



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
May 21, 2026
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- May 7, 2026 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Proclamation - National Public Works Week
2. Public Hearing - Ordinance O-2026-02: Relating to the Definition of "Family"

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Ashuelot River Park Advisory Board
2. Confirmation - Heritage Commission

C. COMMUNICATIONS

1. Keene Elm City Rotary Club - Request to Use City Property - Clarence DeMar Marathon - September 27, 2026
2. Mayor Kahn - Potential Expansion of Permitted Uses in Commerce, Industrial, and Industrial Park Zones
3. Councilor Ruttle-Miller - Request to Reinstate the College City Commission
4. Kenneth Kost - In opposition to Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)
5. Kristen Petricola - Petition - In opposition to Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)

6. Robert and Sandra Hamm - In support of Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)
7. Robin Kost – Petition from East Keene Residents - In support of Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)

D. REPORTS - COUNCIL COMMITTEES

1. Downtown Infrastructure Project Financing Plan
2. Keene Family YMCA - Request for Road Closure of Summit Road for the Otter Romp Youth Triathlon Race - June 7, 2026
3. Black Cloud Brewing Co. - Request for Permission to Serve Alcohol - Sidewalk Café
4. NH Humanities Council Community Development Finance Authority (CDFA) Grant
5. Acceptance of 2026 AARP Community Challenge Capacity-Building Microgrant
6. Technical Services Agreement - Southwest Region Planning Commission
7. Recreational Trails Program Grant - Keene State College Pedestrian Bridge
8. Acceptance of HealthTrust Wellness Grant
9. 2025 Hazardous Materials Emergency Preparedness (HMEP) Grant Award

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Councilor Jones - Draft Resolution for Consideration Addressing the Burden on Local Property Taxpayers

I. ORDINANCES FOR FIRST READING

1. Relating to Water & Sewer Utility Charges
Ordinance O-2026-07
2. Relating to Short-term Rental Uses
Ordinance O-2026-09

3. Relating to the Definition of Short-term Rental Ordinance O-2026-10
4. Fiscal Year 2027 Wage Schedules Ordinance O-2026-11

J. ORDINANCES FOR SECOND READING

1. Relating to Delinquent Accounts Ordinance O-2026-05
2. Relating to the Process to Amend the Zoning Text and Zoning Map Ordinance O-2026-08

K. RESOLUTIONS

1. Relating to Appropriation of Funds for the FY 2026-2027 Bond Issues: Ashuelot River Green Space, Ashuelot River Dam Repair or Removal, Downtown Infrastructure Improvements & Reconstruction Project, Gilbo Ave Solar Pavillion Project, Lower Winchester Street Reconstruction, Roadway Preservation & Rehabilitation Program, Robin Hood Park Improvement Project, Stormwater Resiliency Program, Martell Court Bypass Project, Downtown: Sewer Improvements Program, Water Distribution Improvements Program.
Resolution R-2026-10
Resolution R-2026-11
Resolution R-2026-12
Resolution R-2026-13
Resolution R-2026-14
Resolution R-2026-15
Resolution R-2026-16
Resolution R-2026-17
Resolution R-2026-18
Resolution R-2026-19
Resolution R-2026-20
2. Relating to Funding for the Downtown Infrastructure Project
Resolution R-2026-21
3. Relating to the Absolute Discontinuance of a Portion of a Right of Way Across a Portion of Property Located on Elm Street (Identified by Tax Map Number 521-004-000)
Petition and Resolution R-2026-22

L. TABLED ITEMS

1. Request to Review Recent Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, May 7, 2026. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Randy L. Filiault, Michele A. Chalice, Catherine I. Workman, Bryan J. Lake, Jacob R. Favolise, Laura E. Tobin, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Bettina A. Chadbourne (arrived at 7:05 PM), Edward J. Haas, Laura E. Ruttle-Miller, Molly V. Ellis, and Thomas F. Powers were present. Mayor Kahn recognized that Councilor Mitchell H. Greenwald requested to participate remotely due to family travel; he was participating alone at his location. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Williams led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the April 16, 2026 meeting minutes as presented was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Kahn announced upcoming dates of interest in May 2026:

- May 3, 2026–May 9, 2026: Small Business Week
 - The Mayor noted how vital small businesses are to the community and thanked them for their persistence and the vibrancy they contribute to the community.
- May 4, 2026–May 8, 2026: Teacher Appreciation Week
 - Mayor Kahn noted appreciation for Councilor Tobin and all teachers in the schools, charter schools, and private schools in the region for what they do to enrich the lives of students.
- May 6, 2026–May 12, 2026: Nurse Appreciation Week, so the Mayor said to thank a nurse for their dedication to the profession.
- May 9, 2026 at 1:00 PM: Keene State College Commencement Ceremony
 - This year the College would be honoring Senator Maggie Hassan and the past president of Keene State College, Melinda Treadwell. The Mayor encouraged everyone to go down and congratulate the Keene State College graduates of 2026. He said some had observed the remarkable student work over the past several weeks and that the Mayor was very impressed (in his 10 years since departing the College on a regular basis) with the kind of learning and practical applications the faculty were arranging for the students, which align with community businesses, giving the students some expertise and opening possibilities for their professions, communication skills, and critical thinking.
 - Launch of Citizens for Keene State College at <https://www.citizensforkeenestatecollege.com>
 - The Mayor encouraged visiting the website and signing up for announcements on how to participate and advocate on behalf of the College, which plays an important role in the City.
- May 10, 2026: The Mayor wished all a Happy Mother's Day
- May 10, 2026–May 16, 2026: National Law Enforcement Week
- May 15, 2026–May 17, 2026: The Thing in the Spring Festival at NOVA Arts

- See their website for programming at <https://www.novaarts.org>
- May 25, 2026: Memorial Day Parade
 - Mayor Kahn said he spoke with Rob Campbell of the VFW to ensure everything was arranged for the celebration. Councilors are invited to march in the parade and should form on Gilbo Avenue at 9:45 AM.

Mayor Kahn announced that he met with the Mayor's Youth Council. Many of the students were approaching graduation but engaging with their mentors for a variety of programs that he encouraged Councilors to attend in May and June 2026:

- May 15, 2026–May 16, 2026: Keene High School Drama Club spring production
- May 19, 2026: Keene High Jazz Band and Orchestra, and Keene High School Band concerts
- May 30, 2026–May 31, 2026: MoCo presenting its spring show at The Colonial Theatre
- June 13, 2026: Students are a part of *The Marriage of Figaro* opera production at Peterborough Town Hall

The Mayor congratulated Councilor Laura Ruttle-Miller on receiving a 2026 Trendsetter award. He also congratulated Councilor Laura Tobin in successfully teaching and supporting Keene State College students with their portfolio review related to sustainable product design.

