City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE MEETING MINUTES

Wednesday, February 11, 2026 **6:00 PM** **Council Chambers, City Hall**

Members Present:
Randy L. Filiault, Chair
Philip M. Jones, Vice Chair
Robert C. Williams
Edward J. Haas
Laura E. Ruttle-Miller

Staff Present:
Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Brandon Latham, Deputy City Attorney
Paul Andrus, Community Development Director
Megan Fortson, Planner

Members Not Present:
All Present

Chair Filiault called the meeting to order at 6:01 PM.

1) Energy & Climate Committee Recommendation Regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program

Chair Filiault welcomed Planner Megan Fortson, Staff Liaison for the City's Energy and Climate Committee (ECC). Ms. Fortson introduced ECC Vice Chair Maureen Nebenzahl and Committee Member, Councilor Bryan Lake. Ms. Fortson shared a presentation to explain the ECC's recommendation regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program.

Ms. Fortson began with an overview of the C-PACER Program, which was recently adopted under New Hampshire State law. She said the Program was previously "C-PACE" and could not be easily implemented in many communities. So, the New Hampshire Legislature reviewed it, added the "R" for "Resiliency," and was now bringing it to communities as a new voluntary funding mechanism for different projects. Ms. Fortson said C-PACER is administered by the New Hampshire Business Finance Authority (NHBFA), with the goal of providing private capital for development and energy improvements. Eligible properties include: any new and existing commercial building, and any residential buildings with five or more dwelling units. The loan and the capital are provided through special assessment of a property, typically by the third-party funder who is selected by that property owner for the project they pursue.

Next, Ms. Fortson shared examples of project types that would be eligible for the C-PACER Program, specifically in four main categories: clean energy, energy conservation and efficiency, resiliency improvements, and water conservation improvements. She said these projects could include installing rooftop solar panels on a building that has five or more units, or improvements to a commercial building within the flood plain or floodway to mitigate flood risk.

The C-PACER Program has several benefits for local economic development: (1) helps to stimulate development of both commercial buildings and multi-family housing, (2) creates more efficient and comfortable buildings that are desirable for workforce and residents, and (3) increases property values and the tax base without any municipal cost or risk. Ms. Fortson also listed benefits of the program for project developers: (1) long term affordable debt (low interest), so energy improvements make financial sense; (2) the loan is associated with the property vs. the individual, so it transfers to the new owner upon sale, allowing for long-term investments without being a long-term owner (takes away the risks of some costly improvements); and (3) improve building cash flow while putting less money down, allowing investment in more projects and development.

Ms. Fortson continued, explaining the three different parties involved in the C-PACER team process: (1) the lender associated with the project, (2) NHBFA who secures the connection between the property owner and the lender, and (3) the City of Keene. Ms. Fortson described the three parts of the City's role. First, the City Council amends the City Code to adopt a C-PACER Ordinance that creates a voluntary funding mechanism, which could be used by developers who meet certain criteria. Second, the Council establishes whether C-PACER applies to only a specific district (e.g., Downtown) or throughout the entire City of Keene. Third, there would be some administrative tasks as a part of this process (e.g., recording documents at closing) but largely, Ms. Fortson said there should be little to no impact on municipal staff from this program.

Ms. Fortson invited Ms. Nebenzahl to speak about the ECC's role in this process and endorsement of the C-PACER Program. On behalf of the Energy and Climate Committee, Ms. Nebenzahl said the ECC endorsed C-PACER because it aligns with the goals in the City of Keene's 2025 Comprehensive Master Plan, as well as its energy plans. She stated that the ECC thought this program would really help in achieving those goals.

Ms. Fortson noted that this program aligns with quite a few of the Action Items outlined in the Implementation Plan of the 2025 Comprehensive Master Plan. Specifically, for the Flourishing Environment Pillar and the Livable Housing Pillar, there were two Goals: (1) promote smart growth, and (2) prioritize environmental protection and sustainability. These Goals have related Action Items that Ms. Fortson listed: (1) incentivizing the adaptive reuse of existing buildings, (2) working with partners to expand and support incentive programs for existing buildings, and (3) removing barriers through housing development by exploring opportunities with state and local representatives to incentivize vacant building redevelopment. She said C-PACER, in conjunction with the City's updated 79-E Tax Relief Program, would provide incentives for commercial developers.

Paul Andrus, Community Development Director, said that City staff had initial discussions about C-PACER, did some research, and received answers to their questions. After which, Mr. Andrus said those staff really thought the C-PACER Program could be another tool for economic development in the City that would require very little heavy lifting by the municipality. He reiterated that this is an optional program for businesses to pursue. Chair Filiault thought it seemed pretty clear and clean cut.

