposed to take five parcels, versus the original proposal for eight parcels, and rezone them from Low Density to Commerce. The Ordinance was originally introduced during the public workshop phase, and the "A" version was created based on some concerns the Joint Planning Board/Planning, Licenses and Development (PB/PLD) Committee heard from the public about the impacts to that historic neighborhood. So, three parcels were removed to lessen the impact on the neighborhood, and Ordinance O-2025-28-A moved forward for the Public Hearing before the City Council on December 4, 2025. Ms. Brunner said the neighbors raised a number of concerns at the public hearing regarding things like traffic, noise orders, and the existing impacts that they already experience from commercial development. She said the Council also heard from some supporters of the Ordinance, who view the rezoning as an opportunity to expand needed commercial development and to clean up

that area, which is sort of a transition zone between a neighborhood and a commercial corridor. Ms. Brunner thought the Council was seeing that tension play out.

Councilor Haas was curious about whether anyone in the Public Works Department had looked at the issues related to the Winchester/Pearl Streets roundabout. Ms. Brunner agreed that it would fall under the purview of the Public Works Department if any tweaks were needed to the very recently designed roundabout. She thought staff hoped that a lot of the issues the neighborhood was experiencing would lessen or go away once Island Street would be fully operational again. Ms. Brunner said it is always difficult trying to assess a zoning map amendment because it means trying to assess all of the potential possibilities and not a specific project. However, she said that at the point when a specific project is proposed, that is when the City would require a more detailed look at traffic and how it impacts safety in the area. Unfortunately, though, she said the process is set up to consider the zoning map amendment first and then a specific proposal comes forward later. She said it is a little bit hard to talk about traffic and safety impacts without knowing what could be there; the Council could look at the worst-case scenario, but that may not end up being proposed, so it is not always a fair way to do things. Vice Chair Jones clarified if Councilor Haas was talking about adjustments being needed if the rezoning occurs not under the existing conditions. Councilor Haas replied either way, calling it a difficult situation and saying he still did not know which lanes to use, but noting it was nice to get on/off Island Street. Vice Chair Jones said that was a question for another Committee.

Vice Chair Jones referred to some things mentioned at the PB/PLD Committee level. First, the flood problems in that area. The Vice Chair noted he had to help people bail out their basements in that area adjacent to the Ashuelot River. So, Vice Chair cited the potential for problems there if switching over to losing 20% of the pervious surface. He said that really bothers him and he thought that it would create more conditions for flooding. He also said to look at precedents, noting the City already had a request for rezoning on Pearl Street several years prior that was defeated by the City Council because he said the northern end of Pearl Street, where it meets West Street, is considered a “failed intersection” and any additional impact would hurt it even more. Vice Chair Jones continued, noting that this neighborhood is the Old Italian Neighborhood, with a lot of pride, and he was unsure the City was ready yet to start upsetting these types of neighborhoods; the City had been trying to promote these type of neighborhoods and he thought it should not be upsetting them. Lastly, the Vice Chair said that during the City’s last revaluation, the cost of residential property went up, and commercial property went down, which was the first time he had ever seen that situation since being on the City Council. He said that it bothered him. Vice Chair Jones asked why the City would add more commercial property when there was more potential for residents to bring in more ratables. Vice Chair Jones did not think this proposal would be the right thing at the right time.

Councilor Madison said he drove down Winchester Street and noticed a number of vacant commercial lots: two in the Walmart Plaza and others going toward Keene State College. He said he had not seen the demand for commercial property, but the demand for small residential lots to build a single-family home was very high at this time. He cited his own home buying experience in Keene of trying to find an affordable lot to build a small home, “like the diamond in the rough. At this point, it is, difficult to actually find.” This being Councilor Madison’s final meeting, he said his decision-making process over the previous five years had been that communities and neighborhoods should be able to decide what goes on in their communities and neighborhoods; it should be up to the residents most local to the impact to decide what happens. He thought he had heard a lot from the residents on Pearl Street that this was not the direction they wanted to see their neighborhood going in. Councilor Madison said that led him to be inclined to support the residents of Pearl Street in that decision. So,

the Councilor said he agreed with Vice Chair Jones in thinking this was not the right time for this proposal.

Councilor Williams said he is also not a huge fan of commercial development on Pearl Street. He said he did have some empathy for the two properties on the corner of Winchester and Pearl Streets, but he did not like the Commerce District designation for them; he would not be opposed to some lesser designation, whether it be Medium Density that allows some commercial purposes with a Conditional Use Permit or Commerce Limited (e.g., Marlboro Street) that focuses on really small businesses, which Councilor Williams thought might be appropriate for this location. He thought that the big, empty lot there should really be housing. He said that is what Keene needs, and he encouraged the property owners to perhaps look at putting a Cottage Court development there, which Councilor Williams thought would solve a lot of the problems.

Councilor Haas said he compared the allowable occupancies under the Commerce and Low Density Districts and looked at some of the other types of zoning that could be implemented at this location, as Councilor Williams mentioned. Councilor Haas stated that there was not a proper zone definition for what might really work well at this location. He cited the use of Downtown Transition and Downtown Edge in some other places but said the Council did not want to shoehorn something like that here. He said this is a tough spot, and he thought that a lot of the issues the residents raised were related to traffic and noise; he thought that perhaps there were other ways to resolve them. He said the City could look at the traffic that travels on Pearl Street. He was unsure what the City could do about noise from McDonald's or the smell of French fries. However, regarding traffic on Pearl Street, he said there could be means to either limit the size of trucks or slow the traffic. Councilor Haas noted that some places make streets like Pearl one-way in either direction, coming to a center dead end, with a gate that could be opened for emergency services. So, Councilor Haas thought there were other solutions the City needed to seriously pursue because he said Winchester Street is a commercial corridor and the City needs commercial development as well as residential development. He agreed with Council Madison about how hot residential development was at this time; it was hard to find residential lots but pretty easy to see empty commercial spots. However, Councilor Haas said the City needs both. He thought the City needed to go out and solve the other issues it had been talking about, rather than immediately leaping into rezoning. However, he thought the City should rezone those lots at some point in the future to make something that would work there and attract a developer.

Councilor Madison asked the Community Development Department staff to confirm that the commercial uses allowed in the Low Density District by Conditional Use Permit: neighborhood grocery, restaurant, and light retail. Ms. Brunner agreed, if they are developed as a part of a Cottage Court development and are on the corner of a road, and there is also a significant limitation on the size (1,000 square feet). Councilor Madison said small, reasonable commercial activity would still be allowed in the Low Density District. Vice Chair Jones noted that the Committee's future agenda included the Community Nodes and said this might be a place where that could happen too and still be a community activity.

Councilor Haas asked to confirm what a yes and no vote on the subsequent motion would mean. Vice Chair Jones confirmed that a "Yes" vote would recommend rezoning and "No" vote would recommend keeping it the same.

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

On a roll call vote of 0 to 4, the Planning, Licenses and Development Committee failed to recommend the adoption of Ordinance O-2025-28-A.

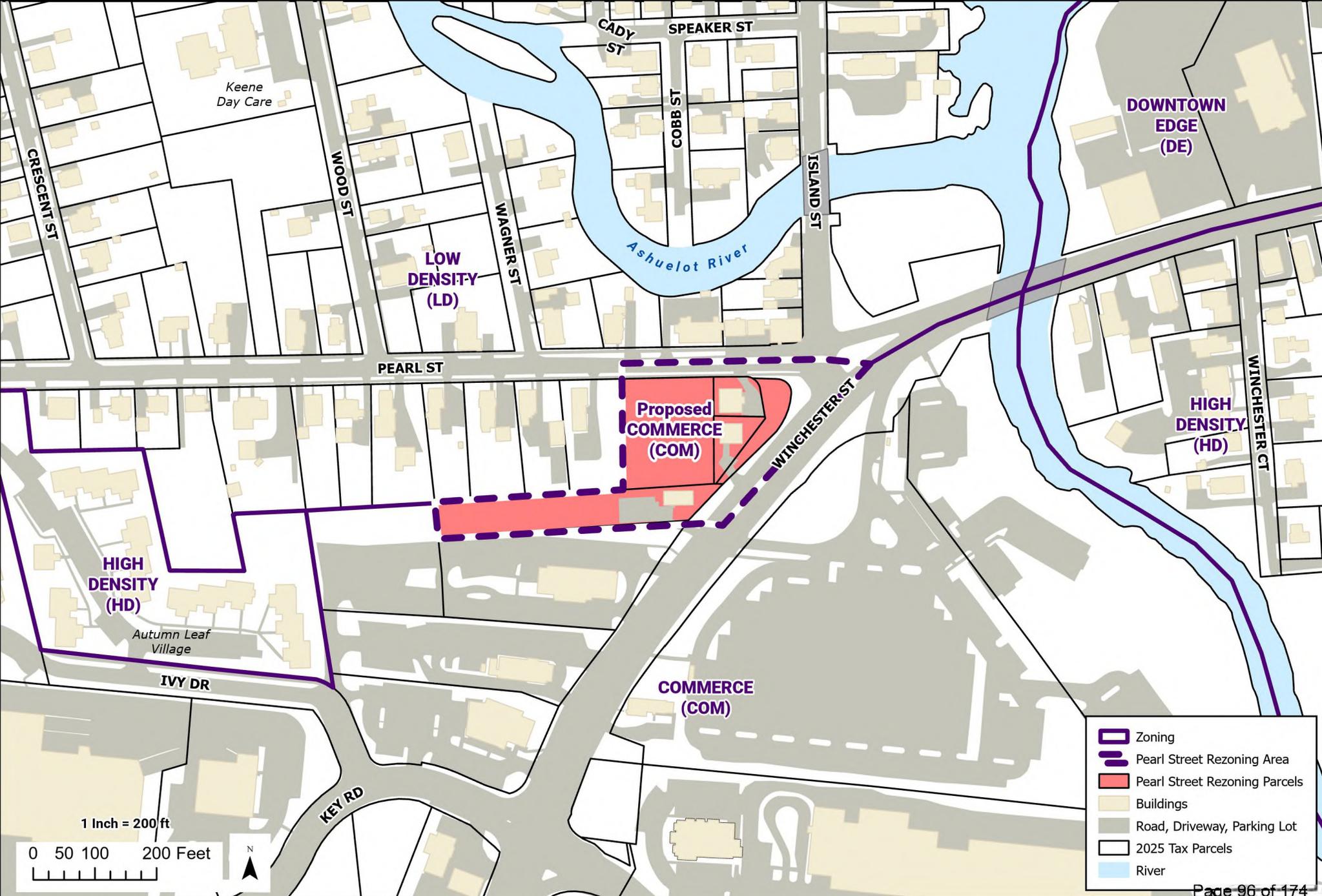
Proposed Zoning Map Amendment

Pearl Street, Keene, NH

Tax Map 593 Lots 3-4 & Tax Map 592 Lots 19-21

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

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



1 Inch = 200 ft



- Zoning
- Pearl Street Rezoning Area
- Pearl Street Rezoning Parcels
- Buildings
- Road, Driveway, Parking Lot
- 2025 Tax Parcels
- River

ORDINANCE



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

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

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

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

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

Jay V. Kahn, Mayor

In City Council November 6, 2025.
Public Hearing set for Thursday,
December 4, 2025, at 7:05 PM.

Ceri Wood
City Clerk

WITHDRAWAL: December 18, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Petition to Amend the Zoning Map - 1.24 Acre Portion of 62 Maple Avenue - Industrial Park to Medium Density Ordinance O-2025-34-A**

Council Action:
In City Council December 18, 2025.
Voted unanimously to adopt Ordinance O-2025-34-A.

Recommendation:
On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-34-A.

Attachments:

1. O-2025-34-A_Ordinance_adopted
2. O-2025-34-A_Zoning Map Amendment Map_REDUCED SIZE

Background:
Vice Chair Jones welcomed Senior Planner Mari Brunner and Planner Megan Fortson to speak on Ordinance O-2025-34-A. Ms. Fortson explained that this application originally went before the Joint Planning Board/Planning, Licenses and Development Committee, which opted to create an “A” version of the Ordinance. O-2025-34-A took it from rezoning a small section of the Cheshire Medical Center parcel that was about 1.3 acres and expanded the Ordinance to include three additional parcels to the east of that lot. So, four parcels along Maple Avenue were proposed to be rezoned from Industrial Park to Medium Density and two parcels across Route 12 currently also currently zoned Industrial Park proposed to be rezoned to Low Density. She said the intent was to rezone these parcels because the City had received feedback that many of the existing uses of these lots do not currently comply with the allowed uses in the Industrial Park District. She said that altering some of the zoning designations for single-family homes from Industrial Park to Medium Density would actually help this area to come further into compliance with one of the zoning districts. It would also offer further future development potential in areas that are really neighborhoods in nature, as well as with some institutional uses that are allowed along Maple Avenue, which is on the “Institutional Streets” list. Vice Chair Jones confirmed that the petitioner for this Ordinance was the City and Ms. Fortson said that was correct.

Councilor Haas asked how access to the lot on the east side of Route 12 was obtained. Ms. Brunner replied that at this time, those lots did not really have any access. She noted that some members of the public had reached out to the City with questions about those properties. Ms. Brunner said that without combining them with adjacent properties, they really could not be accessed because they are so near to the bypass entrance. She said that while the lots legally have frontage on Route 12, they do not have any way to access them, so at this time they would have to be accessed through another property. Councilor Haas said he respected it if City staff did not answer his next question: he conceived that there was no City water or sewer on those lots and asked if perhaps these were areas that could be acquired by the lots on Pako Avenue to make larger lots. Ms. Brunner replied that the lots being rezoned in Ordinance O-2025-34-A should have the ability for access to City water and sewer based on their zoning designation; they could be combined with any adjacent parcels if they were under common ownership. Councilor Haas wondered whether Ms. Brunner envisioned access coming in from the north, perhaps for a housing development of some sort. Ms. Brunner replied that in the Maple Acres neighborhood area there are a few stubs, or “paper streets,” but they are actually laid out as City right-of-way (ROW); that subdivision was planned with the ability to create future connections to adjacent parcels, should that be desired in the future, so there are areas where utilities can be extended to adjacent parcels. Without looking at it, Ms. Brunner was unsure whether the two small parcels in question were in that situation but said the larger parcel that they are adjacent to was next to some public right-of-way that could be used to extend utilities. Councilor Haas asked, if the area to the west of Route 12 was all zoned Medium Density but this area to the west was Low Density, why not make the whole thing Low or Medium Density and increase the opportunity to subdivide. Ms. Brunner replied that staff considered it but wanted to keep it consistent with the District to which it was immediately adjacent; all the parcels that are across Route 12 are immediately adjacent to other Low Density parcels, so they are separated from the other parcels by Route 12, which is pretty wide. She said that in order to make the map a little bit more consistent, the City proposed low density. Councilor Haas said it would have to start somewhere.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-34-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

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

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

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

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

Jay V. Kahn, Mayor

In City Council November 6, 2025.
Public Hearing set for Thursday,
December 4, 2025, at 7:00 PM.