PROCLAMATION – NATIONAL KIDS TO PARKS DAY

Mayor Kahn welcomed Director of Parks and Recreation, Carrah Fisk-Hennessey. Mayor Kahn read into the record and presented Ms. Fisk-Hennessey with a Proclamation declaring May 16, 2026 as Kids to Parks Day in the City of Keene and encouraged all residents to take part in this day by exploring and enjoying the local parks and natural areas.

Director Fisk-Hennessey said the City would be welcoming all families and the community to Fuller Park, which is right in front of the Recreation Center, from 11:00 AM to 1:00 PM on Saturday, May 16, 2026 for a lot of lawn games.

PROCLAMATION – NATIONAL BIKE MONTH

Mayor Kahn welcomed Dwight Fischer, Chair of the City's Bicycle/Pedestrian Path Advisory Committee (BPPAC). Mayor Kahn read into the record and presented Mr. Fischer with a Proclamation declaring May 2026 as Bike Month (including the May 16, 2026 as Bike Day) in Keene, and encouraged all residents to celebrate the community's commitment to active transportation by choosing to walk or bike to work, school, local businesses, parks, and throughout their neighborhoods when possible.

Mr. Fischer said the BPPAC Committee of volunteers is very strong right now and building on the work of past volunteers, and working with partners like Pathways for Keene and the Monadnock Region Rail Trail Collaborative. The BPPAC is also working with a consultant for its master plan update, so he referred anyone with opinions, ideas, suggestions on the bicycle network of trails and bike lanes in and around the city, to please visit the BPPAC website and use the form to submit feedback: <https://keenenh.gov/bicycle-pedestrian-path-advisory->

committee/bike-ped-plan/. He said the Bike/Pedestrian Master Plan Committee needs as much information as possible. He noted Keene offers a healthy and economical alternative to driving, but when the cost of gas goes up, the number of bicyclists goes up. So, he asked everyone to be cautious in traffic and said there would likely be more trail use. He said drivers need to be aware and cyclists need to obey rules. Mr. Fischer said this was a Proclamation they were all happy with. The BPPAC Committee looked forward to taking the Mayor for a bike ride on May 16, 2026.

PROCLAMATION - MUNICIPAL CLERKS WEEK

Mayor Kahn welcomed City Clerk Terri Hood, Deputy City Clerk, Kathleen Richards, and Clerk's Administrative Assistant, Heather Fitz-Simon. Mayor Kahn read into the record and presented the City Clerk with a Proclamation recognizing the week of May 3, 2026 through May 9, 2026, as Municipal Clerks Week, joining the other 234 New Hampshire communities and others across the globe in recognition. The Mayor further extended appreciation to Keene's City Clerk, Terri Hood, and her dedicated staff for their exemplary service to the Keene community.

The City Clerk thanked everyone, noting that she feels very supported in this role, which she said is definitely a calling. She has learned, the more she has performed the role, that it becomes more important to her to uphold all the values that come with the position, which is such a vital role. She said it is a calling, which is occurring in every community behind the scenes that not everybody knows about, but their Clerk is there for them every day. The City Clerk said she has a wonderful staff, and she could not do it without them. She thanked the Mayor for this honor.

NOMINATION

Mayor Kahn nominated Karl Sandy to serve as an Alternate member on the Heritage Commission, with a term to expire December 31, 2028. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION - REQUEST FOR ROAD CLOSURE OF SUMMIT ROAD FOR THE OTTER ROMP YOUTH TRIATHLON RACE - JUNE 7, 2026

A communication was received from Kelly Fleurette, requesting the closure of Summit Road on Sunday, June 7, 2026, from 8:00 AM to 11:00 AM to conduct the annual Otter Romp Youth Triathlon Race. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - TERRI O'RORKE - REQUEST TO ADDRESS NUISANCE DOG BARKING DURING DAYTIME HOURS

A communication was received from Terri O'Rorke, requesting the City Council consider instituting regulations allowing the fining of dog owners whose dogs create a disturbance in neighborhoods due to excessive barking during daytime hours. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - COUNCILOR JONES - DRAFT RESOLUTION FOR CONSIDERATION ADDRESSING THE BURDEN ON LOCAL PROPERTY TAXPAYERS

A communication was received from Councilor Philip Jones, requesting the City Council consider adopting a Resolution that would be sent to the Governor, State Senate, House of Representatives, and Executive Council communicating the City of Keene's opposition to the downshifting of costs to local taxpayers. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee meeting on May 14, 2026.

Mayor Kahn thanked Councilor Jones for bringing this forward, particularly in light of the forum held the prior evening regarding downshifting of costs.

COMMUNICATION - BLACK CLOUD BREWING CO. - REQUEST FOR PERMISSION TO SERVE ALCOHOL - SIDEWALK CAFÉ

A communication was received from Thomas DuFault, owner of Black Cloud Brewing Co., seeking permission from the City Council for the service of alcohol on City right-of-way in front of their establishment located at 100 Main Street in conjunction with their application for a Sidewalk Cafe. The application referenced in the petitioner's letter is on file with the City Clerk for processing. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - COUNCILORS WILLIAMS, RUTTLE-MILLER, AND WORKMAN - IMPLEMENTATION OF 2025 COMPREHENSIVE MASTER PLAN - HOUSING INITIATIVES

A communication was received from Councilors Williams, Ruttle-Miller, and Workman, urging the City Council to review and take action on the implementing recommendations identified in the 2025 Comprehensive Master Plan, beginning with housing-related initiatives. These include reviewing the City's permitting and approval process, developing a catalog of pre-approved designs for new housing units and ADUs, and identifying neighborhoods that could be rezoned to develop nodes of mixed-use activity. Mayor Kahn referred the communication to the Joint Planning Board and Planning, Licenses and Development Committee meeting on June 8, 2026.

MSFI REPORTS - CONCERNS WITH PARKING ON MARLBORO STREET AND ENFORCEMENT MEASURES; CONCERNS AND RECOMMENDATIONS REGARDING THE PROPOSED PARKING LOT AT THE SKATE PARK; REQUEST FOR CONSIDERATION OF AN ORDINANCE AMENDMENT TO ALLOW LEASHED DOGS IN WOODLAND CEMETERY; 2026 CONSTRUCTION SEASON UPDATE; AND DOWNTOWN INFRASTRUCTURE PROJECT UPDATE

The first Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the communication Concerns with Parking on Marlboro Street and Enforcement Measures be accepted as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the communications relating to concerns and recommendations regarding the proposed parking lot at

the skatepark be accepted as informational. A third Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the request for consideration of an Ordinance amendment to allow leashed dogs in Woodland Cemetery be accepted as informational. A fourth Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the 2026 Construction Season Update be accepted as informational. A fifth Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the Downtown Infrastructure Project Update as informational. Mayor Kahn accepted the five reports as informational.

