

**City of Keene**  
**New Hampshire**

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, April 8, 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  
Terri Hood, City Clerk  
Brandon Latham, Deputy City Attorney  
Paul Andrus, Community Development  
Director

**Jay V. Kahn, Mayor**

**Members Not Present:**

*All Present*

Chair Filiault called the meeting to order at 6:00 PM.

**1) Copper Cannon Distillery - Request to Participate in the Keene Farmers' Market**

Chair Filiault welcomed City Clerk, Terri Hood. The City Clerk noted that the petitioner and owner of Copper Cannon Distillery, Kevin Blake Amacker, was invited to this meeting and intended to come but unfortunately due to unforeseen circumstances, was unable to be present. The City Clerk said the petitioner was all set to move forward with this. They met all the requirements to do these tastings and sell their items at The Farmers' Market. She said City staff recommended moving ahead with this. Chair Filiault said it seemed simple enough.

Councilor Williams noted that Copper Cannon Distillery had been here year after year, perhaps five or six years now. He said they usually come and make a strong presentation, and Councilor Williams trusted that the same would happen this time.

There were no public comments.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Copper Cannon Distillery to sell alcohol and provide individual product samples to patrons at the 2026 Keene Farmers' Market on City property licensed to the Keene Farmers' Market in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: submittal of a signed letter of permission from

the Keene Farmers' Market; obtainment of all necessary permits and licenses and compliance with all laws.

2) **Keene SwampBats - Request to Discharge Fireworks - Independence Eve Celebration - July 3, 2026**

Chair Filiault welcomed Keene SwampBats President, Kevin Watterson of 10 Westview Avenue. Mr. Watterson welcomed any of the Committee's questions about the SwampBats' request to do a fireworks show on the annual Independence Eve, July 3, 2026. Chair Filiault expected perfect weather like in 2025. Mr. Watterson said there was a great protocol meeting, and at the suggestion of City staff they inserted a make-up date this year, which had not happened before. So, he said the Fire and Police Departments would be well ahead of it.

Chair Filiault opened the floor to public comments.

City Clerk Terri Hood pointed out to the Committee that they had new Staff Reports in their meeting packets, which she hoped would be a welcome addition and approach to shortening the licensing motions. She worked on this with the City Attorney, who provided some advice on how to parse the information in the background of the memorandum, so the Committee will still have the same transparency about what it is approving, without having to state all the details out loud in the motion every time. The City Clerk hoped this would be a welcome change and she accepted questions. Chair Filiault said the Committee appreciates the shorter motions that are direct to the point and still within legal requirements.

Mr. Watterson noted that the annual Independence Eve is always one of the highlights of the SwampBats season, with 5,000 to 6,000 fans. This year, they are particularly proud in some ways of being the introductory act (game and fireworks) for the Monadnock 250th weekend. Chair Filiault called it a great way to kick off the weekend.

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 City Council grant a revocable license to the Keene Swamp Bats for the discharge of fireworks on Friday, July 3, 2026 at Alumni Field, with a rain date to be determined in coordination with City staff, subject to the licensing requirements identified in the staff report. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license.

Mr. Watterson said he would see everyone at the SwampBats opening night on June 4, 2026.

3) **Alana Fiero/Keene Young Professionals - Request to Use City Property - Taste of Keene Food Festival - June 6, 2026**

Chair Filiault welcomed the petitioner, Alana Fiero of 14 Carolyn Lane, Swanzey, Keene Young Professionals Network (KYPN) Chair and leader of this year's Taste of Keene Food Festival. Like 2025, she said the proposal was to shut down a part of Main Street, with the understanding

that there are some construction issues that would impact where they would locate. So, KYPN worked with the City to determine a footprint that works: the Central Square flagpole to Emerald Street/Eagle Court and use of Railroad Square. They proposed the same time frame: 11:30 AM to 3:30 PM on Saturday, June 6, 2026. Ms. Fiero said she looked forward to having another great event this year. Chair Filiault said they would also have great weather.

Vice Chair Jones thanked KYPN for doing this. The City Manager remembered along with the Vice Chair that this event developed out of Covid and the Covid Rebound Committee. Then, KYPN took it over and Vice Chair Jones said they moved it to high standards, for which he thanked them. Ms. Fiero said it was their pleasure. Chair Filiault called it a successful downtown event and said the City needs more like it.

Councilor Haas asked if the event would have token sales for purchasing food again. Ms. Fiero said yes. Councilor Haas suggested the KPYN advertise buying those ahead of time to avoid the token line. Ms. Fiero agreed.

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 that the City Council grant a revocable license to the Keene Young Professionals Network to use downtown City rights-of-way to conduct the Taste of Keene Food Festival on Saturday, June 6, 2026, subject to the licensing requirements identified in the staff report, including associated road closures and authorization of free parking. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license.

4) **Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race - July 4, 2026**

Chair Filiault welcomed Janelle Sartorio of 6 Kendall Road, President of Pathways for Keene, who said this year would be the organization's 24th year running the 4 on the 4th Road Race for Keene, on July 4, 2026. Usually about 500 runners sign up and another 500 supporters. Ms. Sartorio said the request was to continue the race as usual.

Vice Chair Jones noted for the record that he is recused on this issue because he serves on the Pathways for Keene Board.

Councilor Ruttle-Miller asked about the footprint because she knew that it said until 10:30 AM but said the Monadnock 250th Parade would be going down Railroad Street. Ms. Sartorio said Pathways for Keene also had members on the Monadnock 250 Event Board, so they were in close contact about logistics. She agreed that all the details, like the end time, were being worked out in coordination.

Mayor Jay Kahn of 135 Darling Road said the Committee had now heard about two dovetailed events that revolve around and are packaged into the celebration of our nation's 250th Independence Day celebration, wrapped around the broader title of Monadnock 250. Ms.