City Clerk

A true copy;
Attest:
City Clerk

PASSED: December 18, 2025

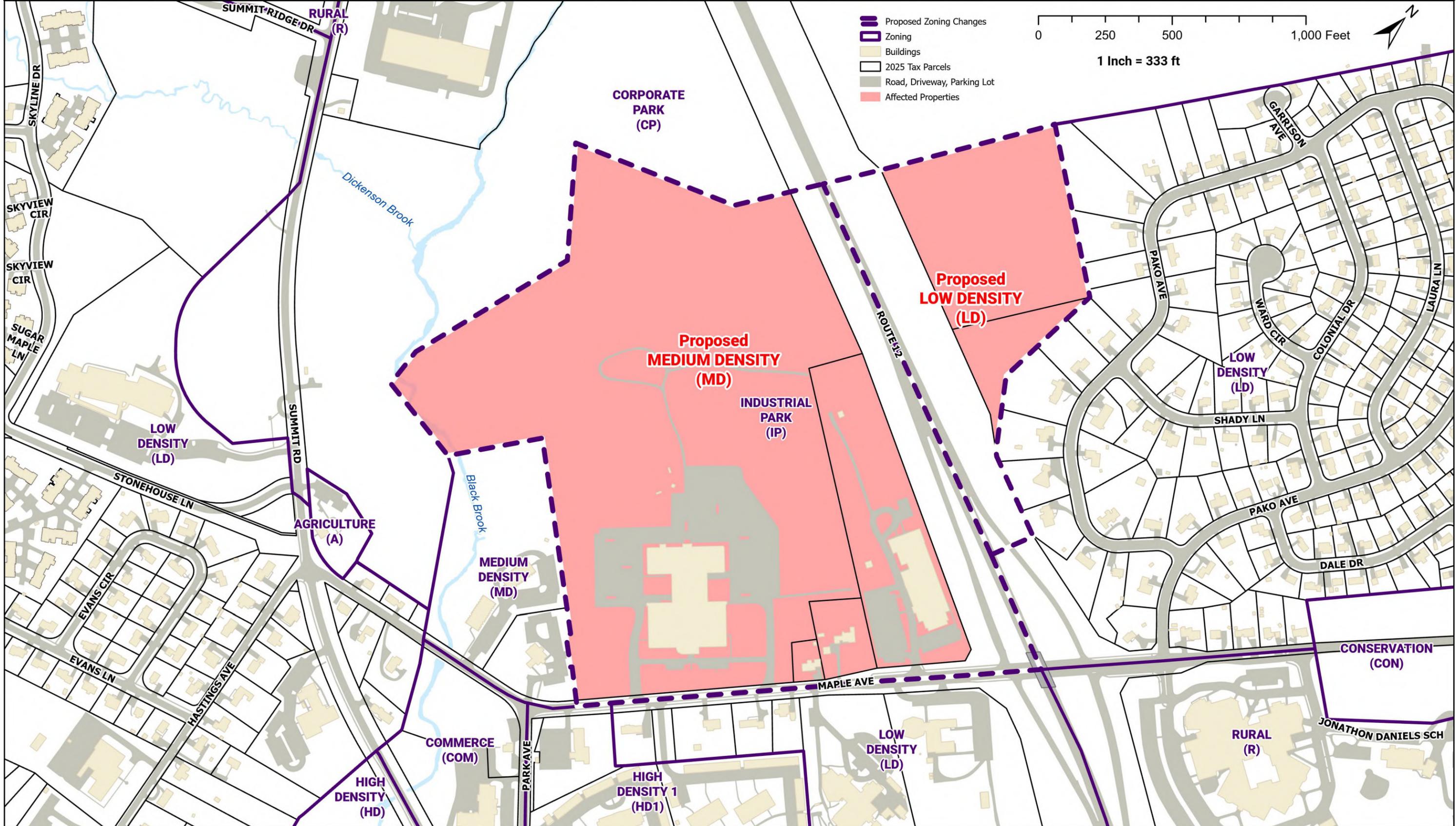
Proposed Zoning Map Amendment

Maple Avenue - Route 12, Keene, NH

Tax Map 227 Lots 6-9 & Tax Map 513 Lots 1,2

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

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





CITY OF KEENE NEW HAMPSHIRE

ITEM #J.3.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to the Muzzling of Vicious Dogs
Ordinance O-2025-35**

Council Action:

**In City Council December 18, 2025.
Voted unanimously to adopt Ordinance O-2025-35.**

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-35.

Attachments:

1. O-2025-35 Adopted

Background:

Vice Chair Jones noted that this had been on the Committee's agenda since Councilor Williams asked for it in 2024, and the City could not act until the State of New Hampshire created a statute for it. Vice Chair Jones thanked New Hampshire Representative Jodi Newell for her hard work on the legislation; the Vice Chair tracked it as Representative Newell worked hard to get this passed through the state legislature, and he thanked her for that. Now, the City of Keene could create a muzzling Ordinance because the state had legislation passed. Vice Chair Jones thanked Councilor Williams for the City finally being here.

Vice Chair Jones requested comments on the draft Ordinance from the City Attorney, Amanda Palmeira. The City Attorney noted that Police Chief Steve Stewart was present; he and Animal Control Officer Michelle Grimes had spoken with the Committee about this concept before and they helped the City Attorney draft the Ordinance. City Attorney Palmeira noted that they had brought this draft to the Committee before presenting it to the Council for first reading on December 4, 2025. The last time this Committee saw the Ordinance as a draft, no changes were provided, so it stayed in the same form this time. She welcomed questions about the law behind the Ordinance. Vice Chair Jones thanked the City Attorney for keeping the Ordinance in a draft up to this point, stating that he always likes it better that way instead of multiple lettered versions. Vice Chair Jones thought it had gone well. He confirmed that there had been no changes to the Ordinance text since the last meeting and the

City Attorney agreed.

Councilor Williams said this had been quite a long journey. It was almost exactly two years prior that the little dog, Suzette, was attacked by another dog, which ultimately led to the passage of legislation at the state level, enabling the City to hopefully pass this Ordinance. Councilor Williams thanked Representative Newell again for helping to make that legislation happen on behalf of the City of Keene, her City. Councilor Williams said that it was great. He also recognized the City Attorney for some great work. The Councilor was pleased with the very targeted language of this Ordinance. He said that people do not always understand what “vicious dog” means and sometimes they react out of fear. He knew there was a concern that it might be aimed at certain breeds of dogs who often get a bad label attached to them. Councilor Williams said the City would not just muzzle a dog because they have that bad label attached. He said this Ordinance is a treatment for behavior and the idea is to modify the behavior of the dog but also make the dog owner more conscientious about what risks they put the public in by having a dog out who could potentially attack other dogs or people. Councilor Williams did not think it was an overly onerous penalty: two years for a dog to wear a muzzle, and if they participate in some training that is effective, they can get off early. He said it is not a life sentence and he appreciated that. Even when there is a fine, he said it would be \$50, which he called not too onerous but significant enough to remind people that if their dog is dangerous, they do need to muzzle it. In all, Councilor Williams was quite pleased with this Ordinance. He really hoped it would have the effect that everyone hoped for, which is to increase public safety. Councilor Williams thanked everyone who had been a part of this.

Vice Chair Jones called it a learning process and thanked Chief Stewart and particularly ACO Grimes for teaching the Committee about the significance of bites, which are rated from nipping pants (Level 0) to fatal (Level 6). So, Vice Chair Jones said there is a great variety of dog bites.

There were no public comments.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-35.

Vice Chair Jones thanked Councilor Williams for all he did for this Ordinance.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-five

AN ORDINANCE Relating to the Muzzling of Vicious Dogs

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby amended by adding as Section 10-40 in Article II, "DOGS," of Chapter 10, entitled "ANIMALS" the language as follows:

Sec. 10-40. Muzzling vicious dogs.

- a) If a dog is adjudged to be a vicious dog under Section 10-35(d), and if the offense occurred in a place other than the owner's residence or property, the dog must wear a muzzle when in a place other than the owner's residence or property for two years from the date of the offense. This requirement is in addition to any forfeitures to be paid under Section 10-36.
- b) The requirement to muzzle a dog shall be lifted if the owner can produce a certificate that the dog has completed a reactivity class or otherwise has written confirmation from a certified trainer that the dog has completed one-on-one private behavior modification training. Such certificate shall be reviewed and accepted at the discretion of the animal control officer.
- c) Pursuant to RSA 466:39, in addition to the forfeitures to be paid under Section 10-36, the owner shall forfeit \$50.00 for each instance of failure to comply with the muzzling requirements of this section.
- d) Pursuant to RSA 466:31, III(a), if an owner fails to comply with an order to muzzle a dog and the dog incurs a second vicious dog violation within 12 months of being so ordered, the animal control officer may have the dog taken into custody and disposition of the dog may be determined by the court.

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

Jay V. Kahn, Mayor

City Clerk

A true copy;
Attest:

City Clerk

PASSED: December 18, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.4.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Update of Chapter 18 Property and Housing Standards Code Ordinance O-2025-36-A

Council Action:

In City Council December 18, 2025.

Voted unanimously to refer back to committee.

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-36-A.

Attachments:

1. O-2025-36-A_Referral
2. O-2025-36-A Red-Lined

Background:

Vice Chair Jones welcomed Community Development Director Paul Andrus, who introduced the presenters: the City's Fire Marshal and Building Official, Rick Wood; the Plans Examiner and Flood Administrator, Mike Hagan; and the Building and Health Inspector, Ryan Lawliss.

Fire Marshal Wood recalled that this Ordinance was last presented to the Committee in a concept phase before it was presented to City Council for first reading on December 4, 2025. He said staff took the Committee's recommendations, which were incorporated into Ordinance O-2025-36. One of the most concerning items dealt with the difference between yard waste and solid waste, so yard waste was removed for that purpose. He said the rest remained intact. Based on comments that staff heard, Fire Marshal Wood said staff slightly adjusted parts about posting property owner information in rental units; an exception was added for owner occupied properties, as requested. Mr. Lawliss added that after introduction of the Ordinance, some numerical typos were identified that need to be corrected on the contact page. They also addressed a concern from the City Attorney related to the appeals process. Mr. Lawliss said it was returned to the existing appeals process, which was approved by the State of New Hampshire. These changes were identified after the Ordinance was introduced, and so an "A" version has been provided incorporating the amendments.

Community Development Director Andrus added that this Chapter update was a long time coming. There had been a lot of due diligence in ensuring all the input that the City had received over the years and just recently was incorporated. Vice Chair Jones said the City was adjusting to communications and doing well.

There were no public comments.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-36-A.

Vice Chair Jones thanked City staff for all their work updating Chapter 18.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Update of Chapter 18 Property and Housing Standards Code

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

Repeal and replace the contents of Chapter 18 with the content below:

Table of Contents

Chapter 18

Property and Housing Standards

Article I In General

Sec. 18-1. Authority4

Sec. 18-2. Definitions4

Sec. 18-3. Administrative and enforcement in general6

Article II Unfit Structures

Division 1 Generally

Sec. 18-4. Purpose7

Division 2 Enforcement

Sec. 18-5. Complaint; Notice of Hearing7

Sec. 18-6. Determination of the Community Development Department; issuance of orders, posting of placards7

Sec. 18-7. Procedure for Enforcement8

Sec. 18-8. Liens9

Division 3 Appeals

Sec. 18-9. Appeal Process9

Article III Property Standards

Division 1 Generally

Sec. 18-10. Purpose9

Division 2 General Requirements for Property Maintenance

Sec. 18-11. Applicability9
Sec. 18-12. Minimum standards for all property9
Sec. 18-13. Recreational camping vehicle.....11

Article IV Housing Standards

Division 1 Generally

Sec. 18-14. Purpose11

Division 2 General Requirements for Housing Standards

Sec. 18-15. Applicability12
Sec. 18-16. Posting of Emergency Contact Information.....12
Sec. 18-17. Common Hallways and Stairways12
Sec. 18-18. Ventilation12
Sec. 18-19. Outdoor and Interior Stairs and Handrails13
Sec. 18-20. Interior Surfaces13
Sec. 18-21. Floor Coverings13
Sec. 18-22. Plumbing13
Sec. 18-23. Sanitary Facilities13
Sec. 18-24. Water and Sewer System14
Sec. 18-25. Water Heating Facilities14
Sec. 18-26. Heating Facilities14
Sec. 18-27. Electrical Service and Outlets14
Sec. 18-28. Windows, doors, and openings14

Article V Property and Housing Standards Enforcement

Division 1 Generally

Sec. 18-29. Purpose14

Division 2 Enforcement

Sec. 18-30. Service of Notice of Violation15
Sec. 18-31. Citations15
Sec. 18-32. Prosecution16
Sec. 18-33. Violations and Penalties16

Division 3 Appeals

Sec. 18-34. Appeal16

Article VI Reserved

Article VII Reserved

Article VIII Reserved

ARTICLE I. - IN GENERAL

Sec. 18-1. - Authority.

Articles I—VII of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 47:17, RSA 48-A, and RSA 147.

Sec. 18-2. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words *dwelling*, *dwelling unit*, or *premises*, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Building shall mean any structure used or intended for sheltering any use or occupancy

Bulk container shall mean any dumpster, roll-off container, or compactor dumpster, or more than two cans greater than 64 gallons. See also "waste storage container."

Community Development department shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

Dwelling shall mean a structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterminated shall mean the control and elimination of insects, rodents, vermin, and other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food. See also "waste."