CITY MANAGER COMMENTS

Elizabeth Ferland, The City Manager, reported that on May 6, 2026, many attended a town hall discussion on state downshifting. Downshifting is the transfer of financial responsibility for public services from the state to local governments (through reduction of state aid, unfunded mandates, and cost shifts), which results in increased pressure on local property taxes. There were approximately 100 people in attendance, and Cheshire County recorded the session, which would be shared as soon as possible. The City Manager said she recognized Senator Fenton at the town hall for helping organize and facilitate the discussion, but what many people may not know is that the idea for the event actually originated with Mayor Kahn. After hearing questions and concerns from residents about state funding, the Mayor reached out to Senator Fenton, who then helped move the idea forward and coordinated the session. The City Manager wanted to recognize the Mayor's leadership and quiet work behind the scenes. City Manager Ferland thought the discussion turned into a thoughtful and educational opportunity for both residents and local officials; she thought more time would have been useful. She tried to highlight the highest dollar amounts that impact the City but thought there could have been more discussion on some of the formulas that affect school funding and funding related to nursing homes. She said there was a stack of questions (on index cards) and feedback that she will share with the County, School, and Mayor at Senator Fenton's request. There may still be a way to provide answers. The City Manager always appreciates having Margaret Burns, the Executive Director of New Hampshire Municipal Association, present; she has a lot of history and knowledge from working in Concord every day and it was great to have her explain things. City Manager Ferland recalled mentioning to the Council that she would be submitting a policy proposal for state aid for school funding and was hoping to build some traction at NHMA but it did not make it out of the review committee; she did not think the issue was dead. She spoke with Ms. Burns, who said Keene is not the only municipality bringing this up, so it is a very important topic. The City would have to determine how to navigate the issue because it is not really municipal, it is the school, but it is impacting the City dramatically. The City is the last to set its budget, after the County and School. The City Manager thanked the Mayor again for starting a great conversation that would continue.

Next, the City Manager reported on the Proposed FY27 Budget, which Councilors received in their mailboxes on Friday, May 1, 2026. Tonight, she provided them with the Executive Summary and Manager's Comments related to the Budget. The Budget is available online on the Finance Department webpage, and she would post these comments there as well. The City Manager met with the City's Communications team about how to get the community engaged

with the Budget, specifically the FOP meetings. So, they discussed ways to develop excitement around those topics, and the Council should see additional work around that to grab attention.

City Manager Ferland reported that the proposed FY27 General Fund Operating Budget totals approximately \$57 million and remains within the City's Fiscal Policy limits, coming in roughly \$685,000 below the allowable limit. This is because annually, the City Manager starts with the Fiscal Policy before the tax rate calculation, and they adjust as best as possible. The budget maintains core municipal services, supports Council priorities, and continues targeted investments in infrastructure and public safety.

The City's portion of the tax rate is projected to increase by 6.7%. The primary driver of the Budget increase is personnel-related costs, particularly contractual obligations associated with the City's six collective bargaining agreements, which represent the majority of the workforce. Additional pressures include utilities, insurance, maintenance, professional services, and the continued transition to cloud-based technology systems (an expensive transition this year).

The City Manager communicated that this is a service organization and the City's Budget is based around the services that it provides. While there are projects and infrastructure to maintain, the primary driver of the Budget is always wages. The difficult conversation comes when there is a conversation about whether or not to have a service. She said the only meaningful way to make a difference in this Budget is to determine whether the City no longer wants to provide a service. She said this is a service organization and it can be difficult in the community to change services. So, she said looking back year-after-year in the Budget, the primary driver is wages driven around services. The other thing that drives the Budget is projects, such as the Pat Russell Park project and other capital projects, which have consequences beyond the actual funding of the projects (i.e., maintenance). The City Manager tries to talk about that in the Capital Plan and when thinking about the future.

The City Manager said the Budget also reflects continued investment in public safety. Since FY24, the Fire Department has added eight firefighter positions over two budget cycles to support operation of a third ambulance and maintain service levels as emergency call volume has increased. During that same timeframe, the City also added a second Fire Prevention Officer (added help with inspections), a second Deputy Fire Chief position, and an additional part-time administrative position. Collectively, Fire Department wages have increased by approximately \$1.4 million since FY24. She said that was reflected in this Budget due to the time to add personnel, recruit, and add it to the Budget. So, the Council was seeing the effects of contract changes and needs of fire and ambulance services. Because the Department is currently staffed at the minimum number required to operate the third ambulance, the City continues to experience significant overtime costs to cover vacations, sick leave, workers compensation absences, and other staffing gaps. A proposal currently under construction—but not included in this budget—would add four additional firefighters, one per shift, to move staffing above the minimum level on each shift. Councilors could expect additional discussion on this topic in the coming months. The City Manager called it significant, and it would not be cost saving. However, it makes sense because right now every time someone is out, the City is covering it with an overtime shift, which the City Manager called bad business. There was no way they would have the proposal

ready for this Budget, but she had two Councilors working on a special Committee for this purpose and to bridge this gap.

To help stabilize the tax rate and support capital investments, City Manager Ferland said the proposed Budget strategically utilizes fund balance and includes more than \$9.3 million in grant funding for capital projects. Departments continue to be very successful in leveraging outside funding to reduce impacts on local taxpayers. She said that was reflected in grant funding and creativity. She thought about staff creatively seeking grant funding for the Skate Park. In the end, the Council can do something different, but the departments are tasked with being resourceful to solve the problems, and they do well.

The City Manager provided the Budget schedule to the Council. Budget review with the Finance, Organization and Personnel Committee would begin the following week with a special meeting on Tuesday, May 12, 2026 at 5:30 PM. Discussion ensued about how this would be a longer Budget meeting with the outside agencies presenting, and the City Manager noted they did not all receive the allocations they requested.

The Mayor noted the City is not alone in filling public service roles.

REPORTS - CITY OFFICERS AND DEPARTMENTS – ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum was read from the Finance Director/Treasurer Kari Chamberlain, recommending that the City Council accept the donations as noted below with gratitude, and the City Manager be authorized to use these donations in the manner specified by the donors. A motion by Councilor Powers to accept the donations as noted below with gratitude, and the City Manager be authorized to use these donations in the manner specified by the donors was duly seconded by Councilor Chadbourne. The motion carried unanimously with 15 Councilors present and voting in favor.

Donations received were as follows:

- Edgewood Center donation in the amount of \$200 to the Fire Department in memory of Henry “Hank” Memmesheimer.
- Savings Bank of Walpole match donation in the amount of \$10,000 for the construction of the Goose Pond Bridge.
- W.S. Badger donation to the Human Rights Committee in the amount of \$250 to support the Keene Pride Festival.
- *Total donations of \$10,450*

MORE TIME - MSFI REPORT - BRITTANY WILLIAMS - CONCERNS RELATING TO CARS CONGESTING ROYAL AVENUE DURING SCHOOL PICK-UP

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending that the communication “Concerns Relating to Cars Congesting Royal Avenue During School Pickup” be placed on More Time to allow for City staff to initiate discussions with School District staff. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING - RELATING TO THE PROCESS TO AMEND THE ZONING TEXT AND ZONING MAP - ORDINANCE O-2026-08

A memorandum was read from Senior Planner Mari Brunner, recommending referring Ordinance O-2026-08 to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Ordinance O-2026-08 to the Planning, Licenses and Development Committee.