Councilor Williams asked if the City would be responsible for enforcing the tax lien and taking possession of the property in the event that a loan is not paid off. Ms. Fortson said the City would have no responsibility; that is all handled like a typical bankruptcy filing with the third-party lender.

Councilor Haas asked whether the New Hampshire Business Finance Authority (NHBFA) verifies the lender's financial stability. Ms. Fortson said yes, all lenders are vetted by the NHBFA. She knew they were working with a number of lenders and looking to expand.

Vice Chair Jones thanked Ms. Fortson for talking about something he had been requesting for years: implementation of the Master Plan. He said thanks to Ms. Fortson, there were boxes to check off in the Master Plan. Vice Chair Jones also thanked Ms. Nebenzahl and Councilor Lake, acknowledging all of the Energy and Climate Committee's hard work. Vice Chair Jones Chaired the ECC when it was first called Cities for Climate Protection.

There were no public comments.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the City Manager be directed to submit an Ordinance for first reading relating to establishing a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District.

2) REFERRED BACK TO COMMITTEE: Relating to Update of Chapter 18 Property and Housing Standards Code - Ordinance O-2025-36-A

Chair Filiault welcomed Community Development Director Paul Andrus, who noted that the update to Chapter 18 of the City Code Regarding Code Enforcement Property Maintenance Standards was referred back to this Committee by the Council. When it initially left this Committee and arrived at the Council, there were concerns expressed about Section 18-16 as it was still written, which is about posting emergency contact information. Mr. Andrus said City staff looked at it and modified the new Section 18-16. B) shown in red in the meeting packet, indicating that, "Section 18-16. (A) shall not apply to the following rental properties: (1) Properties occupied by the owner as the owner's primary residence, (2) Properties without an accessible common area available to tenant(s) for any shared use purpose." Mr. Andrus said that was the focus based on the concern and everything else in the Ordinance remained intact.

Councilor Ruttle-Miller said she read the Ordinance from the perspective of someone who had rented a house from a landlord who lived over an hour away. She was the sole renter of that property, so there was technically no common area other than her home. Councilor Ruttle-Miller asked if this proposed Ordinance language would make it so that the property owner would not have to come up with someone closer than an hour away who would be available in the case of an emergency. Mr. Andrus said that was correct, as written; if there was no common area for the emergency contact information to be posted for any shared purpose, it would not be required. He asked if the City Attorney had anything to add. City Attorney Amanda Palmeira said she had not thought that over. She looked at the proposed language in Section 18-16. (B) 2) "Properties

without an accessible common area available to tenant(s) for any shared use purpose," shall be exempt from Section 18-16. (A), which is the requirement for contact information. So, the City Attorney agreed with Mr. Andrus' reading.

Councilor Ruttle-Miller said in reading that, she immediately had flashbacks to having a flooding basement and a landlord who said they would be there on Saturday and was not there until Monday. So, the Councilor thought it would have been really nice for someone to be closer than one hour away when someone else cannot get there. She was trying to think of properties that are not necessarily multi-tenant buildings but still might need access to a landlord in situations when one is not closely available. Mr. Andrus said City staff certainly had a lot of discussion about this Section. He explained that from the standpoint of Code Enforcement and Fire safety, posting the emergency contact information is intended to provide additional public safety information if the City must be on the property for a particular reason and needs to find out who the landlord is. Councilor Ruttle-Miller appreciated the clarification.

Vice Chair Jones recalled a question about this topic from former Committee Chair, Kate Bosley, and asked if that issue was satisfied. Mr. Andrus said affirmatively that the issue was addressed. He thought this revision was a practical midway point between what was initially proposed and the former Councilor's concern, which Mr. Andrus summarized as: that Section 18-16. could have created an undue hardship on property owners who are responsive and are going to be there, but also the fact that there was not a sense that property owners have any particular way to know if renters will change things within the unit (i.e., remove the contact information) and concern that property owners could then be liable for what they cannot control real-time. City Manager Elizabeth Ferland added that another concern was about properties that do not necessarily have a common area where a notice like this could be posted, and whether the information would have to be posted on the interior of individuals' residential units. The City Manager said that it was addressed with the revised language.

Chair Filiault opened the floor to public comments.

Former Councilor Kate Bosley of Gunn Road recalled that she recommended referring this item back to the Committee in December 2025. She noted that during the November 2025 meeting, the PLD Committee discussed all of the different ordinances that were being altered and spoke with the Fire Marshal and Code Enforcement Officers about complications that could arise from the expectation to maintain these notices inside of a person's residential unit. Ms. Bosley fully agreed that it is reasonable to have common areas posted, but said it starts to get complicated in situations like townhouses. She recalled joking to the Fire Marshal that it is challenging for landlords to get tenants to leave smoke detectors up, let alone a framed picture of herself and her phone number in their unit. Ms. Bosley thought the proposed revisions were a great way to address that concern. As a landlord, she explained that she would also be happy to have a conversation at some point about having this information given to the tenant at the time of the lease signing, with a signed document, so the landlord would have an indication if the City were to ask whether the tenant would have access to the landlord's information and emergency procedure, if that was important for the City. However, Ms. Bosley thought that the Community Development Director explained the intention for when there are emergencies or ongoing violations at a site, so City staff are able to contact their landlord.