Habitable space shall mean space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces are not considered habitable spaces.

Handrails shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

Hazardous condition shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health.

Infestation shall mean the presence of insects, rodents, vermin, and other pests.

Kitchen shall mean an area used or designated to be used for the preparation of food.

Litter shall mean all rubbish, refuse, garbage, trash, debris, dead animals, and other discarded materials of every kind and description. See also "waste."

Natural Person shall mean a human being distinguished from a person (as a corporation) created by operation of law.

Occupant shall mean any person maintaining possession or control over a premise.

Owner shall mean any person, group of persons, or other legal entity having title to, or sufficient proprietary interest in, the use, structure, or lot in question.

Person shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. See also, "natural person."

Plumbing or plumbing fixture shall mean a receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid borne solid waste; or require a supply of water and discharge waste to a drainage system.

Premises shall mean a lot or parcel of land including any building or accessory structure thereon.

Public agency shall mean the Community Development Department or the department; designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.

Public nuisance includes the following:

- 1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 2) Any premises that have unsanitary sewage or unsanitary plumbing facilities.
- 3) Any premises designated as unfit for human habitation or use.
- 4) Any premises from which the plumbing, heating, and/or facilities required in this chapter have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
- 5) Any premises which are capable of being a fire hazard or are unsafe or unsecure as to endanger life, limb, or property.
- 6) Any premises which are unsanitary, unsafe, or which are littered with rubbish or garbage.

7) Any structure, building or appurtenance that is in a state of dilapidation, deterioration, or decay; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Rental property shall mean any dwelling unit not occupied by the owner thereof.

Rubbish shall mean all combustible and noncombustible waste materials, except garbage, and the term shall include but not be limited to the residue from burned wood, coal, coke and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, automobile parts and household furniture and appliances. See also "waste."

Structure shall mean anything constructed or erected which requires location on or in the ground or attached to something having location on or in the ground, including signs, billboards, fences, and swimming pools. See also "building."

Unfit for human habitation shall mean a dwelling or dwelling unit which, due to dilapidation, dangerous defect, lack of ventilation or sanitary facilities or other unhealthy or hazardous condition is unfit for human occupancy.

Ventilation shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

1) Mechanical: ventilation by power-driven devices.

2) Natural: ventilation by opening to outer air, through windows, skylights, doors, louvers, or stack wind driven devices.

Waste shall mean all garbage, litter, and rubbish.

Waste storage container shall mean any container or can include a bulk container that is used as a central collection point for the temporary storage of waste

[Sec. 18-3. - Administration and enforcement in general.](#)

The Community Development Department and its delegated officers shall exercise the powers to carry out this chapter, including but not limited to the following:

A) To investigate buildings, premises, and dwellings or dwelling unit's conditions in the municipality to determine which buildings, premises, and dwellings or dwelling units therein are unfit for human habitation or otherwise in violation of this chapter.

B) To enter upon premises for the purpose of making examinations and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

C) To appoint and fix the duties of such officers, agents, and employees as are deemed necessary to carry out the purposes of this chapter.

D) To delegate any of its functions under this chapter to the officers that it may designate.

ARTICLE II. – Unfit Structures

DIVISION 1. - GENERALLY

Sec. 18-4. - Purpose.

The purpose of this article is to cause the repair, closing, or demolition or removal of unfit structures, as per RSA 48-A:2; to provide avenues to compliance with RSA chapter 48-A; and to direct how complaints of an unfit structure are addressed.

DIVISION 2. – ENFORCEMENT

Sec. 18-5. – Complaint; Notice of Hearing

Whenever a petition is filed with the Community Development Department by at least ten residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Community Development Department by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all occupants a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Community Development Department at a place therein fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner, mortgagee, and occupants shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Community Development Department

Sec. 18-6. - Determination of the Community Development Department; issuance of orders, posting placards.

- 1) If, after notice and hearing, the Community Development Department determines, according to the standards of this Chapter, that the premises are in violation of the requirements of this article, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owners and occupants an order or orders to correct the violation. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, the Community Development Department shall issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling.
- 2) If the order issued in accordance with subsection (a) of this section states that the dwelling or dwelling unit is unfit for human habitation, the Community Development Department shall also notify by certified mail, return receipt requested, any mortgagee or lien holder of their findings and determinations, and post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."

3) Any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded as such by the Community Development department shall be vacated within a reasonable time as required by the Community Development Department. No owner shall rent to any person for human habitation, and no person shall occupy any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded by the Community Development Department after the date which the department has required the dwelling or dwelling unit to be vacated.

4) No dwelling or dwelling unit which has been determined unfit for human habitation and that has been placarded as such shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Community Development Department. The Community Development Department shall remove the placard whenever the defect or defects upon which the determination of unfit for human habitation was based have been eliminated.

5) No person shall deface or remove the placard from any dwelling or dwelling unit that has been determined unfit for human habitation and placarded as such.

Sec. 18-7. – Procedure for Enforcement

If the owner fails to comply with an order, made pursuant to the provisions of this article, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Community Development Department may file a petition in the superior court in which it shall set forth the charges issued pursuant to this article, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation.

Sec. 18-8. – Liens

Whenever the Community Development Department shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

DIVISION 3. - APPEALS

Sec. 18-9. – Appeal Process.

If any owner is aggrieved by a decision of the Community Development Department, they may appeal to the City Council. The City Council shall hold a public hearing, due notice of hearing having first been given to the Community Development Department and to the owner. The City Council may affirm or revoke the decision of the Community Development Department, or they may modify the same in accordance with their findings. If they shall affirm or modify the decision, the Community Development Department shall proceed to enforce the order as affirmed or so modified.

ARTICLE III. - PROPERTY STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-10. - Purpose.

The purpose of this article is to provide minimum standards for property maintenance not otherwise incorporated into the building code necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of city residents.

DIVISION 2. - GENERAL REQUIREMENTS FOR PROPERTY MAINTENANCE

Sec. 18-11. - Applicability.

The following section shall be considered minimum standards for all property in the city.

Sec. 18-12. - Minimum standards for all property.

- 1) No person shall cause or maintain a public nuisance on any property within the city.
- 2) All motor vehicles shall be parked on-site, on approved parking surfaces that comply with the parking standards of the land development code.
- 3) No person shall park, keep, store, or permit the parking, keeping, or storage of more than one unregistered motor vehicle on any premises unless stored within an entirely closed garage.
- 4) No person shall permit waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container. Except within 24 hours of scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste storage containers on any sidewalk, street, alley, or other public place except as otherwise permitted under this chapter. Waste storage containers shall not remain at the curbside after being picked up by the hauler for more than 24 hours.
- 5) Waste storage containers and bulk containers must be located where they can be serviced, utilized by occupants, placed to reduce waste, and be maintained in a sanitary condition to prevent infestation. Bulk containers shall be accessible by motorized disposal equipment without going over impervious surfaces except as otherwise approved by the planning board as part of a site plan.
 - a) Waste storage containers shall be stored to the rear of the front setback or front line of the house or building, whichever is less.
 - b) Waste storage containers and bulk containers shall be of sufficient size and capacity, shall not be filled to overflowing, shall avoid noisome odors, and shall have lids with hinges that allow for the container to be closed anytime there is waste placed therein. If the container has side access panels, they shall be maintained in the closed position any time waste is placed within the container. The container will be of durable construction and not be allowed to deteriorate to the point that holes occur in the body of the container that will allow access by rodents or contribute to infestation. The waste storage containers bulk container owner must take appropriate

action to immediately cause the waste storage containers or bulk container to be emptied of its contents when full. If the waste storage containers and bulk container owner is notified that the waste storage containers and bulk container upon their property is in violation of any of the foregoing offenses, the waste storage containers and bulk container owner shall within 24 hours of notification cause the offense to be remedied or shall be in violation of this section.

c) Temporary bulk containers may be located on any premises for the purposes of providing a container for renovation, construction, or cleaning out for moving. A bulk container used for these purposes shall not be placed within the public right-of-way, and the owner of the premises shall comply with the provisions of subsection above. Temporary bulk containers shall not remain on the premises for longer than 90 days without the written approval of the community development department.

6) All premises shall be maintained free of overgrown, dead, diseased, decaying, or hazardous trees, shrubs, ground cover, or weeds that restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants; and pose a risk of hazardous condition.

7) Vacant structures and premises thereof or vacant land shall be maintained in a secure and sanitary condition as provided herein so as not to adversely affect public health or safety.

8) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

9) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

10) Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads.

11) Structures shall be kept free from wildlife, insect, and rodent infestation. Structures in which wildlife, insects, or rodents are found shall be promptly exterminated or removed by approved processes that will not be injurious to human health. After removal or elimination, proper precautions shall be taken to prevent reinfestation.

Sec. 18-13. - Recreational camping vehicle.

It shall be unlawful for any person to park any recreational camping vehicle on any public place or on any tract of land, occupied or unoccupied, within the city, except as provided in this article.

No person shall park, store, or occupy any recreational camping vehicle or major recreational equipment on the premises appurtenant to any occupied dwelling or in any vacant lot, except under the following conditions:

1) When permitted pursuant to an approved site-plan in conformance with all City of Keene ordinances and regulations.

- 2) Motorized recreational camping vehicles shall be stored on approved parking surfaces that comply with the parking standards of the land use code.
- 3) All recreational camping vehicles shall be located to the rear of the front setback or front line of the house, whichever is less.
- 4) Recreational camping vehicles or equipment shall not be occupied as a residential unit or prepared for residential occupation.

ARTICLE IV. - HOUSING STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-14. - Purpose.

The purpose of this article is to provide minimum standards for housing use and maintenance necessary to preserve neighborhoods, abate nuisances and protect the public health, safety and welfare of city residents. Nothing herein is intended to preclude prosecution under any other statute, ordinance, or regulation which imposes a higher standard than those prescribed herein.

DIVISION 2. - GENERAL REQUIREMENTS FOR HOUSING STANDARDS

Sec. 18-15. - Applicability.

The following sections constitute the minimum standards for use and occupancy of all rental property.

Sec. 18-16. - Posting of emergency contact information.

A) All rental properties, except properties occupied by the property owner as their primary residence, shall have posted in a regularly accessible common area or where no common area exists, inside each dwelling unit, with written notification containing the following:

- 1) The name, address and telephone number of the owner or his/her agent. If the owner or their agent does not reside within one (1) hour drive of the subject structure, the owner must post, in addition to their agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides within one (1) hour drive of the structure.
- 2) A statement noting that disputes regarding fire code, property standards and/or housing standards are the responsibilities of the property owner and, therefore, should be addressed to the property owner(s) when contacting, or before contacting, the Community Development Department, with such disputes.
- 3) The address, telephone number, and website address of the Community Development Department.

B) Transfer of ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Community Development Department information within 5 businesses days of transfer.

C) Unattended Emergency Contact. Whenever emergency contacts are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.

Sec. 18-17. - Common hallways and stairways.

The means of egress from the building, including exterior means of egress stairways, and every common hall and stairway in any dwelling, other than in one- and two-family dwellings, shall be lit by capable means.

Sec. 18-18. - Ventilation.

Every bathroom and toilet room shall have a window with a minimum sash area of three-square feet unless the room is ventilated by capable mechanical means.

Sec. 18-19. - Outdoor and interior stairs and handrails.

Exterior and interior stairs shall be maintained structurally sound, and no part thereof shall show excessive wear, be broken, warped, cracked, or loose. Handrails shall be provided on not less than one side of each flight of stairs with four or more risers. Handrails shall be not less than 34 inches and not more than 38 inches in height. Guardrails shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches measured vertically to the floor or grade below. Guardrails shall be firmly fastened and capable of supporting all imposed loads at all times and a minimum of 36 inches in height.

Sec. 18-20. - Interior surfaces.

Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition. Peeling paint, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected.

Sec. 18-21. - Floor coverings.

Carpeting, linoleum, or other covering on stairs and floors shall be securely fastened, without tears or holes.

Sec. 18-22. - Plumbing.

All plumbing fixtures, vents, drains, and water supply lines shall be properly installed, connected, and maintained in working order, shall be kept free from obstructions, and leaks.

Sec. 18-23. - Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:

- 1) Water closet and lavatory. Every dwelling or dwelling unit shall contain within its walls a room separate from habitable rooms that contains a water closet and lavatory, which affords privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. All water closets shall be supplied with cold running water. The lavatory shall be supplied with hot and cold running water and a functioning drain.

2) Bathtub or shower. Every dwelling or dwelling unit shall contain a room which affords privacy to a person in the room, and which is equipped with a bathtub or shower supplied with hot and cold running water and a functioning drain. The walls above the shower compartment shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six feet above the floor.

3) Kitchen area. Every dwelling unit shall contain a kitchen area, and every kitchen area shall have a sink, which shall be supplied with hot and cold running water and a functioning drain, and appliances to refrigerate and cook food.

Sec. 18-24. - Water and sewer system.

Every kitchen sink, lavatory, bathtub or shower, and water closet shall be connected to either a functioning public or private water and sewer system.

Sec. 18-25. - Water heating facilities.

Every dwelling or dwelling unit shall be supplied with water heating facilities, which are installed, maintained, and connected with hot water lines to the fixtures required in this division to be supplied with hot water.

Sec. 18-26. - Heating facilities.

Every dwelling or dwelling unit shall have heating equipment and appurtenances which are installed and maintained in safe condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 65 degrees Fahrenheit at 48 inches above floor level.

Sec. 18-27. - Electrical service and outlets.

Every dwelling or dwelling unit shall be supplied with electric service, outlets and fixtures maintained in accordance with the provisions of the National Electrical Code adopted by the State of New Hampshire. There shall be no broken or frayed wires, fixtures, or missing cover plates.

Secs. 18-28. – Windows, doors, and openings.

During the period from May 1 to November 1 windows in habitable spaces shall be supplied with tightly fitting screens capable of preventing bugs from entering. Every basement hatchway or entryway shall be maintained to prevent infestation or the entrance of rain, and surface drainage water.

ARTICLE V. – PROPERTY AND HOUSING STANDARDS ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 18-29. - Purpose.