RESOLUTION - RELATING TO THE 2026/2027 FISCAL YEAR BUDGET - RESOLUTION R-2026-09

A memorandum was read from Finance Director/Treasurer Kari Chamberlain, recommending that Resolution R-2026-09 relating to the Fiscal Year 2026/2027 budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 4, 2026. Mayor Kahn referred Resolution R-2026-09 to the Finance, Organization and Personnel Committee on May 28, 2026, and set a Public Hearing for Thursday, June 4, 2026.

TABLED ITEM - REQUEST TO REVIEW RECENT AMENDMENTS TO LAND DEVELOPMENT CODE - ADOPTED SEPTEMBER 18, 2025 (O-2025-15-A)

At the April 16, 2026 City Council meeting, on a vote of 13 in favor and one opposed, a motion to table the matter until the City Council meeting of May 21, 2026 passed. Mayor Kahn continued the Tabled Item until the next regular meeting.

NON-PUBLIC SESSION

A motion by Councilor Powers to go into non-public session for personnel matters pursuant to RSA 91-A:3, II(a) was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. Mayor Kahn invited Human Resources Director Darcy Newport to remain present for the session.

The Mayor called a five-minute recess at 7:45 PM. The non-public session began at 7:49 PM. The public session reconvened at 8:06 PM.

A motion by Councilor Powers 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 Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MOTION OUT OF NON-PUBLIC SESSION – MOU – HEALTH INSURANCE BUY-OUT AMOUNT – KEENE CITY EMPLOYEES AFT LOCAL #6288, AFL-CIO

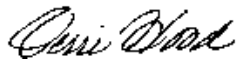
A motion by Councilor Powers was duly seconded by Councilor Filiault to authorize the City Manager to do all things necessary to execute a Memorandum of Understanding modifying the

05/07/2026

health insurance buy-out amount in the current collective bargaining agreement with Keene City Employees, AFT Local #6288, AFT, AFL-CIO to be effective July 1, 2026, through June 30, 2028. 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 8:10 PM.

A true record, attest: 
City Clerk



PUBLIC HEARING

Amendment to Land Development Code - **Relating to the Definition of Family**

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2026-02 Relating to the Definition of Family. Petitioner, City of Keene Community Development Department, proposes to amend the definition of "Family" in Article 29 of the Land Development Code to comply with recent changes to state law (RSA 674:16), modify the definition of "Dwelling Unit" to clarify that this term does not include transient uses such as hotels/ motels, and amend Sections 1.2.1 "Definitions" and 26.4 "Land Development Code Amendments" to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

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

HEARING DATE: May 21, 2026

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council this sixteenth day of April, two thousand and twenty-six.

Attest: 

City Clerk



CITY OF KEENE

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

AN ORDINANCE Relating to the Definition of "Family"

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

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

1. That Article 1, Section 1.2.1 "Definitions" be amended by adding a new sub-section "D," as follows. The intent of this proposed change is to ensure that any future changes to definitions in the Land Development Code that would modify the meaning of the zoning regulations are treated as a zoning amendment.

1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

2. That Article 26, Section 26.4.3.A be amended to state that modifications to the definitions in Article 29 which would have the effect of modifying the zoning ordinance shall follow the same application and review procedures described in Section 26.3 of the LDC, as follows:

- A. Articles 1 through 19 **and Article 29**. For amendments proposed to Article 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations**, the same application and review procedures shall be followed as those

described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

3. That the definition of the term “Dwelling Unit” in Article 29 be amended to clarify that this term does not include transient uses such as hotels or motels, as follows:

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

4. That the definition of the term “Family” in Article 29 be deleted in its entirety and replaced, as follows. The intent of this proposed change is to bring the City of Keene’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

~~Family – Family shall mean one of the following: 1) two or more natural persons related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit with or without customary household helpers in a dwelling unit; or 2) a group of four or fewer natural persons, who are not related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit in a dwelling unit. This term shall not preclude one natural person from being the sole occupant of any dwelling unit.~~

Family – Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, “transient” shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.

Jay V. Kahn, Mayor

In City Council February 5, 2026.
Referred to the Joint Planning Board/
Planning, Licenses and Development
Committee.

City Clerk

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Date: March 2, 2026
Subject: O-2026-02 Relating to the Definition of Family

Overview

This Ordinance proposes to amend the definition of the term “Family” in Article 29 of the Land Development Code (LDC) to bring the city’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

In addition, this ordinance proposes to amend the definition of the term “Dwelling Unit” in Article 29 to clarify that this term does not include transient occupancies such as hotels/motels or bed and breakfasts. Lastly, this ordinance proposes to add clarifying language to Article 1, Section 1.2.1 “Definitions” and Article 26, Section 26.4 “Land Development Code Amendments” to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

Background

During the 2025 legislative session, the New Hampshire State Legislature adopted [House Bill 457 “relative to zoning restrictions on dwelling units”](#) with an effective date of September 13, 2025. This change to state law prohibits municipalities from adopting or enforcing an ordinance that restricts the number of occupants of any dwelling unit to less than 2 occupants per bedroom or that is “based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students.”

The City of Keene Land Development Code (LDC) currently defines the term “Family” in Article 29 as follows:

Family - Family shall mean one of the following: 1) two or more natural persons related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit with or without customary household helpers in a dwelling unit; or 2) a group of four or fewer natural persons, who are not related by blood, marriage, civil union, adoption, or foster

care, living together as a single housekeeping unit in a dwelling unit. This term shall not preclude one natural person from being the sole occupant of any dwelling unit.

This definition no longer complies with state law. The term "Family" is referenced in three definitions in the LDC, including the definitions of "Dwelling, Single-Family," "Dwelling, Two-Family / Duplex," and "Dwelling, Multi-family." The term is used 148 times throughout the LDC, almost always in reference to one of these three terms/uses. The term is also used in the workforce housing section of the subdivision regulations.

To bring the city's definition of family in the LDC into compliance with state law, staff recommend using a "functional family" approach that focuses on group behaviors and characteristics rather than the familial or non-familial relationships between the group members.

Functional family definitions often include the following components:

- The phrase "single housekeeping unit,"
- A focus on stable, rather than transient living arrangements,
- Shared cooking facilities, and
- Shared household budget.

Proposal

This ordinance proposes to delete the existing definition of "Family" in its entirety and replace it with the following definition:

Family – Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, "transient" shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.

This definition would not place an overall occupancy limit for the dwelling unit; rather, it focuses on how the group operates and whether the group is stable or transient. Transient is defined as an occupancy of less than 30 days, or rental with a term of less than one month (e.g. renting a room by the day or week) to be consistent with building and life safety codes.