Sartorio is a part of the Monadnock 250 Event Committee, as is Kevin Watterson, along with some other really good volunteers in the community: The Historical Society of Cheshire County, Councilor Molly Ellis, and Mark Rebillard of the Keene Downtown Group. Mayor Kahn said the City ought to consider how it is going to participate in the 250th Independence Day celebration, noting it does kick off on July 3 with the fireworks, continues with 4 on the 4th, which should wrap up by 10:30 AM in Railroad Square (the City is sharing some costs with Pathways for Keene). The Mayor missed putting on the agenda an opportunity for the City to represent itself during the festivities in some manner and he wanted to get that on the record, so he wanted to initiate those conversations. Some towns are building floats others are sending their vehicles. He thought Keene, as a host City, could probably be doing both.

There were no public comments.

The following motion by Councilor Ruttle-Miller was duly seconded by Councilor Williams.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the City Council grant a revocable license to Pathways for Keene to use City property and rights-of-way to conduct the 4 on the 4th Road Race on Saturday, July 4, 2026, subject to the licensing requirements identified in the staff report, including associated road closures and authorization of free parking. All permissions granted herein are subject to compliance with the City- approved safety protocol document, which becomes a part of this license. Vice Chair Jones abstained.

**5) Keene Pride Festival - Request to Use City Property - Pride Festival - September 20, 2026**

Chair Filiault welcomed the Keene Pride Festival President and Founder, Adam Toepfer, who said this would be the fifth annual Festival already. He noted that the layout would be different because of downtown construction, so it would be the large-scale festival layout that the City already laid out, which is most of Main Street down to Eagle Court and parts of Railroad Square. He explained that they reduced the event back to six hours (12:00 PM to 6:00 PM) versus seven hours, which did not work as well the prior year. Mr. Toepfer looked forward to having another successful event.

Chair Filiault thanked Mr. Toepfer for the past events and for having this event, especially in today's day and age, with what is happening in Washington, DC, and other places. Chair Filiault said it is good to have something so positive, with the whole community coming together. So, he applauded Keene Pride for doing this and for their success in the past and surely their upcoming success at this year's event. Chair Filiault said it was a good point about adjusting certain areas for the downtown construction and still supporting downtown businesses when things are a bit hectic. Chair Filiault thought the whole Council appreciated this effort by Keene Pride on behalf of the City. Mr. Toepfer appreciated the City's support.

Vice Chair Jones remembered the first time Mr. Toepfer appeared before the Committee and the Vice Chair peppered him with questions because it was something new to the community and everything came out perfect. He said Keene Pride did quite a job. Vice Chair Jones always looks

forward to seeing Mr. Toepfer every year and seeing how much better this Festival is going to get because Keene Pride does a fine job. Mr. Toepfer appreciated the comments.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Council grant a revocable license to Keene Pride to use downtown City rights-of-way to conduct the Keene Pride Festival on Sunday, September 20, 2026, subject to the licensing requirements identified in the staff report, including associated road closures and authorization of free parking. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license.

Councilor Haas was impressed with the new motion structure and staff reports provided by the City Clerk, which allowed the Committee to get through five license readings in less than 20 minutes. Councilor Haas said kudos and thanks.

**6) Councilors Filiault, Jones and Haas - Request to Review Recent Amendments to Land Development Code - Codified with the Adoption of Ordinance O-2025-15-A**

Chair Filiault explained this letter that he submitted to the City Council, which he said was also supported by a couple of other Councilors. He said the purpose of his letter was to initiate review of Ordinance O-2025-15-A. He provided some history on the Ordinance, which the City Council passed late in 2025. Chair Filiault was not on the PLD Committee when the Ordinance was reviewed, so he said he was not speaking from experience at the Committee level. However, after he was appointed to this Committee by the Mayor in January 2026, he received multiple requests from Keene residents for the Committee/Council to look at this Ordinance again. Particularly a couple of items: setbacks and the number of units allowed per building. Chair Filiault said he went back and looked at about eight to 10 hours of 2025 PLD meetings on YouTube to get up to speed about what happened at the Committee level. He agreed with the neighbors that this was something the Committee could take a look at again, which Chair Filiault said is not a rarity. Over his years, the Council had periodically gone back, looked at ordinances, and adjusted them. He said he brought this up so that Committee members and the public could comment, and the majority of the Committee could decide whether to leave the Ordinance alone or make changes. Then, the full Council would decide whether to accept those recommendations. Chair Filiault noted that one request he was asked by residents was to look into the old ordinance prior to O-2025-15-A and what particular changes were made. He said setbacks and the number of apartments allowed into one building were two areas that he specifically heard the most controversy about from residents.

Councilor Williams raised a concern before discussing the Ordinance specifics. He was worried that three members of this Committee, a majority, signed this letter. To Councilor Williams, it appeared to be a violation of RSA 91-A, which says that a quorum of a committee cannot make decisions without a properly noticed public meeting. Councilor Williams wondered how he was supposed to feel about a majority of the Committee signing this letter. He said he brought it up with the City Attorney, who thought it was a close call but did not raise direct evidence of an RSA violation. From Councilor Williams's perspective, it certainly violated the spirit of what the

Council always understood the behavior around RSA 91-A to be. He recalled the Council taking steps in the past, such as setting rules around Council Workshops: it requires six Councilors, two from each Standing Committee, to call a Workshop without the Mayor; the reason for two Councilors from each committee to make it six instead of seven was because three from any one committee would create a quorum of that committee. Councilor Williams said the Council had a long history of staying away from this kind of thing. This appeared to him to be a pretty clear violation of the spirit, if not the letter of RSA 91-A. Councilor Williams wanted to make it clear that someone objected. Chair Filiault replied that he also spoke to the City Attorney about this issue. He said to notice that the only signature on the letter was his and he showed the City Attorney his original draft. On this particular issue, he explained that his printer broke, and he asked another Councilor to print it, and their name became associated with it. Still, Chair Filiault said he was the only one who signed it. He said there was never a quorum of this Committee that convened to discuss this issue in advance. That was why he brought it to the Committee to discuss it in public; Chair Filiault said that it was his full intent. When he met with the City Attorney, Chair Filiault said he offered to rewrite the letter if needed. He reiterated that there was no meeting of Committee members behind the scenes. Chair Filiault appreciated the Councilor's comments but said the Committee would be moving forward.