Ms. Bosley said she felt for the situation of Councilor Ruttle-Miller's flood. Ms. Bosley said it is really hard in an emergency situation sometimes. She was unsure whether many people were having floods at that time, but said there is a component of time that it does take for people to get people on site. Ms. Bosley suggested that in cases when tenants can contact their landlords and are not satisfied, she definitely thinks Code Enforcement is the next step. However, she also thinks people need to be given reasonable expectations of what individuals can be expected to correct in a certain amount of time, especially in an emergency situation.

Ms. Bosley said she supported these final revisions to the Ordinance that were the only things overlooked when the Committee rewrote and had it back at Council in December 2025. Chair Filiault thanked Ms. Bosley for the amount of time she put into this Ordinance, noting that the former Councilor requested that the Ordinance be referred back to the Committee to ensure these final revisions would be addressed.

Vice Chair Jones added that he did not see Ms. Bosley in the audience, or he would not have asked her question. Ms. Bosley appreciated him asking. Discussion ensued briefly about all the moving parts of these Ordinances during the Committee and Council meetings at the end of 2025. Ms. Bosley mentioned these red-lined versions being so important for keeping track of all the changes to these living documents, which she thinks the City should revisit more regularly.

Councilor Haas asked how large of a waste container can be placed on the curb 24 hours before pickup and 24 hours after pickup (48 hours total). He did not see a differentiation between the size of the container. Mr. Andrus was unsure that it actually specified that detail in the Ordinance, so he could not speak to it, unfortunately. Councilor Haas said that it was fine and he would pursue the answer with staff at a later time.

Discussion ensued. Staff confirmed that they did not intend an effective date for this motion.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-36-B.

3) <u>Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance - Ordinance O-2025-39</u>

Chair Filiault welcomed City Planner Megan Fortson, who briefly reviewed the proposed changes to Ordinance O-2025-39. Ms. Fortson explained that all the changes proposed were under Article 26 of the Land Development Code (LDC), which outlines all the procedures for any type of application found in the LDC.

Ms. Fortson summarized the six proposed changes:

1. Amend Section 26.3.3.E to clarify mailed notice requirements for zoning map amendment applications, adding a section stating that "*if a proposed map amendment would impact 100 or fewer properties*," then all adjacent property owners must be

noticed. This was proposed to align the notice requirements for the zoning map and zoning text amendments with the updated state law.

2. Modify the submittal requirements for zoning variance and zoning special exception applications in Section 26.5.4.B and Section 26.6.4 for the Zoning Board of Adjustment, by removing the requirement that adjacent lots are shown on the submitted scaled plot plan. Ms. Fortson said that change was proposed by the City's Zoning Administrator because he found the information to be unneeded on plot plans during the application process.
3. Add a new section after Section 26.5.4 to require on-site posting of public hearings for zoning variance applications.
4. Add a new section after Section 26.6.4 to require on-site posting of public hearings for zoning special exception applications.
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.
6. Add a new definition for the term "primary entrance" to Article 29. This term is used in two sections of the LDC, once under the Remote Parking Regulations and again under the Screening Requirements. However, there was no definition for "primary entrance" in the LDC at this time. City staff proposed establishing this definition to clarify that location on a site for both applicants and staff, so they can follow all appropriate regulations.

For proposed Ordinance changes 3–5 described, Ms. Fortson noted that posting physical signs on-site for applications is not required at this time. Ms. Fortson explained the proposal for applicants to get a sign from the Community Development Department (listing its information) that states zoning relief is requested at the time of application. Although the mailing method had changed from Certified Notice to Certificate of Mailing, the Community Development Department unfortunately still saw people getting late notifications. With the quick turnaround on Zoning Board applications, Ms. Fortson said the City wanted to give people an increased opportunity to inquire with the Community Development Department if they have questions or concerns about a zoning proposal.

Councilor Haas liked the proposal to post signs on-site. He finds it very beneficial when driving around and a sign pops up that reminds him of something he would have missed elsewhere. Councilor Haas thought that it was a great move.

Vice Chair Jones looked it up and found that he asked City staff about on-site posting of public hearings on November 29, 2017; he still has the picture of the signs used in Enfield, Connecticut. He thanked Ms. Fortson for moving this along. Ms. Fortson credited Senior Planner Mari Brunner.

There were no public comments.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-39, with an effective date of March 13, 2026.