This ordinance also proposes to amend the definition of "Dwelling Unit" to clarify that this term does not include hotels, motels, bed and breakfasts, or any other similar uses that are transient, as follows:

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A dwelling unit use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.

Finally, this ordinance proposes to fix a loophole identified by staff with respect to amendment procedures for definitions in Article 29. Currently, the LDC states that any amendments to Article 29 shall follow the regular City Council ordinance process; however, there are some definitions in Article 29 that, if changed, could change the meaning and/or effect of the zoning regulations. Examples include "Family" and "Frontage." Staff propose adding language to two sections of the LDC, including the "Definitions" section of Article 1 (Section 1.2.1) and the procedure for

amendments to the LDC in Article 26 (Section 26.4), to make it clear that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

Discussion of Potential Impacts

Occupancy limits

One potential impact of this proposed change is the removal of occupancy limits for single- and two-family dwellings. Under the current definition of family, a group of four or fewer unrelated people can live together in a single- or two-family dwelling unit whereas a “traditional” family of any size can occupy those same unit types. For example, a family of five could live in a single-family home, but five unrelated individuals cannot. In contrast, the proposed definition would not address occupancy numbers and instead focuses on the transiency of the group and whether it operates as a single housekeeping unit. However, although the proposed definition would not regulate occupancy within the zoning code, staff could still regulate overcrowded units under other codes such as life/safety codes to address safety issues (e.g., using the structure in a way that exceeds the structural capacity of the building). In addition, if there are impacts related to overcrowding such as trash or human waste piling up outside and/or infestation, the health code and housing property standards provide an avenue for addressing those issues.

Congregate Living and Social Service Uses

Another potential impact of this proposed change could be a shift in how the city regulates Congregate Living and Social Services uses where the occupants meet the new definition of a family, such as group homes. Currently, the City requires Small Group Home uses (up to 8 residents) and Large Group Home uses (up to 16 residents) to obtain a conditional use permit from the Planning Board and an annual license from the Congregate Living and Social Services Licensing Board. The City Attorney’s Office is currently in the process of reviewing this category of uses, and staff anticipate bringing recommendations to City Council regarding this use category later this year.

Short-term Rental Uses

Finally, this proposed change could impact properties where the principal use is for short-term rentals (e.g., Airbnb, VRBO) that are operating in residential districts where similar transient uses, such as hotels, motels, and bed breakfasts, are not allowed. The LDC does not currently address short-term rentals explicitly and data from the [2023 Housing Needs Assessment report](#) found that only 50 short-term rental units were available at the time in Keene, representing 0.5% of total housing stock. Staff recommend that City Council review current data related to short-term rentals and address this use in a separate ordinance.

Consistency with the 2025 Comprehensive Master Plan (CMP)

The 2025 Comprehensive Master Plan is centered around six pillars: Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment.

Livable Housing

Goal 5 under the “Livable Housing” pillar is to “address the housing needs of all residents, current and future.” This ordinance proposes to eliminate an outdated definition of “family” that attempts to define what a family is based on the relationships between group members, rather than

focusing on behaviors and characteristics of the group and how it fits into a neighborhood setting. Switching to a definition based on how the group lives and operates will make housing in Keene more accessible, especially for specific groups such as college students and residents in recovery from drug or alcohol addiction who need a supportive living environment.

Vibrant Neighborhoods

Under the “Importance of Vibrant Neighborhoods” section, the CMP notes that fostering strong community bonds and focusing on place-making will “enhance the community fabric, peoples’ sense of belonging, and being included in the community.” Goal 2 under this pillar is to “Foster Community Relationship-Building and Collaboration.” This ordinance proposes to establish a definition of “family” and “dwelling unit” that allows for non-transient groups that operate as a household unit to occupy residential dwellings and ensuring that dwellings continue to be used primarily as long-term residences. These family groups are more likely than transient occupants to form bonds with their neighbors and develop a connection to the neighborhood.

Goal 4 of this pillar is to “Foster a High Quality of Life for all Residents.” This ordinance furthers this goal by promoting non-transient occupancy of residential dwellings, which improves the sense of neighborhood safety and helps to promote interaction amongst neighbors. Studies have shown that high-opportunity neighborhoods with positive social and environmental conditions have a strong influence on the health, life expectancy, and employment prospects of the people that live there.^{1,2}

Adaptable Workforce

Goal 4 under this pillar is to “Meet Quality of Life Needs and Reduce Workforce Barriers, Such as Housing Availability, Childcare, and Transportation.” This ordinance opens up opportunity for existing housing stock to be utilized more efficiently by removing arbitrary occupancy limits for single-family and two-family dwellings. This could allow homes to be occupied by larger groups, as long as they are non-transient and operate as a household unit, which may help to meet some of the housing needs of Keene’s workforce and college student population.

Recommendation:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: *“To find the proposed Ordinance O-2026-02 consistent with the 2025 Comprehensive Master Plan.”*

Planning, License & Development Committee Motion: *“To recommend that the Mayor set a public hearing date.”*

¹ Wang D, Li H and Liu P (2025) The impact of neighborhood environment and social interaction on the health of Chinese residents: empirical analysis from CGSS 2021. *Front. Public Health* 13:1547499. doi: 10.3389/fpubh.2025.1547499

² National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. Community Health and Economic Prosperity: Engaging Businesses as Stewards and Stakeholders—A Report of the Surgeon General [Internet]. Washington (DC): US Department of Health and Human Services; 2021 Jan. CHAPTER 2, How Neighborhoods Shape Health and Opportunity. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK568862/>

1.2 RULES OF INTERPRETATION

1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

1.2.2 Lists & Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

1.2.3 Time Computation

In computing any period of time prescribed or allowed by these rules, except as may be required by order of a court or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the City is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the City is closed.

1.2.4 Conjunctions

- A. "And" indicates that all connected words or provisions apply.
- B. "Or" indicates that the connected words or provisions may apply singly or in any combination.
- C. "Either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

1.2.5 Mandatory, Prohibitory, & Permissive Terms

- A. "Must," "will," and "shall" are mandatory terms that express a requirement.
- B. "Must not," "will not," "shall not," and "may not" are terms that express a prohibition.
- C. "Should" is a term that expresses a suggestion or recommendation.
- D. "May" is permissive term.

1.2.6 Current Versions & Citations

All references to other regulations or manuals in this LDC refer to the most current version and citation for those regulations or manuals, unless indicated otherwise. When the referenced regulations or manuals have been repealed and not replaced by other regulations or manuals, the requirements for compliance as specified in this LDC are no longer in effect.

1.2.7 Graphics, Illustrations, & Flowcharts

Graphics, illustrations, diagrams, and flowcharts are included in this LDC to visually explain the intent and requirements of the text. In the case of a conflict between the text and any graphic, illustration, diagram, or flowchart, the text controls.