Chair Filiault asked the difference between the original Ordinance and the changes that were made to become O-2025-15-A, specifically setbacks and number of units allowed per building. Community Development Director Paul Andrus said the Committee was provided with two documents as handouts: (1) the marked-up version of O-2025-15-A, which shows what was changed in the Ordinance itself; (2) an accompanying document that shows an overview of the Ordinance. Mr. Andrus introduced Senior Planner Mari Brunner, who was a part of the original process, to provide baseline information and answer the Committee's questions. Because he was not on the Committee at the time, Chair Filiault thought it would be good for Ms. Brunner to bring them up to speed.

Councilor Ruttle-Miller said her experience so far was that some things were being adjusted due to changes in language at the state level. She hoped Ms. Brunner could address where this falls in those state-level changes. Ms. Brunner replied that none of this was from the state-level changes. This was an ordinance submitted by a community member petitioner, Jared Goodell. The Ordinance initially included a whole list of items that were proposed to change. The reason why it was adapted as an "A" version was because the Joint Committee of the Planning Board and the Planning, Licenses and Development (PB-PLD) Committee at the time decided to remove some items. There were also some modifications made. For example, Ms. Brunner explained that there was a section of the Ordinance that initially dealt with setbacks and build-to-dimensions that was removed in its entirety from this Ordinance. Originally, there were changes proposed to the Medium Density District, so that multi-family uses could go up to six units if the units were 600 square feet or less in size; the Committee got rid of the 600 square-foot requirement. There were some changes to the Downtown Growth District: the Committee moved where the split zone parcels would go. So, Ms. Brunner said there were a number of changes the Committee made to the original proposed ordinance that are seen today in Ordinance O-2025-15-A, which was adopted by the City Council and codified in the Land Development Code.

Next, Ms. Brunner addressed the concerns highlighted in Chair Filiault's letter: changes to the Medium Density District and the changes to the Neighborhood Business District. Ordinance O-2025-15-A increased the allowed density in the Medium Density District from three units per residential building to up to six residential units per building by right. This means developers would still have to go through all other Zoning and approval processes. Still, up to six units would be allowed under Zoning without a Conditional Use Permit or any kind of Zoning relief. Ordinance O-2025-15-A also added residential uses to the intent statement for the Neighborhood Business District, and the minimum lot area was reduced from 8,000 square feet to 5,000 square feet. Ms. Brunner explained that City staff analyzed this Ordinance, looked at the actual parcels on the ground, and at what the buildable area would be if you applied the existing setbacks to a 5,000 square foot lot. Then, staff recommended that if the lot size was going to be reduced then the setbacks also be reduced in order for there to be a buildable area on the lot of the adequate size. Ms. Brunner said that resulted in the front Build-to Zone being reduced from 5-feet to a 0-to 10-foot Build-to Zone. The rear setback was reduced from 20 feet to 10 feet, and the interior side setback was reduced from 10 feet to 5 feet.

Ms. Brunner provided the Committee with a primer on the difference between a setback and a Build-to Zone: they are basically the opposite of each other. A setback is an area where you cannot build. The Build-to Zone is an area where you must place at least one façade of the building. They both regulate placement on the lot, but they have very different goals. Setbacks are all about creating spacing in the front yard; they are often used in Greenfield development, where there is not already a lot of an established building pattern, so it allows development (e.g., utilities, widening roads) to occur incrementally in that space over time. She said that is less of a concern in areas that are already really developed or built-up, and where the infrastructure is well-established. Many communities are moving toward requiring buildings to be closer to streets to create pedestrian-friendly, walkable communities; that proximity helps promote activity on the street, especially in more commercial or business-oriented areas.

Councilor Ruttle-Miller asked why, in layman's terms, having not watched the hours of past meetings, Ordinance O-2025-15-A was proposed originally by the petitioner. For what purpose? Ms. Brunner said the stated reason was to promote housing development. The petitioner had to submit a narrative with their application, which Ms. Brunner did not have before her, but she summarized that they were trying to promote housing development with these changes. Vice Chair Jones clarified that this was not a City-borne Ordinance; it came from a private petitioner and that it why the City and Council addressed it. Ms. Brunner agreed.

Councilor Haas asked how often there were inquiries to expand the number of residential units in a Medium Density District building before Ordinance O-2025-15-A was adopted and if there were, what that process was before the Ordinance. Ms. Brunner said the Community Development Department receives inquiries all the time, but she is not on the front line of those calls to say how many. Ms. Brunner was aware of at least two or three instances when somebody inquired about adding a third unit in the Medium Density District. She was not aware of any inquiries to add more than a third unit to a single building. She knew that if she went back to the early 2000s there was an inquiry about creating two, three-unit buildings on a single lot in the Medium Density District. Councilor Haas asked what the process would have been if someone wanted to put six units in a Medium Density District building before Ordinance O-2025-15-A.

Ms. Brunner said the only way on a single lot prior to this Ordinance going into effect would have been to apply for a Conditional Use Permit for a Cottage Court development, which requires going to the Planning Board; if above five units, it also requires concurrent Major Site Plan Review.

Councilor Williams asked whether there had been any requests to build six-unit buildings since this has gone through. Ms. Brunner was not aware of any in the Medium Density District, but she is not privy to everything that comes into the Community Development Department.

Councilor Ruttle-Miller asked about the background of increasing it from three to six units instead of to four or five. It seemed like a big jump to her. Ms. Brunner said that would be a question for the petitioner. Councilor Ruttle-Miller clarified that the Ordinance was proposed as increasing from three units to up to six units, and it was not debated by the Committee/Council. Ms. Brunner said not that she recalled. She did not want to speak for anyone, but she remembered the petitioner saying he was thinking about these really large houses that could be split up into small units on the interior. He envisioned a single-person living there who might not necessarily own a car. The PB-PLD Committee removed the proposed size limitation on the units, so it ended up being increased from three to six units allowed without any size limitation on the units.