The purpose of this article is to provide enforcement and appeals process for Article III Property Standards and Article IV Housing Standards

DIVISION 2. - ENFORCEMENT

Sec. 18-30. – Service of Notice of Violation

A) Whenever the Community Development Department determines that there has been or is a violation of this chapter, they shall give notice of such violation to the person or persons responsible therefor. Such notice shall:

- 1) Be in writing.
- 2) Include a description of the real estate sufficient for identification.
- 3) Specify the violation that exists, and the remedial action required.
- 4) Allow a reasonable time for the performance of any act it requires.

B) Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to them personally, or left at their usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to their last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered, or published in any other way reasonably calculated to provide actual notice.

C) Notice of violation under this section includes citations issued pursuant to Section 18-31 of this chapter

Sec. 18-31. – Citations

A) Generally. A designee of the Community Development Department may issue citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who violates a provision of this chapter or permit, allows or suffers any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such citations may be issued either in addition to or in the place of other remedies available to the city. Such citations shall be in accordance with the procedures established by the Community Development Department and the City of Keene Code of Ordinances.

B) Action on citations. Citations shall be written upon standard forms authorized by the Community Development Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions that cause the issuance of such citations within a reasonable and certain period of time. Where citations order compliance, the Community Development Department may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.

Sec. 18-32. – Prosecution

If any order is not complied with in the time frame ordered, the Community Development Department may enforce the penalty provisions of this chapter through legal action against the person responsible for the violation, requesting a court to order them to:

- 1) Restrain, correct, or remove the violation or refrain from any further execution or work.
- 2) Restrain or correct the erection, installation, or alteration of such building.
- 3) Require the removal of work in violation.
- 4) Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed, or altered in violation of, or not in compliance with, the provisions of

this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued.

Sec. 18-33. – Violations and Penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be penalized as provided in Sections 1-15 through 1-19 of the City Code. Each day a violation continues after written notice of violation shall constitute a separate offense.

DIVISION 3. - APPEALS

Sec. 18-34. - Appeal.

Any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III or article IV, may appeal to the housing standards board of appeals established by City Code section 2- 1098 to 2-1100 which may grant relief from the order for actions taken on properties for noncompliance with article III or article IV. Any such appeal shall be filed within 15 days of the date of the action aggrieved from.

The housing standards board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest.

The housing standards board of appeals may waive the requirements of subsection 18-12 (5), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

Article VI Reserved
Article VII Reserved
Article VIII Reserved

Jay V. Kahn, Mayor

In City Council December 18, 2025.
Voted unanimously to refer back to
Committee.


City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Update of Chapter 18 Property and Housing Standards Code

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

Repeal and replace the contents of Chapter 18 with the content below:

Table of Contents

Chapter 18

Property and Housing Standards

Article I In General

Sec. 18-1. Authority4

Sec. 18-2. Definitions4

Sec. 18-3. Administrative and enforcement in general6

Article II Unfit Structures

Division 1 Generally

Sec. 18-4. Purpose7

Division 2 Enforcement

Sec. 18-5. Complaint; Notice of Hearing7

Sec. 18-6. Determination of the Community Development Department; issuance of orders, posting of placards7

Sec. 18-7. Procedure for Enforcement8

Sec. 18-8. Liens9

Division 3 Appeals

Sec. 18-9. Appeal Process9

Article III Property Standards

Division 1 Generally

Sec. 18-10. Purpose9

Division 2 General Requirements for Property Maintenance

Sec. 18-11. Applicability9
Sec. 18-12. Minimum standards for all property9
Sec. 18-13. Recreational camping vehicle.....11

Article IV Housing Standards

Division 1 Generally

Sec. 18-14. Purpose11

Division 2 General Requirements for Housing Standards

Sec. 18-15. Applicability12
Sec. 18-16. Posting of Emergency Contact Information.....12
Sec. 18-17. Common Hallways and Stairways12
Sec. 18-18. Ventilation12
Sec. 18-19. Outdoor and Interior Stairs and Handrails13
Sec. 18-20. Interior Surfaces13
Sec. 18-21. Floor Coverings13
Sec. 18-22. Plumbing13
Sec. 18-23. Sanitary Facilities13
Sec. 18-24. Water and Sewer System14
Sec. 18-25. Water Heating Facilities14
Sec. 18-26. Heating Facilities14
Sec. 18-27. Electrical Service and Outlets14
Sec. 18-28. Windows, doors, and openings14

Article IV Property and Housing Standards Enforcement

Division 1 Generally

Sec. 18-29. Purpose14

Division 2 Enforcement

Sec. 18-30. Service of Notice of Violation15
Sec. 18-31. Citations15
Sec. 18-32. Prosecution16
Sec. 18-33. Violations and Penalties16

Division 3 Appeals

Sec. 18-34. Appeal16

Article VI Reserved

Article VII Reserved

Article VII Reserved

ARTICLE I. - IN GENERAL

Sec. 18-1. - Authority.

Articles I—VII of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 47:17, RSA 48-A, and RSA 147.

Sec. 18-2. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words *dwelling*, *dwelling unit*, or *premises*, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Building shall mean any structure used or intended for sheltering any use or occupancy

Bulk container shall mean any dumpster, roll-off container, or compactor dumpster, or more than two cans greater than 64 gallons. See also "waste storage container."

Community Development department shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

Dwelling shall mean a structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterminated shall mean the control and elimination of insects, rodents, vermin, and other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food. See also "waste."

Habitable space shall mean space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces are not considered habitable spaces.

Handrails shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

Hazardous condition shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health.

Infestation shall mean the presence of insects, rodents, vermin, and other pests.

Kitchen shall mean an area used or designated to be used for the preparation of food.

Litter shall mean all rubbish, refuse, garbage, trash, debris, dead animals, and other discarded materials of every kind and description. See also "waste."

Natural Person shall mean a human being distinguished from a person (as a corporation) created by operation of law.

Occupant shall mean any person maintaining possession or control over a premise.

Owner shall mean any person, group of persons, or other legal entity having title to, or sufficient proprietary interest in, the use, structure, or lot in question.

Person shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. See also, "natural person."

Plumbing or plumbing fixture shall mean a receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid borne solid waste; or require a supply of water and discharge waste to a drainage system.

Premises shall mean a lot or parcel of land including any building or accessory structure thereon.

Public agency shall mean the Community Development Department or the department; designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.

Public nuisance includes the following:

- 1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 2) Any premises that have unsanitary sewage or unsanitary plumbing facilities.
- 3) Any premises designated as unfit for human habitation or use.
- 4) Any premises from which the plumbing, heating, and/or facilities required in this chapter have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
- 5) Any premises which are capable of being a fire hazard or are unsafe or unsecure as to endanger life, limb, or property.
- 6) Any premises which are unsanitary, unsafe, or which are littered with rubbish or garbage.
- 7) Any structure, building or appurtenance that is in a state of dilapidation, deterioration, or decay; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Rental property shall mean any dwelling unit not occupied by the owner thereof.

Rubbish shall mean all combustible and noncombustible waste materials, except garbage, and the term shall include but not be limited to the residue from burned wood, coal, coke and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, automobile parts and household furniture and appliances. See also "waste."

Structure shall mean anything constructed or erected which requires location on or in the ground or attached to something having location on or in the ground, including signs, billboards, fences, and swimming pools. See also "building."

Unfit for human habitation shall mean a dwelling or dwelling unit which, due to dilapidation, dangerous defect, lack of ventilation or sanitary facilities or other unhealthy or hazardous condition is unfit for human occupancy.

Ventilation shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

1) Mechanical: ventilation by power-driven devices.

2) Natural: ventilation by opening to outer air, through windows, skylights, doors, louvers, or stack wind driven devices.

Waste shall mean all garbage, litter, and rubbish.

Waste storage container shall mean any container or can include a bulk container that is used as a central collection point for the temporary storage of waste

Sec. 18-3. - Administration and enforcement in general.

The Community Development Department and its delegated officers shall exercise the powers to carry out this chapter, including but not limited to the following:

A) To investigate buildings, premises, and dwellings or dwelling unit's conditions in the municipality to determine which buildings, premises, and dwellings or dwelling units therein are unfit for human habitation or otherwise in violation of this chapter.

B) To enter upon premises for the purpose of making examinations and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

C) To appoint and fix the duties of such officers, agents, and employees as are deemed necessary to carry out the purposes of this chapter.

D) To delegate any of its functions under this chapter to the officers that it may designate.

ARTICLE II. – Unfit Structures

DIVISION 1. - GENERALLY

Sec. 18-4. - Purpose.

The purpose of this article is to cause the repair, closing, or demolition or removal of unfit structures, as per RSA 48-A:2; to provide avenues to compliance with RSA chapter 48-A; and to direct how complaints of an unfit structure are addressed.

DIVISION 2. – ENFORCEMENT

Sec. 18-5. – Complaint; Notice of Hearing

Whenever a petition is filed with the Community Development Department by at least ten residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Community Development Department by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all occupants a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Community Development Department at a place therein fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner, mortgagee, and occupants shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Community Development Department

Sec. 18-6. - Determination of the Community Development Department; issuance of orders, posting placards.

- 1) If, after notice and hearing, the Community Development Department determines, according to the standards of this Chapter, that the premises are in violation of the requirements of this article, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owners and occupants an order or orders to correct the violation. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, the Community Development Department shall issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling.
- 2) If the order issued in accordance with subsection (a) of this section states that the dwelling or dwelling unit is unfit for human habitation, the Community Development Department shall also notify by certified mail, return receipt requested, any mortgagee or lien holder of their findings and determinations, and post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."
- 3) Any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded as such by the Community Development department shall be vacated within a reasonable time as required by the Community Development Department. No owner shall rent to any person for human habitation, and no person shall occupy any dwelling or dwelling unit that has been determined unfit for human habitation and that has been

placarded by the Community Development Department after the date which the department has required the dwelling or dwelling unit to be vacated.

4) No dwelling or dwelling unit which has been determined unfit for human habitation and that has been placarded as such shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Community Development Department. The Community Development Department shall remove the placard whenever the defect or defects upon which the determination of unfit for human habitation was based have been eliminated.

5) No person shall deface or remove the placard from any dwelling or dwelling unit that has been determined unfit for human habitation and placarded as such.

Sec. 18-7. – Procedure for Enforcement

If the owner fails to comply with an order, made pursuant to the provisions of this article, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Community Development Department may file a petition in the superior court in which it shall set forth the charges issued pursuant to this article, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation.

Sec. 18-8. – Liens

Whenever the Community Development Department shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

DIVISION 3. - APPEALS

Sec. 18-9. – Appeal Process.

If any owner is aggrieved by a decision of the Community Development Department, they may appeal to the City Council. The City Council shall hold a public hearing, due notice of hearing having first been given to the Community Development Department and to the owner. The City Council may affirm or revoke the decision of the Community Development Department, or they may modify the same in accordance with their findings. If they shall affirm or modify the decision, the Community Development Department shall proceed to enforce the order as affirmed or so modified.

ARTICLE III. - PROPERTY STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-10. - Purpose.

The purpose of this article is to provide minimum standards for property maintenance not otherwise incorporated into the building code necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of city residents.

DIVISION 2. - GENERAL REQUIREMENTS FOR PROPERTY MAINTENANCE

Sec. 18-11. - Applicability.

The following section shall be considered minimum standards for all property in the city.

Sec. 18-12. - Minimum standards for all property.

- 1) No person shall cause or maintain a public nuisance on any property within the city.
- 2) All motor vehicles shall be parked on-site, on approved parking surfaces that comply with the parking standards of the land development code.
- 3) No person shall park, keep, store, or permit the parking, keeping, or storage of more than one unregistered motor vehicle on any premises unless stored within an entirely closed garage.
- 4) No person shall permit waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container. Except within 24 hours of scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste storage containers on any sidewalk, street, alley, or other public place except as otherwise permitted under this chapter. Waste storage containers shall not remain at the curbside after being picked up by the hauler for more than 24 hours.
- 5) Waste storage containers and bulk containers must be located where they can be serviced, utilized by occupants, placed to reduce waste, and be maintained in a sanitary condition to prevent infestation. Bulk containers shall be accessible by motorized disposal equipment without going over impervious surfaces except as otherwise approved by the planning board as part of a site plan.
 - a) Waste storage containers shall be stored to the rear of the front setback or front line of the house or building, whichever is less.
 - b) Waste storage containers and bulk containers shall be of sufficient size and capacity, shall not be filled to overflowing, shall avoid noisome odors, and shall have lids with hinges that allow for the container to be closed anytime there is waste placed therein. If the container has side access panels, they shall be maintained in the closed position any time waste is placed within the container. The container will be of durable construction and not be allowed to deteriorate to the point that holes occur in the body of the container that will allow access by rodents or contribute to infestation. The waste storage containers bulk container owner must take appropriate action to immediately cause the waste storage containers or bulk container to be emptied of its contents when full. If the waste storage containers and bulk container owner is notified that the waste storage containers and bulk container upon their property is in violation of any of the foregoing offenses, the waste storage containers

and bulk container owner shall within 24 hours of notification cause the offense to be remedied or shall be in violation of this section.

c) Temporary bulk containers may be located on any premises for the purposes of providing a container for renovation, construction, or cleaning out for moving. A bulk container used for these purposes shall not be placed within the public right-of-way, and the owner of the premises shall comply with the provisions of subsection above. Temporary bulk containers shall not remain on the premises for longer than 90 days without the written approval of the community development department.

6) All premises shall be maintained free of overgrown, dead, diseased, decaying, or hazardous trees, shrubs, ground cover, or weeds that restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants; and pose a risk of hazardous condition.

7) Vacant structures and premises thereof or vacant land shall be maintained in a secure and sanitary condition as provided herein so as not to adversely affect public health or safety.

8) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

9) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

10) Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads.

11) Structures shall be kept free from wildlife, insect, and rodent infestation. Structures in which wildlife, insects, or rodents are found shall be promptly exterminated or removed by approved processes that will not be injurious to human health. After removal or elimination, proper precautions shall be taken to prevent reinfestation.

Sec. 18-13. - Recreational camping vehicle.

It shall be unlawful for any person to park any recreational camping vehicle on any public place or on any tract of land, occupied or unoccupied, within the city, except as provided in this article.