4) Relating to Fines for Nuisance, Menace, and Vicious Dog Offenses - Ordinance O-2026-01

Chair Filiault welcomed Keene Police Department (KPD) Captain, Mike Kopcha, who explained the motivation behind this proposed amendment to the Fine Schedule for the Dog Offenses Ordinance. Captain Kopcha noted that in 2025, the New Hampshire Legislature amended the fines in state law. Amending the fines in the Dog Offenses Ordinance would bring Keene in line with those changes. Captain Kopcha said the amendments to the Ordinance most significantly address the dollar values, and there was some added language to third and subsequent offenses for the different classifications of vicious dogs and menace dogs. Otherwise, he said the bulk of the Ordinance information remained the same.

Councilor Williams called Planning, Licenses and Development the Dog Ordinance Committee. He asked about Section 10-36. (3) Vicious Dog: "For violations classified as vicious offenses under RSA 466:31, II(g): a. For the first offense $400.00, plus liability for all medical expenses incurred by the injured person." Councilor Williams wondered how the City would implement that *liability*, calling it a little strange, because he thinks of liability as something that somebody brings in a lawsuit. Instead, he said the City was somehow building liability into its fines and assessing what the medical expenses are. He asked the City Attorney to explain how that might work. City Attorney Amanda Palmiera said she thought it was strange as well. The Attorney said her analysis was that there is a statute for liability between civil parties for this exact issue, for a dog damaging another person or another animal which is 466:19. However, she said that it was unclear to her why the Legislature used language about liability and put it in the Fines and Penalties Section. This brand-new language had not been through a court process and because it was not borrowed from anywhere, the City Attorney did not know the intent or how it would be applied. She said her guess, because there is language elsewhere in the Chapter about liability, was that this change would just explicitly explain that medical bills would be a part of that potential civil suit that could occur. The City Attorney did not anticipate that any of what the KPD does regarding this would change because the KPD is not involved with deciding whether one party is liable to another for civil damages.

Vice Chair Jones recalled six categories of biting in the Ordinance. The City Attorney said that it was a reference to the Animal Control Officer's training on how to categorize injuries but was not necessarily strictly in the language. Vice Chair Jones said that would not relate to this at all.

Councilor Ruttle-Miller expressed her concern regarding Section 10-36. (3) Vicious Dog: b. "… plus liability for all medical expenses incurred by the injured person," because so commonly, injuries occur to another dog (e.g., a dog runs out of its yard). She spoke to the City Attorney about this in advance and asked her reply for the record. City Attorney Palmeira appreciated the Councilor raising the question ahead of time, so she could think about it. Similar to what she said to Councilor Williams, the City Attorney stated that with this being new language that had not been adjudicated yet, it was hard to predict exactly how it would apply. The City Attorney also thought it was a little bit odd that it only talked about damage to a person when a pet is often injured. City Attorney Palmeira said she expected that pet damage would be pursued similar to the way medical bills are pursued through a civil suit; she thought a civil party would try to

collect on both types of bills. Given that RSA 466:19 already enables that type of civil suit, the City Attorney thought the court would read that as not being precluded as a part of it as well. Again, she said she did not know exactly why the Legislature's new language was limited and added that she was speculating that she did not think it was going to be a barrier.

Chair Filiault opened the floor to public comments.

Kate Bosley of Gunn Road asked the City Attorney if the liability section was required language, because Ms. Bosley had a gut feeling that an injured party would read it as the City having some responsibility to determine the figure or collect it on their behalf. She said she fully supported the additional fines but suggested striking the liability language, stating that it is really something that needs to be handled in court, where a judge and competent people can decide the required bills to pay. City Attorney Palmeira appreciated the question and seeing the former Councilor. Unfortunately, the City Attorney reported that this language came exactly from the statute, so the City has no discretion to leave out some of the language. She agreed that the writing was odd. Ms. Bosley clarified that the City of Keene cannot increase its fine amount without adding this liability language. The City Attorney replied that if the City did, it would probably be more confusing because it would not align with the law of New Hampshire. She said that if the City created an Ordinance and left out parts of the RSA but incorporated some others, it would probably create an argument of the Ordinance not actually containing the law, so the law does not work in Keene; that would not be true because it is the New Hampshire law. The City Attorney recommended against creating that confusion. If the City Council repealed these fines from the City Code of Ordinances entirely, the City Attorney said KPD would still be doing this through State of NH Law.

Chair Filiault said the City combining anything with what comes from the State of New Hampshire can be confusing and complicated, as things from the state change frequently.

The following motion by Councilor Ruttle-Miller was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-01.

5) Adjournment

There being no further business, Chair Filiault adjourned the meeting at 6:37 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

Edits submitted by,
Terri M. Hood, City Clerk