Councilor Williams explained that the PLD Committee's discussions included quite a bit of back and forth over four units or six units. Ultimately, he said the decision was that it can be more affordable to make the overall change by adding just a few more small units to a building; whereas maybe the whole project would not have been affordable before, but more rent and capital could change that. He said the thought was about taking some of these very large old houses in Keene and maybe carving off bedrooms for studio apartments and very small units. Councilor Williams said Keene needs housing, especially inexpensive units. He said this Ordinance was the best way to get them.

Chair Filiault said he watched the comments and some constituents had contacted him, stating that they felt particular neighborhoods and the neighbors might be more burdened where multiple houses in a row are turned into six-unit rentals. He said it might put more people in, but then again it might change the character of their neighborhood with that many more people. Chair Filiault said he heard those comments when watching the past Committee meetings. He stated that this is an issue about which he does not have a strong opinion, but a lot of the constituents had a strong opinion on it. That was why he said the Ordinance was before the Committee again. It was not a personal issue to him, but enough constituents had contacted him, and he said it was the Committee's job to listen, which was why the Committee was here.

Councilor Ruttle-Miller stated for the record, although she is a newer councilor, as an At-Large Councilor, she had zero constituents contact her about this.

Vice Chair Jones said it was no secret that he spoke against Ordinance O-2025-15-A the PB-PLD Committee level. At the PLD Committee level, he said it came out with no action taken because there was a tie 2-2 vote, and he was one of those in opposition. When it went to City Council, there were eight votes in favor and seven votes against. Vice Chair Jones said it had

been close ever since. He wanted to hear about potential adjustments to the Ordinance, noticing that there was a recommended motion to have a new Ordinance drawn; he wanted to see the impact from the public on that, so that would be the way the Committee should go. Because this was still notified, he added that he still had the option to move to repeal the Ordinance too, although he was not recommending that right now. Chair Filiault reminded Councilors that they were welcome to make any recommendation they wanted to make.

Councilor Ruttler-Miller clarified what would happen if the Ordinance were repealed or a new Ordinance drawn: what would happen to landlords/tenants who have units in a building technically under this current Ordinance? Would they be grandfathered in? The City Attorney, Amanda Palmeira, said yes. Chair Filiault added that there had not been any six-unit changes at this point. The City Attorney and Ms. Brunner confirmed they were not aware of any. However, the City Attorney said that because the Ordinance was passed, there is now a law in the Land Development Code to the degree that if anyone or anything was granted or a permit was provided under that law, it would be valid even if the law changes later; if the law changes those permitted already would still be allowed to do what the Ordinance allowed them to do because they were approved within the timeframe before a new Ordinance passes.

For procedural clarity, Vice Chair Jones wanted to know whether asking for a new ordinance would mean starting over at the PB-PLD Committee level, including a public hearing at the City Council, then going to PLD, before the City Council adoption of an ordinance. Chair Filiault said it would be a long stretch. The City Attorney added a finer point that the PLD Committee would have to vote to recommend that City Council introduce a new ordinance and the Council would have to vote to introduce it. Once the Ordinance comes in, the process Vice Chair Jones described would commence. The City Attorney said if it chose, the PLD Committee could recommend to the City Council to have the City Manager come up with a new ordinance.

Councilor Haas said that he also voted against this originally. One of his issues was that the other alternate processes and alternate ways of doing this were not really clearly understood, nor were they taken advantage of at the time. However, he thought that it carried through in what came out of this Committee plus what came out of Council: the votes were very close. Councilor Haas thought that, combined with the feedback from various citizens, it reminded the Committee to take another look at this. He thought the Committee should examine and understand the drivers behind the Ordinance, how it benefits the Community, and what the liabilities to it would be. He was unsure exactly how to go about that, whether voting to rescind or asking staff to develop a new ordinance to replace it. Councilor Haas looked to his colleagues for the best process.

Councilor Williams said that by rescinding the Ordinance, it would be the first time the City Council had really backtracked on its effort to make housing more affordable for Keene citizens. Chair Filiault thanked him for his opinion.

Chair Filiault said he was only moderating and listening, and he had no preconceived notions about what direction to go this evening. He had "More Time" in the back of his mind to ensure the Committee would not stumble and jump into something they wish they had not.

Ms. Brunner reviewed a few changes included in Ordinance O-2025-15-A that she thought might be worth keeping. Specifically, the split-zoned parcels provision included in Article 1.3. She thought it would be helpful for staff if the Committee could be very specific about which provisions of the Ordinance they would like staff to address with a new ordinance. Chair Filiault understood there may be more questions than answers, which was why he thought “More Time” could be appropriate to avoid any errors and make sure things are as clear as possible for all the constituents. Because the Council’s previous vote on this Ordinance was 8 to 7, he was confident that even Councilors he spoke to who voted in favor were not 100% sure what they voted in favor of. Chair Filiault wanted to ensure the Committee would not go down that path again. He did not think there had been any bad intent but sometimes there are issues the Council is not educated on enough.

Vice Chair Jones said it sounded like a motion for “More Time” was the way to go. It would allow staff to gather the information that the Committee is looking for. Ms. Brunner thought that if the Committee was coming to a decision about wanting staff to introduce a new ordinance, she just asked them to be specific about what exactly they want staff to change. Vice Chair Jones asked if the Committee was not providing her with enough directions. Ms. Brunner said she could kind of read between the lines but wanted to be very clear, so that staff are doing exactly what the Committee is expecting. She said she only brought that up because there are a lot of different topics in this one Ordinance; some portions have nothing to do with setbacks, the Medium Density District, or the Neighborhood Business District. She said it could have been separated into five or six ordinances. So, she said it would be important to be clear about what portions of that Ordinance the Committee wants changed.

Chair Filiault said that was a question he had when watching the background materials: it seemed like a lot was jammed into the one Ordinance in his opinion and there should have been multiple ordinances. He said he saw staff nodding in response. This was why Chair Filiault said he suggested placing the Ordinance on “More Time” because he thinks it is a little more complicated than just changing an Ordinance; it would need some staff in Legal as well as Council looking into it and breaking this up into multiple ordinances. Chair Filiault thought that was one of the problems and why it was an 8 to 7 Council vote, because Councilors were not clear enough about all the particulars. He said it is hard if a Councilor agrees with four items in an Ordinance but not two others. He thought there would be a lot more discussion tonight, but at some point, Chair Filiault wanted to slow this down, and said he wanted to break it down into more specific and clearer, separate Ordinances, so the Council could vote on each separately. Chair Filiault just did not think an 8 to 7 vote was clear enough the first time, calling it a rare margin that indicates confusion based on his history of being on the Council.