1.2.8 Common Abbreviations

- A. "ft" is an abbreviation for "feet."
- B. "in" is an abbreviation for "inch."
- C. "Max" is an abbreviation for "maximum."
- D. "Min" is an abbreviation for "minimum."

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

26.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. **Articles 1 through 19 and Article 29.** For amendments proposed to Articles 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations,** the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 20, 21, 25 and Sections 26.10-26.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.

- a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of Planning and Development (OPD) for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with OPD shall not affect their validity.

- C. **Article 22 and Section 26.15 of Article 26 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 22 of this LDC, the following procedures shall apply.

1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed

Driveway - The travel surface for vehicles that connects an off-street parking space(s), or a parking area of a parking lot to the street access.

Drug Treatment Clinic - A non-residential facility authorized by the state to provide treatment and licensed drugs to natural persons, including, but not limited to, methadone or suboxone, to manage and treat drug dependencies.

Dwelling - 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, Above Ground Floor - A dwelling unit that is located on the second story or higher of a building that is above ground.

Dwelling, Manufactured Housing - Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-I:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.

Dwelling, Multi-family - A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

Dwelling, Single-Family - A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

Dwelling, Two-Family / Duplex - One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

Earth - Sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.

Earth-Disturbing Activity / Earth-Disturbing Events - Actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Economic Hardship - Quantifiable or verifiable expenditures or fiscal loss that is unreasonable for the property owner to bear under the circumstances. Demonstration of economic hardship shall not be based on or include any of the following circumstances: willful or negligent acts by the owner; purchase of the property for substantially more than market value; failure to perform normal maintenance and repairs; failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements.

Elevation (Building) - (1) A wall of a building; (2) An architectural drawing showing vertical elements, generally exterior, of a building.

Equipment Shelter - For the purposes of Article 13 "Telecommunications Overlay District", equipment shelter shall mean an enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver structures."

Erect - To construct, reconstruct, excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Event Venue - A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

Excavation Activity/Excavation Operations/Processing Activities - For the purposes of Article 24 - "Earth Excavation Regulations," excavation activity/excavation operations/processing activities shall mean the act of moving or removing earth, including but not limited to, all activities associated with the commercial taking of earth, production and processing of construction aggregate, transportation of earth and site restoration. Associated excavation and processing activities also include, but are not limited to: digging, drilling, blasting, bulldozing, crushing, washing, screening, sorting, scaling, weighing, stockpiling, loading, and transporting earth.

Excavation Area - For the purposes of Article 24 - "Earth Excavation Regulations," excavation area shall mean the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this LDC, and NH RSA 155-E. This area may be also referred to as the "pit surface area."

Excavation Perimeter - For the purposes of Article 24 - "Earth Excavation Regulations," excavation perimeter shall mean the land within an excavation site, which includes the excavation area, areas where excavation operations and processing activities are performed, stockpiling areas, and any areas where earth materials are or will be loaded or unloaded for purposes of transport.

Excavation Project - For the purposes of Article 24 - "Earth Excavation Regulations," excavation project shall mean a timeframe that includes all excavation activities to be conducted on an excavation site, including all excavation phases.

Excavation Site - For the purposes of Article 24 - "Earth Excavation Regulations," excavation site shall mean any area of contiguous land in common ownership upon which excavation takes place.

Façade - The front of a building or structure or any of its sides that faces a public right-of-way.

Fall Zone - The area within which there is a potential hazard from falling debris, such as ice, which encompasses a circle with a diameter equal to twice the height of a telecommunication facility as measured on the ground from the base of the facility.

Family - **Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, "transient" shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.**

Farming - Any land, buildings or structures on or in which agriculture and farming operations or activities are carried out or conducted as defined by NH RSA 21:34-A. Such operations include, but are not limited to, animal husbandry, the cultivation, production, harvesting and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops as well as ancillary activities integral to the operation of a farm.

Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

Fenestration - The arrangement of windows, exterior doors and other exterior openings on a building.

Fire Line - Any pipe, including appurtenant valves or fittings, conveying water from a water main to private fire apparatus, and conveying water at no



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Nomination - Ashuelot River Park Advisory Board**

Council Action:
In City Council May 21, 2026.
Nomination tabled until the next regular meeting.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Roth, Richard_redacted

Background:

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

ASHUELOT RIVER PARK ADVISORY BOARD

Richard Roth

December 31, 2027

12 Hillside Avenue

Slot 10, Alternate

From: City of Keene <developers@paragondigital.com>
Sent: Monday, April 13, 2026 9:02 AM
To: Meagan McLaughlin; Terri Hood; Heather Fitz-Simon
Subject: New submission from City Board or Commission Volunteer Form

Submitted on 04/13/2026

Submitted fields are:

Name
Richard Roth
Email
[REDACTED]
Phone
[REDACTED]
Address
12 Hillside Avenue Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
~20 years
Employer
Franklin Pierce University (formerly)
Occupation
Professor (formerly)
Retired?
Yes
Please list any organizations, groups, or other committees you are involved in
CAA Book Group
Have you ever served on a public body before?
No
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• Historic District Commission• Library Board of Trustees• Planning Board

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

Ashuelot River

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

Planning

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

I regularly use the city's outdoor spaces and trails. I've spent decades exploring and enjoying wilderness areas and combined with my academic training in philosophy and communication, I believe I can be an asset to short- and long- term planning.

Suggest other public bodies of interest

Bicycle/Pedestrian Path Advisory Committee

Please provide two personal references:

Name

Derek Scalia

Email

scaliad@franklinpierce.edu

Phone

[REDACTED]

Name

Eloise Norton

Email

[REDACTED]

Phone

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: Confirmation - Heritage Commission

Council Action:

In City Council May 21, 2026.

Voted unanimously to confirm the nomination.

A true record;

Attest:

Deputy City Clerk

In City Council May 7, 2026.

Nomination tabled until the next regular meeting.

A true record;

Attest:

Handwritten signature of Terri Hood in blue ink.

City Clerk

Recommendation:

Attachments:

None

Background:

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

HERITAGE COMMISSION

Karl Sandy

December 31, 2028

104 Cross Street

Slot 11, Alternate

2026-219



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Alan Stroshine
Through: Terri Hood, City Clerk
Subject: Keene Elm City Rotary Club - Request to Use City Property - Clarence DeMar Marathon - September 27, 2026

Council Action:

In City Council May 21, 2026.

Referred to the Planning, Licenses and Development Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Stroshine_Communication

Background:

Mr. Stroshine has submitted the annual request to conduct the Clarence DeMar Marathon and the DeMar Half Marathon on Sunday, September 27, 2026.



January 13, 2026

Mayor Jay Kahn
Keene City Council
3 Washington St
Keene, NH 03431

Re: 48th Annual Clarence DeMar Marathon and 12th Annual DeMar Half Marathon
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official City of Keene Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 27th 2026. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

A handwritten signature in black ink, appearing to read "Alan Stroshine".