No person shall park, store, or occupy any recreational camping vehicle or major recreational equipment on the premises appurtenant to any occupied dwelling or in any vacant lot, except under the following conditions:

1) When permitted pursuant to an approved site-plan in conformance with all City of Keene ordinances and regulations.

2) Motorized recreational camping vehicles shall be stored on approved parking surfaces that comply with the parking standards of the land use code.

3) All recreational camping vehicles shall be located to the rear of the front setback or front line of the house, whichever is less.

4) Recreational camping vehicles or equipment shall not be occupied as a residential unit or prepared for residential occupation.

ARTICLE IV. - HOUSING STANDARDS

DIVISION 1. - GENERALLY

[Sec. 18-14. - Purpose.](#)

The purpose of this article is to provide minimum standards for housing use and maintenance necessary to preserve neighborhoods, abate nuisances and protect the public health, safety and welfare of city residents. Nothing herein is intended to preclude prosecution under any other statute, ordinance, or regulation which imposes a higher standard than those prescribed herein.

DIVISION 2. - GENERAL REQUIREMENTS FOR HOUSING STANDARDS

[Sec. 18-15. - Applicability.](#)

The following sections constitute the minimum standards for use and occupancy of all rental property.

[Sec. 18-16. - Posting of emergency contact information.](#)

A) All rental properties, except properties occupied by the property owner as their primary residence, shall have posted in a regularly accessible common area or where no common area exists, inside each dwelling unit, with written notification containing the following:

1) The name, address and telephone number of the owner or his/her agent. If the owner or their agent does not reside within one (1) hour drive of the subject structure, the owner must post, in addition to their agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides within one (1) hour drive of the structure.

2) A statement noting that disputes regarding fire code, property standards and/or housing standards are the responsibilities of the property owner and, therefore, should be addressed to the property owner(s) when contacting, or before contacting, the Community Development Department, with such disputes.

3) The address, telephone number, and website address of the Community Development Department.

B) Transfer of ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Community Development Department information within 5 businesses days of transfer.

C) Unattended Emergency Contact. Whenever emergency contacts are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.

[Sec. 18-17. - Common hallways and stairways.](#)

The means of egress from the building, including exterior means of egress stairways, and every common hall and stairway in any dwelling, other than in one- and two-family dwellings, shall be lit by capable means.

Sec. 18-18. - Ventilation.

Every bathroom and toilet room shall have a window with a minimum sash area of three-square feet unless the room is ventilated by capable mechanical means.

Sec. 18-19. - Outdoor and interior stairs and handrails.

Exterior and interior stairs shall be maintained structurally sound, and no part thereof shall show excessive wear, be broken, warped, cracked, or loose. Handrails shall be provided on not less than one side of each flight of stairs with four or more risers. Handrails shall be not less than 34 inches and not more than 38 inches in height. Guardrails shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches measured vertically to the floor or grade below. Guardrails shall be firmly fastened and capable of supporting all imposed loads at all times and a minimum of 36 inches in height.

Sec. 18-20. - Interior surfaces.

Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition. Peeling paint, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected.

Sec. 18-21. - Floor coverings.

Carpeting, linoleum, or other covering on stairs and floors shall be securely fastened, without tears or holes.

Sec. 18-22. - Plumbing.

All plumbing fixtures, vents, drains, and water supply lines shall be properly installed, connected, and maintained in working order, shall be kept free from obstructions, and leaks.

Sec. 18-23. - Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:

- 1) Water closet and lavatory. Every dwelling or dwelling unit shall contain within its walls a room separate from habitable rooms that contains a water closet and lavatory, which affords privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. All water closets shall be supplied with cold running water. The lavatory shall be supplied with hot and cold running water and a functioning drain.
- 2) Bathtub or shower. Every dwelling or dwelling unit shall contain a room which affords privacy to a person in the room, and which is equipped with a bathtub or shower supplied with hot and cold running water and a functioning drain. The walls above the shower compartment shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six feet above the floor.

3) Kitchen area. Every dwelling unit shall contain a kitchen area, and every kitchen area shall have a sink, which shall be supplied with hot and cold running water and a functioning drain, and appliances to refrigerate and cook food.

Sec. 18-24. - Water and sewer system.

Every kitchen sink, lavatory, bathtub or shower, and water closet shall be connected to either a functioning public or private water and sewer system.

Sec. 18-25. - Water heating facilities.

Every dwelling or dwelling unit shall be supplied with water heating facilities, which are installed, maintained, and connected with hot water lines to the fixtures required in this division to be supplied with hot water.

Sec. 18-26. - Heating facilities.

Every dwelling or dwelling unit shall have heating equipment and appurtenances which are installed and maintained in safe condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 65 degrees Fahrenheit at 48 inches above floor level.

Sec. 18-27. - Electrical service and outlets.

Every dwelling or dwelling unit shall be supplied with electric service, outlets and fixtures maintained in accordance with the provisions of the National Electrical Code adopted by the State of New Hampshire. There shall be no broken or frayed wires, fixtures, or missing cover plates.

Secs. 18-28. – Windows, doors, and openings.

During the period from May 1 to November 1 windows in habitable spaces shall be supplied with tightly fitting screens capable of preventing bugs from entering. Every basement hatchway or entryway shall be maintained to prevent infestation or the entrance of rain, and surface drainage water.

ARTICLE V. – PROPERTY AND HOUSING STANDARDS ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 18-29. - Purpose.

The purpose of this article is to provide enforcement and appeals process for Article III Property Standards and Article IV Housing Standards

DIVISION 2. - ENFORCEMENT

Sec. 18-30. – Service of Notice of Violation

A) Whenever the Community Development Department determines that there has been or is a violation of this chapter, they shall give notice of such violation to the person or persons responsible therefor. Such notice shall:

- 1) Be in writing.

- 2) Include a description of the real estate sufficient for identification.
- 3) Specify the violation that exists, and the remedial action required.
- 4) Allow a reasonable time for the performance of any act it requires.

B) Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to them personally, or left at their usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to their last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered, or published in any other way reasonably calculated to provide actual notice.

C) Notice of violation under this section includes citations issued pursuant to Section 18-31 of this chapter

Sec. 18-31. – Citations

A) Generally. A designee of the Community Development Department may issue citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who violates a provision of this chapter or permit, allows or suffers any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such citations may be issued either in addition to or in the place of other remedies available to the city. Such citations shall be in accordance with the procedures established by the Community Development Department and the City of Keene Code of Ordinances.

B) Action on citations. Citations shall be written upon standard forms authorized by the Community Development Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions that cause the issuance of such citations within a reasonable and certain period of time. Where citations order compliance, the Community Development Department may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.

Sec. 18-32. – Prosecution

If any order is not complied with in the time frame ordered, the Community Development Department may enforce the penalty provisions of this chapter through legal action against the person responsible for the violation, requesting a court to order them to:

- 1) Restrain, correct, or remove the violation or refrain from any further execution or work.
- 2) Restrain or correct the erection, installation, or alteration of such building.
- 3) Require the removal of work in violation.
- 4) Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed, or altered in violation of, or not in compliance with, the provisions of this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued.

Sec. 18-33. – Violations and Penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be penalized as provided in Sections 1-15 through 1-19 of the City Code. Each day a violation continues after written notice of violation shall constitute a separate offense.

DIVISION 3. - APPEALS

Sec. 18-34. - Appeal.

Any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III **and**/or article IV, may appeal to the housing standards board of appeals established by City Code section 2- 1098 to 2-1100 which may grant relief from the order for actions taken on properties for noncompliance with article III **or article IV**. Any such appeal shall be filed within 15 days of the date of the action aggrieved from.

The **housing standards** board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest.

The **housing standards** board **of appeals** may waive the requirements of subsection 18-12 (5), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

Article VI Reserved
Article VII Reserved
Article VII Reserved

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.5.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to New Chapter 44 Building Construction and Demolition Ordinance O-2025-37**

Council Action:

In City Council December 18, 2025.

Voted unanimously to adopt Ordinance O-2025-37.

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-37.

Attachments:

1. O-2025-37 Adopted

Background:

Vice Chair Jones welcomed Community Development Director Paul Andrus, who introduced the presenters: the Fire Marshal and Building Official, Rick Wood; the Plans Examiner and Flood Administrator, Mike Hagan; and the Building and Health Inspector, Ryan Lawliss.

Mr. Hagan recalled that City staff had been working to critique our City Code to be in line with the new state law that allows us to make certain adjustments and enforcement. City staff had made those changes over the prior year, which they presented to the Committee as Ordinance O-2025-37 at its November 12, 2025 meeting. Mr. Hagan said they took the Committee's recommendation and added back in one thing that is unique to Keene, which is Sec. 44-5. B) Exceptions. Mr. Hagan said this would reduce the allowable 200 square foot accessory structure down to 120 square feet to be in line with the City's Zoning Ordinance for an accessory structure not needing to meet setback requirements. Vice Chair Jones asked what it was before. Mr. Hagan replied that when it was last presented to the Committee, it had been removed and the state requirement was used, but at the request of Chair Bosley staff changed it back to 120 square feet so that it would align with the City's Zoning Ordinance as well. Vice Chair Jones said that it affected setbacks too. Mr. Hagan said it would be in line with the setbacks; any accessory structure under 120 square feet is not required to meet setbacks in the current Zoning Ordinance. So, Vice Chair Jones said it was the same.

There were no public comments.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-37.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Chapter 44 Building Construction and Demolition

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding a new Chapter 44 entitled “Building Construction and Demolition”, as follows:

Table of Contents

Chapter 44

Building Construction and Demolition

Article I In General

Sec. 44-1. Authority3

Sec. 44-2. Definitions3

Sec. 44-3. Purpose3

Article II Technical Codes

Division 1 Generally

Sec. 44-4. Administrative amendments to adopted codes4

Sec. 44-5. Permits4

Sec. 44-6. Design Criteria4

Sec. 44-7. Issuance of Permits.....5

Sec. 44-8. Third Party Plan Review.....5

Sec. 44-9. Permit Expiration5

Sec. 44-10. Commencing without a Permit.....5

Sec. 44-11. Appeals6

Article III Demolition Review

Sec. 44-12. Criteria6
Sec. 44-13. Procedure6
Sec. 44-14. Demolition review committee responsibilities.....7
Sec. 44-15. Demolition.....7
Sec. 44-16 Permit fee schedule, also in Appendix B of City code8

Article V Reserved

Article VI Reserved

Article VII Reserved

ARTICLE I. - IN GENERAL

Sec. 44-1. - Authority.

Articles I—IV of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 155-A:3, RSA 674:34, RSA 674:51 and RSA 674:51-a.

Sec. 44-2. - Definitions.

For the purpose of articles, I—IV of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words dwelling, dwelling unit, or premises, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Community Development department shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

Demolition shall mean the razing, destruction, removal, or relocation, entirely (or in significant part) of a building, structure or other resource.

Premises shall mean a lot or parcel of land including any building or accessory structure thereon.

Sec. 44-3. - Purpose.

The City of Keene promulgates this chapter to establish minimum regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation,

replacement, addition to, demolition of buildings and building systems in the City. Providing for the issuance of permits, collection of fees, making of inspection and for the enforcement of this chapter as provided by law in RSA 155-A:2.

ARTICLE II. - TECHNICAL CODES

DIVISION 1. - GENERALLY

Sec. 44-4. - Administrative amendments to adopted codes.

The following sections apply to the administrative sections of the NH State Building Code adopted pursuant to NH Revised Statutes Annotated (RSA) 155-A.

A) Whenever "department of building safety" appears in the codes, it shall read "community development department."

B) Nothing contained in this section shall be interpreted or construed to allow any work for which a permit is not required herein to be done in any manner contrary to the requirements of the state building code and laws of the city. Violations of the codes or other laws in any work not requiring a permit shall be subject to the general penalty of the codes in the same manner as if a permit had been required.

Sec. 44-5. –

A) Permits required under NH RSA 155-A. Any person who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain a permit from the Community Development Department. and if applicable, the Keene Fire Department, before the work can begin. This Requirement includes any type of work which is regulated by the state building and fire codes. Applications shall be submitted as prescribed by the Community Development Department in sufficient detail and clarity to verify compliance or the application will be rejected. The following shall be added to the adopted NH State Building Code:

International Residential Code R105.1.1 "Permit shall be required for installation, repair, or alterations in buildings covered by NH RSA 205-D Manufactured Housing Installation."

B) Exceptions: The following exceptions apply in addition to those found in Chapter One of the State Building Code.

Whereas the International Residential Code section R105.2 Exception 1 allows for 200 square foot structures to be exempt from permitting. The City of Keene replaces the NH R105.2(1) as indicated below:

- "One-story detached residential accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet."

Sec 44-6. Design Criteria

The City of Keene has adopted the following insertions to the State Building Code.

- 1) The International Residential Code as adopted by the State of NH.

a. In Chapter 3, Building Planning, Section 301.2, Climatic and Geographic Design Criteria, Table 301.2, insert the following:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Windborne Debris zone		Weathering	Frost line Depth	Termite					
70	115	NO	NO	NO	B	SEVERE	4'	slight to mod.	-3	YES	YES	2000	46.7

Sec 44-7. Issuance of Permits.

Permits shall be applied for in person at the Community Development Dept., online, or via email. Notification will be sent once your permit has been approved and you will be informed of the fee to be paid prior to issuance.

Sec 44-8. Third Party Plan Review.

Whenever requested by an owner or owners authorized representative, or when required by the community development department for projects larger than 5,000 square feet or any complex project shall be reviewed by a third-party entity approved by the department. (See Sec 44-16 and Appendix B for Fee Schedule)

The owner or owner’s representative must submit to the department, for review and acceptance, which third party(ies) is(are) proposed. The proposed third party must provide the department with the names, qualifications, resumes individuals to be used for the project. The individual(s) must have prior plan review experience and a combination of certification(s) and demonstrable experience in the discipline(s) to be reviewed. In addition, the third party must certify there are no conflicts of interest with the building owner, developer, contractor(s), or design professional(s) of record. The acceptance of the third-party reviewer is at the sole discretion of the Building Official.

Section 44-9. Permit Expiration.