Councilor Haas said the alternate path to multiple residential units in a single building is Cottage Court development. He asked how many Cottage Court applications the City had; he thought it had been a successful program. Ms. Brunner did not have her spreadsheet with her that tracks the Cottage Court developments in the City, but said a number were successful. From smaller developments to larger developments of 29 units at once. Mr. Andrus reported that at this time there were 50 total Cottage Court units, but he was also unsure of exactly how many projects those came from. Councilor Haas said that was the kind of information that would be helpful in understanding the benefit of such an Ordinance change.

Autumn DelaCroix of Court Street said she had a lot of thoughts on this. First, practically, she said that development takes time. She thought that taking away an opportunity that developers have been looking at and possibly showing interest in after having introduced it would undermine trust in our City; they would second guess if Keene is really the place that they want to consider building. Further, she said it would give anybody doubt to have legal grounds pulled out from under them. As Ms. DelaCroix understood, the City was doing everything it could to encourage development and housing. She heard someone say that it was odd to jump from three to six and that generally there are incremental changes. Although she did not support bringing this down and stripping away rights from people who currently have them, it seemed like a weird change to her to reduce from six to four units. If choosing to make changes, she asked why not an incremental change from six to five units. Further, from a more community standpoint, Ms. DelaCroix noted that she knew people currently having buildings developed who were homeless until recently and this change had given them an opportunity to find a home that they could not previously afford; in a lot of cases, in places that they never imagined that they would be able to live, in places that are close to businesses, where they can find work, which is a key factor in whether they can afford to live in Keene at all. From an emotional standpoint, she found it “kind of disgusting” to look at our City and say, “I don’t like the character of those people,” and to say, “I don’t want these people here.” Ms. DelaCroix reported being involved with dozens of projects that gathered public opinion, noting it was repeatedly cited that the City does not need 50 new units, it needs hundreds if not thousands to meet the community’s housing needs. She thought the City should investigate every option or people will continue leaving the City and the City will lack people. Chair Filiault thanked Ms. DelaCroix for her comments. The Chair said none of the constituents who contacted him said they did not want any certain type of person in their neighborhood. The only comments heard were that they did not want so many extra apartments in their neighborhood: so many people. He did not hear any comments about a particular type of person. Ms. DelaCroix said she was referring to comments about a “change in neighborhood character,” which she noted had historically been “not in my backyard (NIMBY)” speak for “we don’t like those people” and had been used to keep Black people out of White neighborhoods, for example.

Dorrie Masten of 326 Matthews Road in Swanzey, a Keene business owner, shared thoughts. She reported that on June 27, 2025, while serving as Chair of this PLD Committee, City Councilor Kate Bosley registered a business entity “5359 Marlboro Street LLC.” During the same period, Ms. Masten said former Councilor Bosley was actively engaged in business negotiations with the petitioner for Ordinance O-2025-15-A, Jared Goodell. Ms. Masten said Councilor Bosley acted in her official capacity as Chair of the PLD Committee on July 14, 2025, speaking and providing input on the Zoning Ordinance affecting the same petition presented by Mr. Goodell. On August 21, 2025, she said Councilor Bosley again acted as Chair during deliberations for this Ordinance. On September 2, 2025, Ms. Masten reported that Councilor Bosley completed the purchase of 5359 Marlboro Street from Mr. Goodell for \$1.1 million. On September 18, 2025, the Zoning Ordinance affecting that property was approved, directly enhancing the value of the property Councilor Bosley had just acquired from the petitioner. Once again, just weeks after her term as Councilor was over, Ms. Masten said Ms. Bosley purchased another property from Mr. Goodell. Ms. Masten stated that this sequence of events strongly suggests that former Councilor Bosley participated in official proceedings that had a direct and

foreseeable financial impact on the property she was in the process of acquiring. Ms. Masten said such actions raise serious concerns regarding impartiality, ethical obligations, and compliance with conflict-of-interest standards expected of a public official. At minimum, she said this situation creates the appearance of a conflict of interest; at worst, it may represent a violation of applicable ethical laws and public trust. Ms. Masten respectfully requested a formal, independent investigation of Councilor Bosley's involvement in the zoning proceedings for 5359 Marlboro Street and specifically Ordinance O-2025-15-A, a review of whether the proper disclosures were made, and whether recusal should have occurred and who accepted it. Ms. Masten also requested determination about whether any ethics, rules, City Ordinance, or state conflict-of-interest laws were violated. She called for appropriate corrective action, if warranted, to ensure accountability and restore public trust and confidence. Ms. Masten said public trust in local government depends on transparency, fairness, and adherence to ethical standards. Situations such as this, if left unaddressed, undermine the confidence in municipal decision-making. Chair Filiault said he spoke with the City Attorney about this and City Attorney Palmeira felt there was not a conflict, for the record. Legally, he said Ms. Masten was welcome to speak with someone after the meeting. However, Chair Filiault looked into it and in coordination with the City Attorney's office, this particular City Council had done everything legally. He pointed out that now there was a chance to change the Ordinance and although he could not control what happened in 2025 before he was appointed Chair of this Committee on January 1, 2026, one of the first things he did as Chair was bring this Ordinance back up again to look at it. Chair Filiault said he did think the Ordinance should be broken into multiple individual Ordinances. As far as everything that happened before January 1, 2026, he did not think he had any control over that and could only go with the legal advice of the City Attorney. Chair Filiault said he appreciated Ms. Masten's comments. Ms. Masten believed the City Council always spoke of Robert's Rules of Order and in reading them, it seemed to her like a financial benefit to a City Councilor would be a conflict of interest. Chair Filiault thanked Ms. Masten for her comments.