Alan Stroshine, Race Director
Member, Keene Elm City Rotary Club

Keene Elm City Rotary
PO Box 1786
Keene, NH 03431

Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Mayor Jay Kahn
Through: Terri Hood, City Clerk
Subject: **Mayor Kahn - Potential Expansion of Permitted Uses in Commerce, Industrial, and Industrial Park Zones**

Council Action:

In City Council May 21, 2026.

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

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Mayor Kahn_Communication

Background:

Mayor Kahn has communicated that a number of businesses, developers, and property owners have spoken to him about the limitations of Commerce, Industrial, and Industrial Park Zones. He mentions our empty buildings and vacant lands that could accommodate warehousing and precision manufacturing. Further, he would like the City to direct its resources in the near future to examine the future uses of Commerce, Commerce Limited, Corporate Park, Industrial, and Industrial Park Zones and would like to engage residents, manufacturers, property owners, and land use developers in the process of broadening the allowable uses in these zones.



Date: May 15, 2026

To: Councilors and Charter Officers,

From: Jay Kahn, Mayor

Subject: Permitted uses in Commerce, Industrial and Industrial Park Zones

A number of businesses, developers and property owners have talked with me about the limitations on Commerce, Industrial and Industrial Park Zones. Particular uses that could help fill vacant properties are Warehouse and Distribution, and Industrial, light and heavy uses. Additional uses could be added such as coop space to support business start-ups and research and prototyping functions.

The image of manufacturing has changed over my lifetime. Manufacturing is no longer as noisy or vibrating as we might have experienced previously. In fact, many area companies are manufacturing at precision or nanotechnology tolerances that can only be achieved at low vibration levels. Their industrial waste is greatly reduced by improved environmental and company waste management controls.

Many products distributed from local businesses come from beyond our area and are lightly modified, warehoused and shipped from regional hubs. While some trucking is necessary, dock and loading zones are no more intrusive and less intensive than what's required for a grocery store in a commercial zone.

Keene has many 10,000 to 20,000 square foot spaces sitting empty. There is also vacant land unserved by water and sewer. By recognizing the changing nature of manufacturing, many of these vacant properties could accommodate warehousing and precision manufacturers. Broadening and overlapping property uses were issues raised in the Master Planning process but left to be considered another day.

I hope the City can direct its resources in the near future to examine future uses of Commerce, Commerce Limited, Corporate Park, Industrial and Industrial Park Zones and engage residents, manufacturers, property owners and land use developers in the process of broadening the allowable uses in these zones. Such an effort should be aimed at helping local businesses locate, grow and remain in Keene.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Councilor Laura Ruttle-Miller
Through: Terri Hood, City Clerk
Subject: **Councilor Ruttle-Miller - Request to Reinstate the College City Commission**

Council Action:

In City Council May 21, 2026.

Referred to the Planning, Licenses and Development Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Councilor Ruttle-Miller_Communication_redacted

Background:

Councilor Ruttle-Miller is asking the City to make an immediate effort to reinstate the now-defunct College City Commission. She believes there is an urgent need for the City to partner with Keene State College to identify meaningful ways to support the institution during this tumultuous period in its history. Further, this partnership aligns with the City's Master Plan.

Laura Ruttle-Miller
222 West Street
Unit 219
Keene, NH 03431

Dear Honorable Mayor and Members of the City Council,

I would like to respectfully request that the City make an immediate effort to reinstate the now-defunct College City Commission.

At its core, Keene is a college city, and there is an urgent need for the City to partner with Keene State College to identify meaningful ways to support the institution during this tumultuous period in its history. The City's Master Plan recognizes the importance of the partnership between Keene and Keene State College, and reinstating this commission would be directly aligned with those stated goals.

I understand that efforts are being made within the community; however, I wanted to send this communication to help reinvigorate discussion within the Council regarding how the City can actively support these efforts. This region would be fundamentally changed by the continued degradation (or potential loss) of a 117-year-old institution that plays such a critical role in our economic, cultural, and civic identity.

I would be happy to volunteer my time and support in any way that may be helpful.

Respectfully,





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Kenneth Kost
Through: Terri Hood, City Clerk
Subject: **Kenneth Kost - In opposition to Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)**

Council Action:
In City Council May 21, 2026.
Communication filed as informational.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Kost_Communication

Background:

Mr. Kost indicates that he is a member of the Planning Board, and was in service on the Board when Ordinance O-2025-15-A was reviewed. He is opposed to re-opening the ordinance based solely on theoretical concerns related to its impact. Mr. Kost further provides background that informed the Planning Board as they deliberated as well as his rationale for retaining the LDC in its current form.

May 18, 2026

Keene City Council
City Hall
3 Washington Street
Keene, NH 03431

Re: Do not re-litigate Ordinance O-2025-15-A

Dear Mayor and Members of the City Council,

As a member of the Planning Board, I participated in the Joint PLD/PB meetings that shaped Ordinance O-2025-15-A. I supported increasing the Medium Density District limit from 3 to 6 units, and I worked through the same concerns that have since been raised again. After reviewing the codes, site constraints, and market realities, I concluded that the concerns surrounding this ordinance are unlikely to occur.

I hope this correspondence is given full consideration. At the April 16 Council meeting, a comment was made suggesting that “informational” correspondence is put in the “waste basket”. I trust that all resident input—including this letter—is treated as part of the deliberative process.

Summary of the Ordinance

Ordinance O-2025-15-A increases the maximum number of dwelling units per lot in the Medium Density District from 3 to 6, consistent with the City’s housing goals and Master Plan.

Why the 6-Unit Allowance Should Remain in Place

1. It Directly Addresses Keene’s Housing Shortage

- Supports “gentle density” using existing buildings and infrastructure
- Produces small, attainable units that match current household sizes
- Provides a fast, least disruptive path to new housing supply

2. It Encourages Reinvestment in Aging Housing Stock

- Many Medium Density homes are pre-1940 and need modernization
- Six-unit conversions create financial incentive for major upgrades (wiring, plumbing, fire safety, insulation)
- Reduces long-term risk of blight and under-maintenance

3. It Does Not Change Neighborhood Scale

- All changes occur *inside* existing buildings
- No new height, massing, or footprint
- No visual impact on neighborhood character

4. It Supports Walkability and Lower Car Dependence

- Medium Density areas are close to downtown, transit, and services
- Small units attract residents with lower car ownership rates

5. It Aligns With State and Regional Housing Policy

- Supports missing-middle housing and adaptive reuse
- Uses infrastructure already in place

6. It is only happening in medium density areas and needs be throughout the city

•Six or more units are allowed in the Medium Density, High Density, Downtown Transition, Downtown Core, Commerce and Commerce Limited zones. Medium Density is located throughout Keene, not just in East Keene.

Concerns Raised — And Why They Are Unlikely

Concern: “Owners will pave entire lots.”

Why not: Setbacks, open-space rules, curb-cut limits, and stormwater requirements prevent this. Many lots physically cannot fit 6 spaces under our LDC.