Every permit issued shall be considered expired unless work authorized by such permit commences within 180 days of permit issuance. A permit shall also be considered expired if continued progress toward completion is halted for more than 180 days as documented between the two most recent inspections. Once a permit expires, the applicant will need to submit a new application complete, adequate design documentation, and applicable permit fee for a new permit to be issued.

The Building Official or authorized designee may grant one or more written extensions of time, for periods of not more than 180 days each. It is the responsibility of the permit holder to maintain their permit as active and request any required extension in writing demonstrating the need for the requested extension.

Section 44-10. Work Commencing without a Permit or before Permit Issuance.

Any person who commences any work on a building, structure, or sign as outlined in Sec 44.5 before obtaining the necessary permits, shall be subject to an additional penalty in section 44-16.a.2

Sec. 44-11. - Appeal.

Section 44-11. Board of Appeals

Any person aggrieved by an order, interpretation, or application of this code by the building official may, within 15 days of the date of the order, appeal to the board of appeal established under City Code [section 2-741](#). The board of appeal shall be constrained to review and render decisions consistent with International Building Code section 113.2. and in accordance with RSA 155-A:11-b

ARTICLE III. - DEMOLITION REVIEW

Sec. 44-12. - Criteria.

Except for buildings located in the historic district as defined under the Land Development Code, any building or part of a building in the city will fall under the provisions of this article where:

- 1) The proposed demolition is greater than 500 square feet of gross floor area; and
- 2) The building is listed or is eligible for listing in the National Register of Historic Places or is listed in the New Hampshire State Register of Historic Places.

Sec. 44-13. - Procedure.

When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Building Official for a determination under this article, the Building Official will determine if the building, or section of the building, meets the above criteria. If it does, the Building Official shall:

- 1) Forward a copy of the application to the demolition review committee.
- 2) Within five business days of its receipt of a copy of the application, the committee shall issue a preliminary recommendation regarding the granting of a demolition permit. If the committee issues a recommendation in favor of the granting of such a permit, a demolition permit shall be issued. If the committee determines the building to be potentially significant as defined by subsection 44-8(C), it shall issue a recommendation in opposition of granting the demolition permit. If the committee recommends against granting the demolition permit, within two business days of that decision the code administrator or his designee shall notify the applicant that a sign identifying the building as proposed for demolition is ready for posting in a visible location on the premises. Posting of the sign within five business days of receiving notification from the Building Official shall be the responsibility of the applicant. When the committee issues a recommendation to delay the granting of a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the committee to the Building Official. Investigation and recommendation shall be completed within 30 calendar days of the committee's receipt of a copy of the application.
- 3) During the maximum 30 calendar-day-period, the committee shall meet with the property owner and conduct such public hearings and investigations as it may determine to be necessary in the formulation of its written recommendation regarding the granting of such permit. The committee shall consider the following criteria in its deliberation:

- a. The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.
- b. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
- c. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
- d. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the city.

Sec. 44-14. - Demolition review committee responsibilities.

It is the responsibility of the demolition review committee to:

- 1) Render a decision within five business days of receipt of the demolition application as to whether the building might be significant within the standards and specifications provided above. If no decision is made within five business days, the application will be deemed to be approved, and the permit may be issued.
- 2) Hold a meeting between the demolition review committee and the applicant (or applicant's representative) to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

Sec. 44-15. - Demolition.

- 1) If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding section, the applicant is free to proceed with demolition provided a permit is issued by the community development department. Prior to demolition, and if the applicant is in agreement, the demolition review committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.
- 2) Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Building Official to be a public hazard and demolition is the only viable recourse.

Sec. 44-16 Permit fee schedule also in Appendix B of City Code

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of \$8.00 per thousand improvement value rounded up to the nearest thousand when over \$5,000.00 for permits issued under the scope of work as described in the International Residential Code as adopted under the State Building Code.

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of a fee of \$10.00 per thousand when over \$5,000.00 for permits issued under the scope of work as described in the International Building Code as adopted

under the State Building Code. A copy of a signed contract will be submitted to verify the value of the work to be performed by a contractor. Whenever during the time that the permit is active, and the scope changes, when that change increases the value the fee will be adjusted. For noncontract work, such as when a homeowner furnishes his own or has furnished free labor, but purchases the materials, the fee shall be based on the actual cost of all material with a multiplier of two applied. When there is a disagreement between the applicant and the department on the value of permit fees, the department may use any recognized method including but not limited to similar projects, nationally recognized construction value tables, or any other source relevant to determining improvement value.

- (a) Permit fees shall be in accordance with the following schedule:
- (1) The minimum permit fee shall be \$100.00
 - (2) Substantial modifications to active permits shall require a separate application and fee. Substantial modifications are changes that result in project cost increase greater than 25 percent, or the creation of additional square footage greater than 25 percent, whichever is less. When there is a substantial modification to a permit application, a fee shall be estimated for the work completed in addition to the new work proposed in the modification.
 - (3) The permit fee for a modular home installation shall be based on the cost to install the unit as determined by the department.
 - (4) Applications for permits shall be issued from the community development department. Completed applications together with all necessary supporting documentation shall be submitted to the Keene Fire Department Prevention Bureau which shall complete the permit, conduct inspection and issue final approvals.
- (b) **Additional fees:** Projects completed without a permit, projects begun prior to the issuance of a permit, failure to cure problems raised in plans examination critiques, failure to complete work prior to inspection, and work not done in compliance with permitted plans or in violation of the codes result in, increased cost, diminished efficiency and error. This cost and inefficiency have not been reflected in the fee schedule contained herein and therefore the following additional fees shall be assessed to defray said costs.
- (1) Work commenced prior to permit issuance: 25 percent of the permit fee for the first violation, 50 percent of the permit fee for the second, and 100 percent of the permit fee for the third and all subsequent violations or \$100.00 whichever is greater.
 - (2) On individual projects: Permit plans rejected by the department three times: Will incur a penalty of 10 percent of the original permit fee.
 - (3) Re-inspection fee: \$50.00 for each inspection of an element of construction after the second rejection.

(c) **Incentives:** Permit application and plans, which are professionally prepared by licensed architects or engineers, require less effort by staff to review plans for permit. Therefore, the following incentives are created to facilitate the use of licensed architects or engineers.

(d) Plan reviews:

(1) Whenever requested by an owner or owners authorized representative, and when required by the community development department on plan reviews for projects larger than 5,000 square feet or any complex project shall be reviewed by a third-party entity approved by the department and permit fees will be reduced by 40 percent.

(2) The fee for any permit for a project shown on any plan prepared by a license architect or engineer where state law does not require such preparation shall be reduced by 15 percent.

(3) The fee for any permit for a project that has a licensed electrician and/or plumber where state law does not require such work to be performed by a licensed trade person shall be reduced by 10 percent per trade, maximum of 20 percent reduction allowed.

(4) Incomplete applications shall be rejected.

ARTICLE IV. - RESERVED

ARTICLE V. - RESERVED

ARTICLE VI. – RESERVED

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



City Clerk



Jay V. Kahn, Mayor

A true copy;

Attest: 
City Clerk

PASSED: December 18, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.6.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Amendments to the Planning Board Regulations and Application Procedures Ordinance O-2025-38**

Council Action:
In City Council December 18, 2025.
Voted unanimously to adopt Ordinance O-2025-38.

Recommendation:
On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-38.

Attachments:
1. O-2025-38_Amendments to PB Regulations and Procedures_adopted

Background:
Vice Chair Jones welcomed Senior Planner Mari Brunner, who said this was a bit of a formality going back to the way the Land Development Code (LDC) was structured under state statute. Ms. Brunner explained that the Planning Board (PB) has independent authority to adopt and amend its own regulations and application procedures, which it did when the City developed and created the LDC. Ms. Brunner said the City made an intentional decision to put everything into one document, which makes it easier for the public and developers to use. However, it does mean that it requires a two-step process to amend PB Regulations; while before it could just be done by the PB, now it also requires a vote by City Council to incorporate the adopted amendments into the Land Development Code because they are a part of the City Code. The PB had already adopted these amendments, but Ms. Brunner was happy to explain them. She said City staff hoped the Committee would recommend incorporating the amendments into City Code. If the PLD Committee were to recommend any changes, the PB would need to hold another Public Hearing to consider those changes and return the considerations to this Committee. Vice Chair Jones said the changes the PB requested would only affect that Board; this Committee and the City Council are only the conduits to make the changes legal. Ms. Brunner agreed. She said this process would basically ensure the Planning Board could continue to work with the Land Development Code document along with all the other zoning and land use regulations.

Councilor Haas asked if these amendments would make the PB's job easier. Ms. Brunner said she guessed that the intent behind many of these changes was to hopefully increase the number of projects that qualify to go through the Minor Site Plan Review versus the Major Site Plan Review processes. She recalled the three main goals of the LDC project: (1) simplify the City's codes, (2) make them easier to navigate, and (3) maintain thoughtful regulation and codes to ensure the City's character is protected. One new thing in the LDC was creation of the middle tier of Minor Site Plan Review. Prior to the LDC, there were some things staff could review, but most things had to go to the Planning Board. With the Land Development Code. Ms. Brunner said Minor Site Plan Review had worked out for the projects that qualified, but very few projects qualified, with zero in 2025. So, everything was still either going to admin or going to the Planning Board. Ms. Brunner said the threshold for the Minor Site Plan Review process was too narrow and the goal was to broaden those thresholds so that more projects would qualify. The other changes were to correct errors, in addition to some updates required because of changes to state law. The Planning Board was also updating some of its submittal requirements because its practices had changed since Covid. For example, applicants no longer need to submit seven full copies of a plan set because digital copies are used much more now. Councilor Haas said it sounded like it would make their job easier.

Councilor Madison asked if this was something that the PB had already discussed and adopted, and the Committee/Council would just be codifying it. Ms. Brunner said that was correct. The Planning Board adopted these amendments on November 24, 2025, with an effective date of January 1, 2026 to allow time to go through this process and be reflected in the LDC. Councilor Madison thought some of his initial concerns were that the Planning Board rules were changing in advance of potentially new Planning Board members and Councilors. Knowing that this was something the PB had discussed already and that it was not a last-minute surprise alleviated Councilor Madison's concerns. He said it made total sense.

There were no public comments.

Vice Chair Jones said this seemed very simple and the Council would be giving the PB what it asked for.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-38.



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~~ **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~~ **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

In City Council December 4, 2025.
Referred to the Planning, Licenses and
Development Committee.


Cassi Wood
City Clerk

A true copy; 
Attest:
City Clerk

PASSED: December 18, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: December 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Adopting the Provisions of RSA 79-E "Community Revitalization Tax Relief Incentive" Resolution R-2025-35**

Council Action:

In City Council December 18, 2025.

Voted unanimously to rescind Resolutions R-2018-33 and R-2025-09 and to adopt Resolution R-2025-35.

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the rescission of Resolutions R-2018-33 and R-2025-09 and the adoption of Resolution R-2025-35.

Attachments:

1. R-2025-35_Adopted
2. 79-E District Map Dated December 4, 2025
3. R-2018-33 Provisions of RSA 79-E Rescinded
4. R-2025-09 79-E_Rescinded

Background:

Vice Chair Jones welcomed Senior Planner Mari Brunner, who introduced the City's consulting team from Barrett Planning Group. Ms. Brunner recalled that the City received a grant from the InvestNH Program for just under \$35,000. The purpose was to hire a consultant to help the City review its existing 79-E Program for possible updates and review the two relatively new provisions of 79-E, both of which deal with housing. One provision that the consultants would talk about at this meeting focuses on rehabilitating existing housing stock: Residential Property Revitalization Zone (RPRZ). The second provision for building new housing stock is called the Housing Opportunity Zone (HOZ). Ms. Brunner said the City had been working on this since July 2025 and had done a lot of work to explore these two options and trying to decide what might work well in Keene. She said this presentation from the consultants was to explain what they had been working on with others in the City and to get the Committee's feedback. Ms. Brunner introduced Lily Kramer and Judy Barrett of the Barrett Planning Group. Ms. Kramer provided the project overview, schedule, changes proposed to Keene's existing 79-E District, and the proposed RPRZ in the Resolution.

Ms. Kramer said Barrett Planning Group was tasked with looking at the existing 79-E Community Revitalization Tax Relief Incentive District in Keene, which is focused on downtown revitalization, mainly economic development and historic preservation. Ms. Kramer described two new housing incentives: the Residential Property Revitalization Zone (RPRZ) that the City was moving forward with, and the Housing Opportunity Zone (HOZ), which focuses on the creation of affordable housing and the City may end up looking at again in the future. Ms. Kramer described the project schedule, which kicked off in June 2025 and then the consultants did several things to gather information about existing 79-E Program and these two housing pieces. They interviewed developers and different people in Keene, including some City Councilors and regional housing advocates. There was also a City Council workshop in September 2025, two focus groups, one with property owners to discuss a potential RPRZ and one with local lenders, the Heritage Commission, and the Monadnock Interfaith Project. This PLD meeting was to discuss the final proposed Resolution, and anything left to finish before the end of December: any supporting materials, including a new application for the RPRZ.

Ms. Kramer explained the proposed changes to Keene's existing 79-E District:

1. Expand the District down West Street to the Route 9 Bypass.
 1. Ms. Kramer thought some key properties could be redeveloped under 79-E and benefit from this incentive.
2. Modify the definition of a "Qualifying Structure."
 1. Originally, residential properties were included, and those that would most likely fall under RPRZ were removed. Instead, the Local Public Benefit Criteria were updated to reflect current City goals and plans, including removing the reference to sustainable building stock (mainly covered by existing City building codes) and replacing climate and energy goals (greenhouse gas initiatives) from the new Master Plan and also previously adopted in a more recent Resolution.
3. Update the local public benefit criteria to reflect current City goals and plans.
 1. Moved the public benefit reestablishing owner occupancy to the RPRZs.