Andy Holte of Forest Street lives in a Medium Density District impacted by this Ordinance and said he thinks trying to undo these changes is a terrible idea. He said that if the City is going to make any progress in combating its housing crisis, it needs to be moving forward with incremental changes like implementing this Ordinance, not taking steps backward and making housing development harder. Mr. Holte thought the issue here was fear and said it was misplaced; fear about what might happen. He noted that these Ordinance updates were made in the fall, so he could guarantee that no one had experienced actual consequences to their neighborhoods because none of these developments could have happened yet. Instead, he said it was about catastrophizing in people's minds about what could go wrong. While he noted it is good to review ordinances from time to time, as Councilor Filiault mentioned, Mr. Holte said not when they were just passed and have not realized any impact. Mr. Holte was glad Chair Filiault was listening to feedback from a few people, but he did not think a fear of change should drive decision making in the Council Chambers. Mr. Holte said it is also critical that our City Councilors remember that they represent everyone, not just people that have the availability to comment and who have an interest in preventing change; they need to represent the interests of renters not just homeowners, represent young families and Keene State College graduates who have no option but to move elsewhere. He said not to forget the people living in the City's motels, parks, and in woods in tents: they are not the people that you see at most community meetings, and they are not the ones reaching out to Councilor Filiault, but Mr. Holte said they are

impacted dramatically by these decisions. What the Committee was proposing doing to the Ordinance would make it harder for them to find housing. Mr. Holte thought it was critical for everyone to keep in mind the dramatic rise in housing costs that had occurred throughout the country. He called it great for people who owned homes before the prices went up, but not good for this community. He noted that one of the biggest drivers of the price increase is that the housing supply had not kept up. He said the City must do everything it can to make it easier, quicker, and cheaper to add housing units to the City. Mr. Holte added that the Committee might think that undoing these changes would be justified, but he called that the problem. He said there would always be residents with valid reasons to say, “not in my backyard,” but when you stack all these small decisions together, it leads to the crisis the City is enduring. So, Mr. Holte said only by addressing the crisis from all angles, like Ms. DelaCroix mentioned, can the City really move the needle. Mr. Holte thought it would be a bad precedent to make housing more difficult and to undo something that had just passed the prior fall (2025). Mr. Holte asked, Why not address consequences if they actually materialize instead of giving into fear about “what if?”

Next, Mr. Holte spoke on the topic of setbacks, the first item mentioned in Chair Filiault’s letter. Mr. Holte recalled this Ordinance passing a few months prior and the debate being mainly around the number of units. He stated that he saw no debate around the setbacks portion of it or any other portion of the Ordinance, which all seemed pretty fine to the Councilors who were voting on it. Mr. Holte thought Ms. Brunner explained well about how reducing setbacks is a useful change for the Ordinance and improves neighborhoods. Mr. Holte quoted the Housing Affordability Institute: “One of the most pressing concerns about lot setbacks is their effect on housing density. When setback regulations are too strict, they limit the number of housing units that can be built on a single lot. This can reduce density in areas where increasing the housing supply is essential.” They cite three major issues caused by setback limits: (1) reduce land use efficiency, which is a particularly problematic in dense urban areas where every square foot matters; (2) exacerbate housing shortages, as strict setback rules can prevent developers from building the maximum number of housing units the land can support, especially in areas facing severe housing shortages; (3) setbacks drive-up costs, reducing the amount of land for development, leading to higher housing prices, and with fewer homes per lot, the cost of land is distributed among fewer units, making each one more expensive. Mr. Holte noted that this applies to property taxes as well by wanting more units within a given amount of land. For those reasons, Mr. Holte said the City should be reducing setbacks as Ordinance O-2025-15-A does, not adding them back like the Committee was potentially proposing.

Lastly, on the topic of six units in existing buildings, Mr. Holte encouraged Councilors to look at the meeting minutes from the September 18, 2025 City Council meeting when Ordinance O-2025-15-A passed. Specifically, points made by Councilors Bosley, Remy, and Madison. Mr. Holte thought their points were all still as valid now as they were then. Councilor Bosley pointed out that these changes do not just impact one neighborhood, and that there have been changes that impact all districts to improve housing availability. She cautioned against deciding out of fear. Mr. Holte knew there was a lot of fear about one specific neighborhood being implemented but said there are a lot of Medium Density neighborhoods and the City had been improving housing availability in all districts. So, he did not think that it should be a reason against this. Councilor Remy noted at the time that he lived in the Medium Density District and that the Land Development Code addresses many of the fears that were brought up last time around such as

impermeable surfaces, parking, etc. Mr. Holte said those will still be addressed even if this Ordinance stand. He importantly clarified what “allowed by right” means: there would still be oversight, but petitioners would not have to go to the Zoning Board of Adjustment for a Special Exception. Mr. Holte called it the removal of just one small barrier to make it a little bit easier to develop housing, not a dramatic change. Mr. Holte hoped the people concerned were hearing that. Finally, at the September 18, 2025 City Council meeting, former Councilor Remy pointed out that the City’s Housing Needs Analysis showed fewer people living in these large homes, making them an excellent opportunity to convert into more units. Mr. Holte said that is why this sort of change is necessary. He also cited former Councilor Madison, who lives in the Medium Density District near Mr. Holte. At that September 2025 meeting, Councilor Madison pointed out that there is a corner with two separate properties, each one having six units, so 12 units on one corner. Mr. Holte said Councilor Madison was frustrated by all the arguments about what could happen and said none of those outcomes were experienced with those two properties. Mr. Holte heard similar arguments put forward with all the recent housing regulation improvements throughout the City. He reiterated that after living in the Medium Density District for more than 10 years, he had not seen the issues he heard mentioned, which some thought would arise as a result of this Ordinance. So, he said the Committee was thinking about what ifs and what could go wrong, but there was really no evidence that it was happening. Mr. Holte thought the fears were misplaced. He appreciated the Committee hearing him and asked them not to reverse these changes and not to burden staff with more time and questions. He suggested keeping the Ordinance as written and looking for more ways to make housing development easier, not peeling back things the City had done in that effort. He also asked the City Council to work to calm fears about change and to do the hard work of implementing policies that the City needs, even if some in the community are unsure. He asked: if Councilors are confused about something they are voting on, should that not have been addressed when they were voting on it, rather than months later. Mr. Holte closed by quoting Councilor Williams, who explained well at the time that, “every extra unit, every removed development hurdle, can make a difference. Keep that in mind. Keep in mind the many benefits that come from making housing easier, not just the negatives that might happen.”

Sam Jackson of 618 Court Street strongly supported Ordinance O-2025-15-A as it was passed, without any changes. She shared a few points about why. She said everyone in the City knows we need more housing and this Ordinance is one way to accomplish it. Ms. Jackson said the City needs every tool at its disposal to make up for its current deficit. She called this a simple solution to a difficult problem; the City does not come across many simple solutions and needs to jump on the ones it can get ahold of. Overall, Ms. Jackson noted this solution costs less than some because this was not about running extra water lines or electric lines (they are there already), or cutting into forests or terraforming swamps, because they are not developments starting from scratch. She said that it is big because it costs a lot of money to start from scratch. This solution uses what the City has and offers efficiencies that should help reduce how much something costs at a time when things are already inflating wildly. Ms. Jackson noted that it is better for the environment because this does not propose building brand new. Ms. Jackson cited some of the problems with rolling back this Ordinance: (1) It will make it difficult for a developer who wants to build something at five or six units in those areas. They will think twice about building in Keene because ordinances change quickly, so they will build somewhere else cheaper and easier. (2) There are other ordinances, rules, and zoning laws in place that restrict whether a building

can be divided into the maximum six units that already create a boundary and barrier on this Ordinance. So, not every single building in a Medium Density District will suddenly have six units overnight; it would be an incremental change over years. Ms. Jackson said that reducing the units allowed would really set the City backward and on the wrong footing. She added that it would not support young constituents who are already struggling to own homes or even find housing in the area. Ms. Jackson strongly supported keeping the ordinance at six units. She did not have much to say about setbacks because she did not look into them.

Jennifer Sizoo of 10 Fairfield Court was in favor of breaking Ordinance O-2025-15-A apart and having it as separate ordinances. She said it was common sense to her, calling them different parts of something that is going on. She thought everybody in the room agreed that housing is an issue: too expensive and not enough. Her neighborhood has mixed-use single-family homes, some very large with multiple apartments or living spaces in them. She did not see any problems there. Her neighborhood has one empty lot where something could be built, although she did not know all the size restrictions. Ms. Sizoo did not see how converting a larger three-bedroom building into six units would provide more housing for any kind of family needing two bedrooms. She asked how many people would be able to live in these units. It was also unclear to her whether the three to six units by right increase is also for new developments; she thought it was primarily for existing developments. The Community Development Director, Mr. Andrus, replied that it would be six units by right for existing or new structures. Ms. Sizoo thought that going from allowing three to six units was too many on a small piece of property in an older part of Keene, or maybe in any part of Keene, depending on the lot size and what you can put there. Ms. Sizoo does not think that taking existing three-bedroom buildings and making them six bedrooms will solve the housing problem.

Councilor Laura Tobin of Center Street said one of her concerns with reopening this was that she honestly had not heard any concerns that she did not hear discussed at length during the original process. She even thought that the idea of breaking this up into multiple ordinances was discussed at some point, but the rationale was the petitioner had proposed these ideas together; the Committee decided it should be presented to the Council for a vote as the petitioner intended, so the Council could vote for/against. Councilor Tobin said the Council did vote, so she was struggling to start this conversation again because she was not hearing any new information. She heard that there was not enough development where this Ordinance had been used in order to even indicate a problem. She knew the number of units was discussed at length—whether three, four, or six—she said it was all discussed. When the Council voted, Councilor Tobin said she had to study up on all the content, and she knew what she was voting for. While there were parts she agreed with and parts she would have adapted, she said the Council voted.

Toby Tousley of 500 Washington Street agreed with Councilor Tobin that this was all said before. What Mr. Tousley wanted to bring something to the Committee's attention: four of the five people speaking about this so far were in favor of keeping the Ordinance as written and one was opposed, compared to the throngs of people that were supposedly against it. He also wanted to clarify a couple of things. He knew one reason that this Ordinance came in a multi-package is because there is a monetary amount when you propose something like this to the City, and if you do them six or seven times, it is a bigger monetary amount. Mr. Tousley thought that was one of the reasons if not the primary reason. He did not think the intent was to make it more confusing

for the Council as one packet. Mr. Tousley said make no mistake that the only way we are going to have affordable housing in Keene is to allow growth in existing buildings. He said what is being built new at this time is not affordable. He commented on the Roosevelt School Apartment Project, stating that the project would likely escalate (much like the Downtown Project) those units by \$450,000 for one-bedroom apartments. That is a rebuild, so he said digging into the earth just costs more money. Mr. Tousley echoed earlier mentions of the environmental issues with Cottage Court developments (i.e., digging into the earth and taking up more space). He thinks Cottage Courts have their place but not for this purpose. He thought what overwhelmingly happened here is that tenants are smaller now, individuals versus families, which was his experience as a landlord after 40 years. He does not have property in the Medium Density District, so this does not affect him. He sees more individuals renting than families, especially as the population ages and people are marrying less. The last time this Ordinance was before this Board, people talked about struggling to find smaller apartments without roommates. Mr. Tousley said that leaving these large apartments intact on the offhand chance that this trend would reverse, while digging into the ground to create smaller apartments, is absurd to him. He asked why to change the Ordinance until it does some harm; nobody had even acted upon it yet. It did not make sense to Mr. Tousley, especially when so many people spoke in favor of it previously. He asked the Committee to leave it alone.