Next, Ms. Kramer described the proposed Residential Property Revitalization Zone (RPRZ), which is focused on aging one-to-four-unit homes. She defined Qualifying Structures: "any existing residential structures with City water and sewer service that *are at least 40 years old and between one and four units.*" This definition came primarily from the existing New Hampshire statute, but with an added provision for City water and sewer service, so that any redevelopment would have adequate infrastructure. Additionally, Ms. Kramer said it was necessary to define Significant Improvements, meaning the types of projects that would qualify for this tax relief: "rehabilitation which costs at least 15 percent of the pre-rehab 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." She said this would prevent a unit from falling into obsolescence. Ms. Kramer said one reason they chose this definition of Significant Improvements was to clarify the purpose of this incentive, which is to preserve, improve, and increase the City's existing housing stock. The intent is not for property owners to apply for mainly aesthetic improvements. Ms. Kramer said this is to really benefit the City's housing stock and either add new units or prevent units from falling into disrepair.

Ms. Kramer discussed the Proposed RPRZ Public Benefits. Ms. Kramer said projects would not need to provide all of these Benefits, but they need to provide at least one. This list of Proposed RPRZ Public Benefits was created using City staff expertise and feedback from the focus groups, interviews, and City Council Workshop:

- Creates at least one new housing unit.
- Prevents at least one housing unit from falling into obsolescence.
- Enhances or improves a 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.

Ms. Kramer concluded her presentation by providing three examples of potential RPRZ projects. First, a carriage house renovated to create an Accessory Dwelling Unit (ADU), adding an additional unit to the property and also likely adding historical significance to a structure. Second, a large single-family home could be converted to a duplex, which would create a new unit. Third, an unused third-floor apartment could be brought up to Code, allowing it to be rented out, creating a new unit, or preventing that unit from falling into disuse. Ms. Kramer said those were all projects that people had expressed interest in doing around Keene, but they may not have the funds; these are very expensive projects. So, she said that tax relief for a set period would be helpful in those cases. Additionally, this proposal increased the potential number of years that the City Council, at its discretion, could award tax relief (based on criteria). The base of tax relief would still be five years for Significant Improvement, but projects that add a new housing unit would be eligible for up to an additional two years of tax relief and projects that improve historically significant structures could be eligible for an additional four years of tax relief on top. So, the City Council would be able to award anywhere from zero to 11 years of tax relief, depending on the project. Vice Chair Jones asked if that occurs at the time of application. Ms. Kramer said yes.

Vice Chair Jones said that someone not following this project might ask, “Why are you giving tax breaks?” He stated that this is not a tax break. The property owner would still pay taxes, there is just an incentive for them to improve the property and once the improvement is finished, the City receives the full assessed rate. Ms. Kramer and Ms. Barrett agreed. For example, Ms. Kramer said a house assessed at \$100,000 and improved to increase the property value to \$200,000. Ms. Barrett continued the example, stating that for the period of tax relief, the owner would pay taxes on the original assessed value of \$100,000, but in the end, the City would recover the entire value that results from the improvement. She called it a classic tool for incremental development and one of the nice features of 79-E. Vice Chair Jones said the City had some success with 79-E already and he thought it was great to expand it. He thanked the consultants for the update.

Councilor Madison asked if the proposed RPRZ would be Citywide or limited to the map of the 79-E District displayed for the Committee. Ms. Kramer replied that it would not be limited to the map. As proposed, Ms. Kramer said the choice was not to map a 79-E District. She said it would apply to any property with an existing residential structure connected to City water and sewer service, where the home is at least 40 years old and has between one and four units. The decision was not to map the District because service might be extended in the future, and the consultants did not want the City to have to continually update the map. Councilor Madison said he really liked the idea of RPRZs. He was only concerned about whether the City would have safeguards to prevent this Program from being abused by Airbnb, Vrbo, and short-term rental operators; they could buy a house and turn it into two short-term rentals that are not really residences but adjacent party houses. He asked whether there were any safeguards to prevent the Program from being abused in that way. Ms. Kramer thought these projects would have to provide Public Benefits and she presumably hoped the

applications would lay those out clearly, so the City Council would be able to weigh the decision whether to grant tax relief and how many years to grant. Additionally, she explained a provision in the proposed Resolution, so the property could be assessed at the Community Development Director's discretion throughout the tax relief period for whether it still provides those public benefits. So, Ms. Kramer said that if an Airbnb was no longer providing the public benefits that it agreed to in the covenant, then that tax relief could be revoked. Councilor Madison thanked the consultants for the explanation and all their hard work on this project, stating that they did a really great job.

Councilor Williams asked the consultants to confirm his understanding that RPRZs would cover someone wanting to invest in lead paint or asbestos abatement. Ms. Barrett said yes, related to health and safety. Ms. Kramer agreed but said the project would have to be significant enough to prevent a unit from being lost or unlivable, at the Community Development Department's discretion to assess the life safety or health risk, and preservation. Ms. Kramer thought the project qualifying would depend on the severity of the issue. Councilor Williams hoped the City could figure out a way to ensure those would be included. He also asked about disability access and if investments in disability access were covered under this Program (e.g., constructing a ramp or widening doorways). Ms. Barrett thought it would come down to whether it would reach the dollar threshold of a Significant Improvement, but once that is cleared, she said yes.

Councilor Haas suggested driving this Program forward as widespread and as expansively as possible. He said if anything could encourage people to maintain their properties better and give them financial incentives to do so, he thought some of the problems that his fellow Councilors mentioned could be resolved going forward. Councilor Haas said he also understood that the tax relief could be rescinded at any time if the recipient does not live up to their initial requirements. He said that by state law, the City must require some kind of Significant Improvement to the building and the City is allowed to define what a Significant Improvement is. Ms. Kramer and Ms. Barrett agreed. Councilor Haas recalled reading five potential public benefits but only one would be required, and he read one, "maintains the owner occupancy of the residential building." He said that sounded great because the owner would continue to own and live in the building if they invest in a new kitchen or something. Ms. Kramer stated that just a new kitchen would not necessarily qualify as a Significant Improvement. The Significant Improvement has to involve creating at least one new housing unit or preventing that unit from being lost. Ms. Barrett agreed, stating that it would depend on how bad the kitchen is. Ms. Kramer said in that case, it would be at the City Council's discretion. So, Councilor Haas said the City Council could make those judgments and Ms. Kramer agreed.

Councilor Haas provided what he called another "odd example" of a house that needs a new roof and new siding, looks decrepit, and would cost \$100,000. He asked if that would qualify under the category of a Significant Improvement to ensure continued owner occupancy and meet that one criterion. Ms. Kramer explained that owner occupancy was listed under the Public Benefits, which are different from a Significant Improvement or Qualifying Project. Projects have to provide one or more of the Public Benefits, but before that, they have to a Significant Improvements, which are at least \$50,000. She said a new roof could potentially fall under a significant life safety or health risk, but the City Council could deny it if they felt that it was a mainly aesthetic improvement. Councilor Haas said that if he lived next to a decrepit building, he would consider it a Significant Improvement. As Councilor Williams mentioned, Councilor Haas thought all lead and asbestos abatement should qualify under this as health issues. Councilor Haas asked if the City Council would have to pass on every one of these projects. Ms. Kramer said yes, each project and property owner would complete an application for tax relief that would appear before the City Council, who would vote on whether to grant the tax relief and for how many years within the thresholds. Councilor Haas asked if any

thresholds would be left to an administrative process. Ms. Kramer said no, under the statute, it is up to the legislative body's discretion, so City staff cannot really make any decisions; it must go through City Council. Vice Chair Jones thought that because the decision impacts taxes, it has to be made by the elected officials. Ms. Barrett agreed.

Vice Chair Jones said this is a Resolution, so the provisions and map could be amended. Ms. Kramer agreed that it could be amended as the City changes; the City had amended the existing 79-E District since its adoption in 2017. Vice Chair Jones asked if the consultants had ever seen a case of a 79-E District overlapping a Tax Incremental Financing (TIF) District or vice versa. Ms. Kramer had not specifically, and Ms. Barrett thought that because this provision was so new, they would not see it anyway. Ms. Barrett called it a good question without a good answer. Ms. Kramer noted there were provisions under the statute, so that if a 79-E project is in a TIF District and would impact that TIF District, the City Council could use its discretion deny or approve the application for that reason.

Vice Chair Jones opened the floor to public comments.

Mayor Jay Kahn clarified that the RPRZ is a valuation that needs to increase by \$50,000 or 15% of the assessed valuation of the structure or property; it is the valuation that must change. Mayor Kahn thought that answered some of the specifics about whether a handicap ramp or lead abatement would qualify: would they add \$50,000 of assessed valuation to the property? He thought there was a distinction in the wording between these two sections: one said an investment of \$75,000; the other that said relative to the RPRZ that the valuation needs to change by \$50,000 or 15% of the value, whichever is less. He asked the consultants to clarify the distinction. Ms. Kramer referred to the proposed Resolution and specifically the construction costs. She said the reason they added creation of a new housing unit or resolving life safety or health risks was to result in not only in a significant level of tax relief for the property owner, but also a significant increase in benefit to the City once the full valuation is taxed at the end of the relief period. Vice Chair Jones asked if that valuation is determined by the City Assessor at the time of application. Ms. Kramer said that is correct, noting there might times when there is a revaluation in the middle of an application term, which could change things. Mayor Kahn thought the consultants clarified that it was a cost and not an evaluation change. The Mayor said he was also concerned about the discretionary nature of decision making in that it was unclear whether it would be an added two or four years in addition to the base five years; it would be left to the discretion of the decision-making body, the City Council. He thought everyone would be concerned about consistency. Mayor Kahn liked the good, clear criteria in the first set of community revitalization to determine the number of years of tax credit and said it was not as clear for this; the legislation said, "up to two years," and "up to four years." He wanted to point out that it was up to this Committee to recommend a cap the Council. The Mayor wished there could be as much administrative review allocated, so it could be with recommendation from the Community Development Department with the City Council as the decision-making body. He did not want to see a cumbersome process created, with review at the Council level that otherwise could be accomplished administratively to make that recommendation with consistency. Vice Chair Jones wondered if those additional years could be for certain projects such as those that address flood mitigation. Mayor Kahn said the Resolution could be more specific but was not. He said the criteria were there but not assigned to the specific extension.

The City Manager, Elizabeth Ferland, referred back to the criteria, noting that this Program is not meant for minor home remodels. She said this is meant for significant home improvements that do a variety of things for the public benefit, not just the personal homeowner's benefit. She said the Program shifts taxes that would be collected to someone else, so there is an important decision when

deciding how many years of tax relief to grant and what the public benefit is of the work being done. She said it is pretty easy to make a case for lead abatements because rentable units in the City were not being rented due to the presence of lead, but they could be rented if abated; that would restore a unit of housing. The City Manager noted it is also pretty easy to determine preservation of historic structures. She wanted to ensure the Council understood that there would need to be a Significant Improvement and a Public Benefit when weighing these. City Manager Ferland agreed with Mayor Kahn that a lot of judgement call would come into play for the Council because it says “up to five years” but could be two, three, or five years, and then there are caveats for added years based on other criteria. The City Manager said those were things the Council would need to really think hard about so they could be applied equally to applications. Vice Chair Jones thought that would help address some of the issues Councilor Madison mentioned.

Michele Wright, property owner on Pearl Street, asked if the property would be at the assessed or appraised value after rehabilitation. Ms. Kramer said the assessed value. Ms. Wright asked who absorbs the cost of the tax breaks (i.e., the other City taxpayers) or how it would be calculated. The City Manager replied that it is a deferred tax benefit, so it is additional revenue that the City would collect elsewhere because the City still needs to collect the same amount of revenue. Vice Chair Jones said it is an incentive program.

Chris Freeman of Court Street, owner of six properties in Keene, asked about the definition of Qualifying Structures. He recalled it saying for RPRZs: single-family, two-family, or an attached multi-family up to four units. He asked why it was worded that way instead of saying, “any property up to four units.” Ms. Kramer said the definition included came directly from the state statute. Mr. Freeman wondered if the requirement for the property to be connected to City water and sewer was moot to begin with because, in looking at the outline of the District, he was not sure there were any parcels in that area connected to City water and sewer. So, he asked the reason for that criterion especially if thinking about giving tax relief to properties, which have private systems already placing less of a burden on public resources. It seemed to Mr. Freeman like those properties should almost get an extra benefit. Ms. Kramer replied that the RPRZ is not technically mapped, so it does not conform to the downtown district or the expansion map that she showed. Ms. Barrett said it would require access to City water and sewer. She agreed that the District was not mapped, but she noted that water and sewer service covered the majority of the City and likely the majority of older homes that would qualify for this type of incentive.

Mr. Freeman also asked if there would be any added benefit for a property on septic, with a concern about whether the completed project would be adequately served by the private system that is already going to be regulated as a part of the permitting process; would the additional requirement in the 79-E Ordinance bring any incremental value? Senior Planner Mari Brunner replied to Mr. Freeman’s question about the decision to tie this to City water and sewer, noting it went back to the City Council Workshop in September 2025, when trying to determine where this District would be located. She said there were a bunch of different ideas, from having it Citywide to focusing on specific neighborhoods. She said ultimately it was determined that it did not make sense to cherry pick neighborhoods for this incentive to be available and not others; it would likely not go over well. It was determined that they needed to narrow it down to where the City really wants to focus development. She noted that through the Master Plan and many other planning processes, the City heard repeatedly from the community and elected officials that they want to concentrate development where the City already has infrastructure available. So, she said parcels that are not connected to the City’s water and sewer do not create a burden on it and they also tend to be further out, on steep hills, or further away from other City services like the Fire Stations. Ms. Brunner said it was about

conforming to an overall community goal. Mr. Freeman asked if there was a reason for capping the unit counts at four instead of leaving it a little bit open-ended. He also asked whether the unit counts aggregate at the structure level or at the parcel level. For example, a multi-structure property: one with five units and a separate duplex on the same parcel. Ms. Kramer replied that the limit of up to four units was also listed in the New Hampshire statute, so the City must conform to that. She said it is for any existing residential structure; it is not technically tied to the parcel level.

New Hampshire Representative Jodi Newell of 32 Leverett Street spoke in support of this Resolution. She thought it was a wonderful idea. When it came to the idea of whether or not the taxes would be paid at that moment, she spoke as someone who had been trying to figure out how we could increase infill and create more housing through ADUs, for which she had found a huge cost barrier, even in her own situation. As a homeowner and property owner with an outbuilding that could be converted, Representative Newell said she would love to be a housing creator and a housing provider, and she thought the City should do anything it can to bring that cost down. She added that considering the water and sewer would be paid for, the electricity and all of these other things would be paid for. So, when it comes down to those taxes, at least for someone in her situation, she said it would never increase the value of her property because she would never have that money up-front unless there were some types of incentives to make it possible. Representative Newell wanted the Council to know how she looked at it from that perspective as a property owner who would love to avail herself of this resource and would never be able to provide housing for anybody else if things like this were not implemented. Vice Chair Jones said you have to have a return on your investment.