Councilor Ruttle-Miller addressed the City Attorney, seeking clarification because she felt like there was an “elephant in the room” now. Councilor Ruttle-Miller needed more information around the only comments given that were not directly related to Chair Filiault’s letter. Councilor Ruttle-Miller wanted to know what she was speaking to when voting, and knew the letter she was reading, but was very uncomfortable now and needed more information. City Attorney Palmeira appreciated that and planned to share the position from her office (as Chair Filiault had) that that there had not been any procedural flaw or conflict of interest in the way that the previous Ordinance was handled. The City Attorney said there are no concerns for her about Ordinance O-2025-15-A for violation of state law, conflicts, Rules, Charter, or anything like that. As far as the City Attorney was concerned, it was all good.

Councilor Williams hoped this item would be accepted as “Informational” because he would hate to go through weeks and months of fighting about this over and over again, going over the same issues the Committee has already gone over. He said it could potentially result in another eight to seven vote by the Council, which he did not think was worth it. Councilor Williams stated that he would prefer to move on with so many more things that the Committee has to work on.

Councilor Haas appreciated all the comments from the audience tonight. He agreed that subdividing buildings creates more housing. Whether it can be done successfully or whether the City has the means to do it right now were his questions at this time. He knew that if someone were to subdivide a building as suggested in this Ordinance, they would still be subject to all of the fire (e.g., parking), plumbing, and electrical codes that would be invoked by the increased number of occupancies; he said they are still effective but could be challenged by after the fact applications, and how well they are enforced is always difficult. He was interested in more discussion related to generating more housing, the process of how to get there, and the fear part: Councilor Haas did not think anyone was afraid of more housing but concerned about the

process of getting there. He noted that two out of four of the Ordinance items seemed like “no brainers” and would be likely supported no matter what. Councilor Haas said the Committee could consider separating those two; he said it would then be great to try building support around the other two items, one way or the other. He suggested that option or “More Time” to give more consideration until the Committee could develop a better instruction for staff.

Chair Filiault said he did not agree or disagree with anything that was said here tonight. This was not an issue he was prepared to “fall on the sword for,” but he wanted to ensure all the constituents were heard. He noted not all members of the public come to meetings because they might be too nervous to speak in public. But, they still have a right to be heard and they are still constituents who pay taxes. Chair Filiault said his opinion is the Ordinance should be broken up a little bit and there was too much pushed into it that should be separated. He supported placing this on “More Time” to give City staff some time to look at Ordinance O-2025-15-A as the Committee had mentioned, break some things out, see what makes sense for the Community Development Department, and come back to the next month’s meeting. He said this was not to be rushed. He thought the Council owed the constituents a little more time on this.

Councilor Ruttle-Miller noted that there was talk of three units to six units, but there are also four and five units in between. She said it does not mean that somebody increasing the amount of apartments in a building will automatically go to six. Chair Filiault said that it was absolutely correct. He thought a lot of those questions had not been completely answered yet. He heard from talking to some other Councilors that they were not sure, and he thought they should be a little surer.

Vice Chair Jones said that from listening to the Senior Planner, it did sound like there would be an opportunity to break the Ordinance down into parts. He said the Senior Planner was also seeking more clarity about what the Board was feeling. Vice Chair Jones agreed that it should go on “More Time” because it is not a time-sensitive issue.

The following motion by Vice Chair Jones to place “Councilors Filiault, Jones and Haas - Request to Review Recent Amendments to Land Development Code - Codified with the Adoption of Ordinance O-2025-15-A” on More Time was duly seconded by Councilor Haas.

Chair Filiault thought this was the smart way to go and would allow staff to take a look a little more and come back. He said it could wind up going the exact same way as before. However, he did not think it would hurt for the Councilors and staff to look at an issue that still had questions to see if maybe they could do better.

The City Manager asked for more clarity: was the Committee asking for the Ordinance to be broken into its various parts for consideration? Chair Filiault said he heard staff mention that there might have been too many things packed into the Ordinance and he would like to see their planning expertise on how to separate them. He said that because it was a split Council vote, some Councilors were debating whether they had wanted to vote on some parts but not others.

Councilor Williams asked a point of order question: if the Committee recommends placing this on More Time, is that automatic at the City Council meeting or does the Council vote on it? City

Manager Elizabeth Ferland clarified that the Mayor typically will say that “more time is granted” unless it is challenged by a member of the full Council, which proceeds to a vote on the floor. Councilor Williams stated that if this was recommended for more time, he intended to challenge it at the April 16, 2026 City Council meeting. If going down this road of asking staff to do all this work, he at least wanted to get a preliminary vote on whether it is something the City Council wants. Chair Filiault said he would certainly be welcome to do that.

On process in general, the City Attorney said that directing a Charter Officer to draft an ordinance usually comes from the full City Council. So, the Committee should not expect to place this on More Time and have a Charter Officer return with drafts or further recommendations on ordinances. The City Attorney said the Committee would need to gauge the temperature of the Council about that first. Chair Filiault said he was not asking for specific ordinance drafts, just to break things apart and what would make more sense to break things apart.

Councilor Haas commented that in the interest of better directions to staff, the items of concern to the Committee within Ordinance O-2025-15-A were #2 related to setbacks and #3 related to the increase of units by right. He suggested that if staff were to resurrect the work they did on this Ordinance related to those two points prior to version “A” and bring it back for discussion at the next meeting, that it would accomplish a lot of what the Committee hoped to rethink. He said they were not asking staff to change anything, only to limit what needs to be done and represent it for another hearing.

Chair Filiault appreciated the clarification of those sticking points, noting the Ordinance still might wind up as it is now. However, he thought the clarification could help, especially for newer Councilors, who might look at it and think that it is fine the way it is, which he said is fine. He has no problem with “majority rules.”

On a vote of 3 to 2, the Planning, Licenses and Development Committee recommends placing “Councilors Filiault, Jones and Haas - Request to Review Recent Amendments to Land Development Code - Codified with the Adoption of Ordinance O-2025-15-A” on More Time. Councilors Ruttle-Miller and Williams voted in the minority.

**7) Adjournment**

There being no further business, Chair Filiault adjourned the meeting at 7:30 PM.

Respectfully submitted by,  
Katrinya Kibler, Minute Taker

Edits submitted by,  
Terri Hood, City Clerk and Kathleen Richards, Deputy City Clerk