Councilor Haas asked when the Council would define the perimeter and map the RPRZ. Ms. Kramer replied that the decision was not to map the RPRZ because it would be tied to any existing structure with City water and sewer. She said the thinking was that City water and sewer would eventually expand and because it would be at the structure and not parcel level, there were difficulties in determining how to map that; she thought there would be pockets where it was not applicable. So, she said it would basically be up to the property owner to make the case that an existing residential structure meets all the criteria without having a map. Ms. Barrett said that it is essentially an "adequate facilities approach." Councilor Haas said anywhere with water and sewer would qualify. Ms. Kramer said it is somewhat similar to the Cottage Court Ordinance: any zone and any parcels with City water and sewer.

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

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the rescission of Resolutions R-2018-33 and R-2025-09 and the adoption of Resolution R-2025-35.



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 NHSaves 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

In City Council December 4, 2025.
Referred to the Planning, Licenses and
Development Committee.

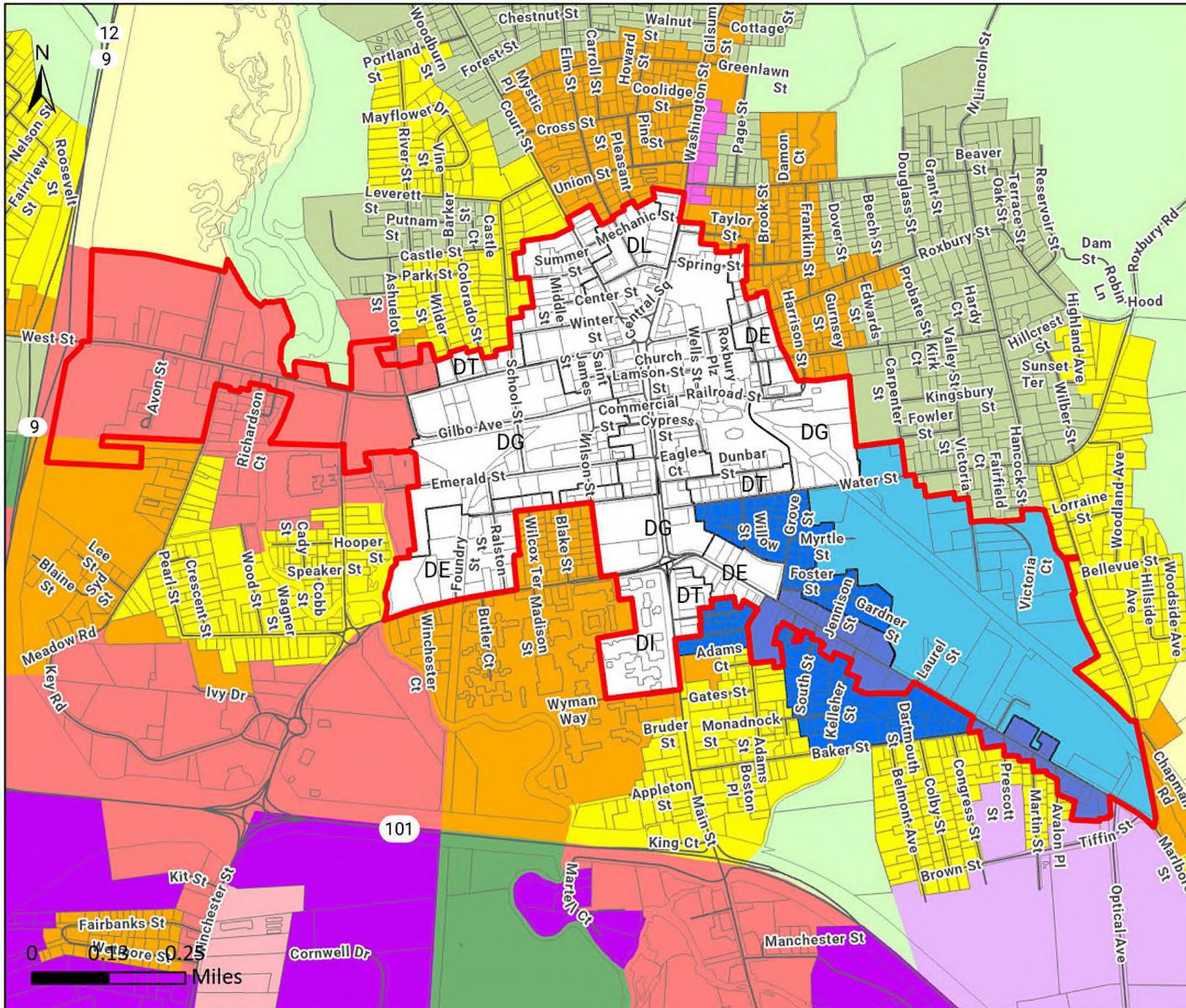

City Clerk

A true copy;

Attest: 
City Clerk

PASSED: December 18, 2025

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



- 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 166 of 174

CITY OF KEENE

R-2018-33



In the Year of Our Lord Two Thousand and Eighteen

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 and expands 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 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 11/15/2018 attached hereto and made part of this Resolution.

JED

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

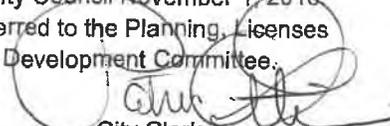
BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.

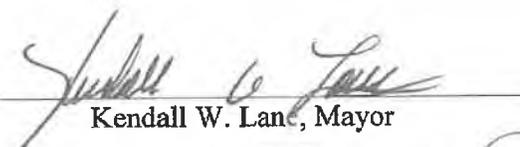
This resolution shall take effect upon sixty (60) days following approval by City Council.

PASSED: November 15, 2018

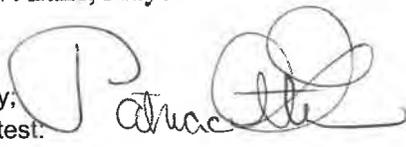
RESCINDED: December 18, 2025

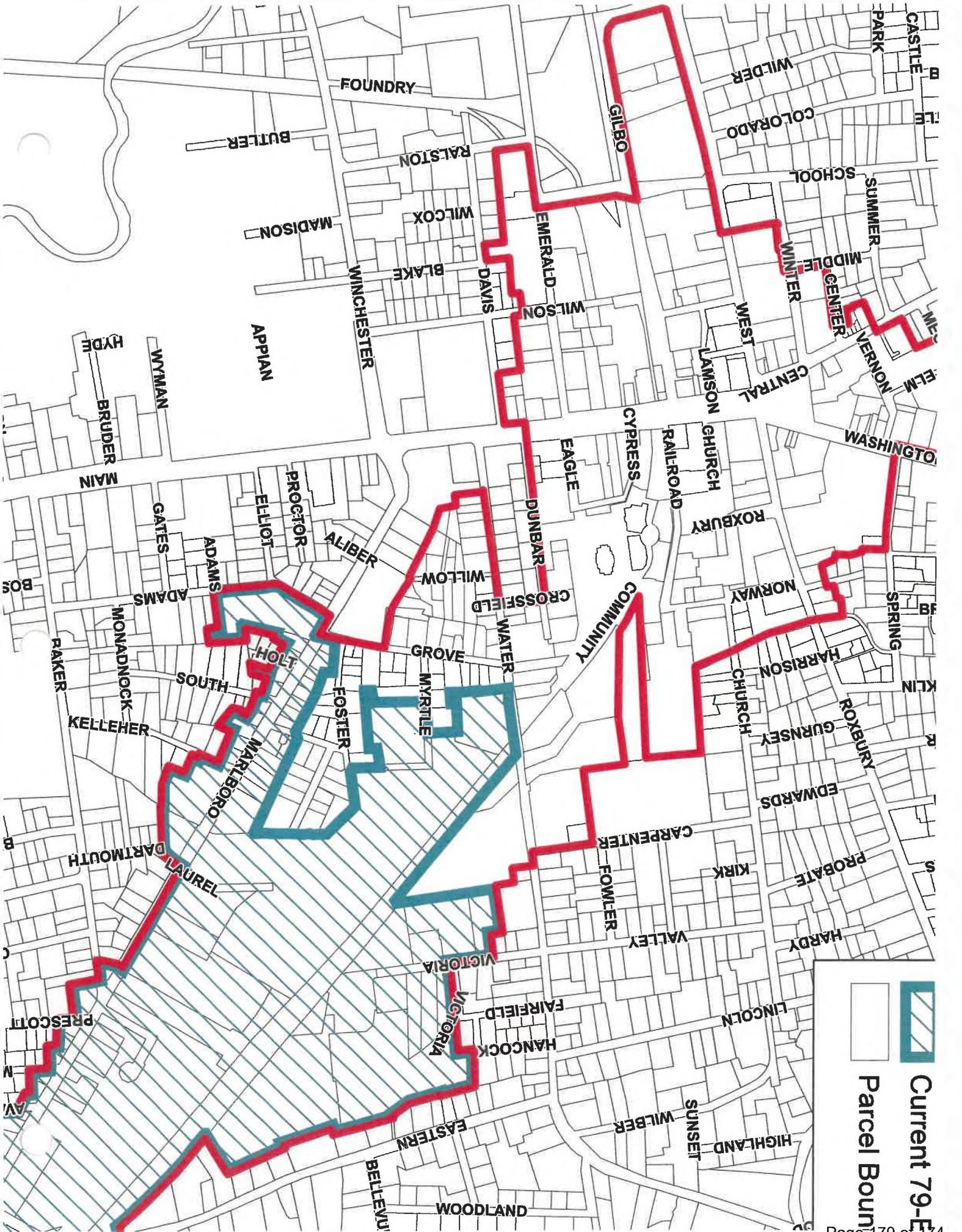
In City Council November 1, 2018
Referred to the Planning, Licenses
and Development Committee.

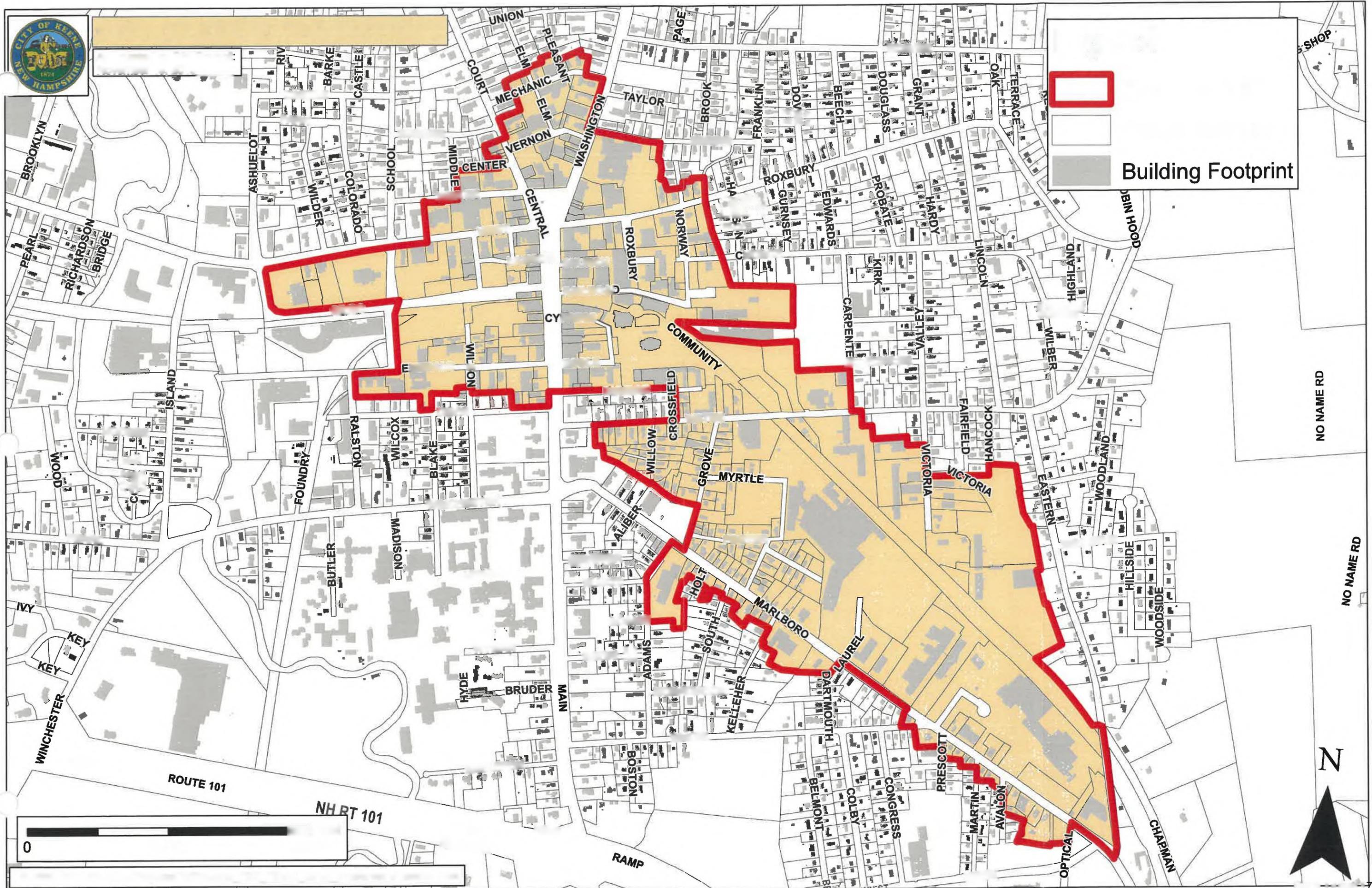

City Clerk


Kendall W. Lane, Mayor

A true copy,
Attest:


City Clerk







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

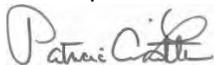
E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

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

RESCINDED: December 18, 2025