Concern: “Traffic will increase too much.”

Why not: Studios and 1-bedrooms generate very low trip counts. Medium density areas are walkable, and conversions occur one house at a time.

Concern: “Street parking will overflow.”

Why not: Parking minimums still apply. Small units house fewer people. Existing 4–6 unit conversions in Keene have not produced systemic parking issues.

Concern: “Neighborhoods will be overcrowded.”

Why not: Six small units typically house 6–8 people—fewer than many historic single-family homes.

Concern: “Developers will cheaply carve up houses.”

Why not: A legal 6-unit conversion requires major investment—rewiring, fire separation, sprinklers, plumbing stacks, egress upgrades, and remediation. Typical cost: \$350,000–\$700,000. Only serious, well-capitalized owners pursue these projects.

Concern: It is only happening in medium density areas and needs be throughout the city

Six or more units are allowed in the Medium Density, High Density, Downtown Transition, Downtown Core, Commerce and Commerce Limited zones. Medium Density is located throughout Keene, not just in East Keene.

Summary

No projects have been completed yet, so fears are theoretical. The benefits—addressing the housing shortage, reinvesting in aging buildings, and creating small units—are real and immediate.

Reopening this ordinance now would undermine predictability for homeowners and developers and place Keene behind other NH communities that are expanding missing-middle housing.

I urge the Council not to reopen or roll back this ordinance.

A handwritten signature in black ink, appearing to read "Kenneth Kost", with a stylized flourish at the end.

Kenneth Kost,
51 Railroad Street, Keene



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Kristen Petricola
Through: Terri Hood, City Clerk
Subject: **Kristen Petricola - Petition - In opposition to Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)**

Council Action:
In City Council May 21, 2026.
Communication filed as informational.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Kristen_Petricola_Communication

Background:

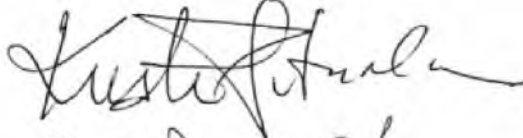
Kristen Petricola has submitted a letter and a petition with 50 signatures that asks the City Council not to roll back Ordinance O-2025-15-A, adopted on September 18, 2025. They further ask that the City Council not re-deliberate these recent decisions but instead continue to work on expanding housing opportunities and implementing pro-housing initiatives as outlined in the City's recently completed Master Plan.

May 18, 2026

City of Keene Clerk's Office
3 Washington Street
Keene, New Hampshire 03431

To the Honorable Mayor and City Council,

Please accept the submitted petition that calls upon the City Council not to roll back its commitment to housing affordability by reducing the number of units allowed by right in medium density districts from six to four.


254 Beaver St
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Robert and Sandra Hamm
Through: Terri Hood, City Clerk
Subject: **Robert and Sandra Hamm - In support of Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)**

Council Action:
In City Council May 21, 2026.
Communication filed as informational.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Robert and Sandra Hamm_Communication

Background:

Robert and Sandra Hamm are in support of the City Council revisiting Ordinance O-2025-15-A. The Hamm's indicate their observation that the residents of medium density districts are not in favor of this ordinance. They further state that they feel the PLD committee vote of 2 in favor and 2 opposed should have translated into a recommendation against the implementation of this ordinance.

TO: Honorable Mayor Kahn and City Council Members
FROM: Robert C. and Sandra Hamm, 89 Valley Street, Keene, NH
DATE: May 6, 2026
SUBJECT: An Opportunity for Conversation and Reconsideration Re:
Ordinance 2025-15-A

Dear Mayor Kahn and Members of the City Council:

We want to share our hope that you will revisit the issue of Ordinance 2025-15-A – which addressed the issue of increasing from three to six the number of residential units permitted in one building by right in the Medium Density Zone of our City. We're aware that the Council just approved it last year. However, that approval was by an extraordinarily close vote of 8 in favor and 7 opposed. As we understand, that close vote came after a 2 in favor/2 opposed vote out of committee. Wouldn't that normally count as a recommendation against implementation of the request?

Given those facts, plus the objections from medium density districts, it would seem that the PLD Committee request to review the ordinance is appropriate. We hope you will make it happen.

Therefore, we urge the Honorable Mayor and City Council to simply offer the opportunity to reconsider the ordinance in question.

Respectfully submitted,



Robert C. Hamm



Sandra Hamm



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Robin Kost on behalf of East Keene Residents
Through: Terri Hood, City Clerk
Subject: **Robin Kost – Petition from East Keene Residents - In support of Reviewing Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)**

Council Action:
In City Council May 21, 2026.
Communication filed as informational.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Robin Kost_Communication_redacted

Background:

Robin Kost has submitted a petition from 14 East Keene residents who would like the City Council to revisit Ordinance O-2025-15-A. They ask the City Council to consider adding minimum standards to this ordinance relating to feasibility requirements. Further, they would like capacity analysis to be included in the ordinance in order to ensure that new housing created is safe, high-quality, and beneficial to the community.

To Mayor & City Council
5/14/26

Petition of East Keene Residents Regarding the 6-Unit Allowance in the Medium Density District

We, the undersigned residents of East Keene, respectfully request that the City Council revisit the recent zoning change allowing up to six dwelling units within existing homes in the Medium Density District.

While we support efforts to expand housing opportunities in Keene, we believe this ordinance requires additional safeguards to ensure that new units are safe, livable, and compatible with our neighborhoods. Our concerns include:

•**Quality of Housing:** Increasing the number of units does not guarantee livable or well-designed homes. Minimum square footage standards for studios, one-bedrooms, and two-bedrooms are needed to ensure quality.

•**City Capacity:** Zoning, permitting, and inspection departments are already understaffed. Six-unit conversions will significantly increase the workload and may reduce the consistency of safety oversight.

•**Older Home Renovations:** Many homes in the Medium Density District are aging structures. Renovations often uncover costly electrical, structural, and plumbing issues that can stall or prevent completion.

•**Risk of Unfinished Projects:** Without financial safeguards, owners may begin conversions they cannot afford to finish, leaving unsafe or deteriorating buildings in residential neighborhoods.

•**Financial Feasibility:** Full six-unit conversions can cost hundreds of thousands of dollars. Most homeowners and small landlords cannot realistically undertake projects of this scale without grants, tax incentives, or low-interest financing.

•**Parking Impacts:** Six units can mean six to ten vehicles. Many East Keene streets have limited off-street parking, and the ordinance does not clearly address how increased demand will be managed.

•**Neighborhood Stability:** It is unclear how many eligible properties are owned by out-of-town landlords. Ownership patterns affect maintenance, tenant turnover, and neighborhood character.

•**Intended Housing Type:** The ordinance does not clarify whether these units are expected to serve students, workforce residents, or both.

•**Exterior Conditions:** Without requirements for exterior improvements, high-density housing may be placed inside visibly deteriorating buildings, affecting neighborhood appearance and property values.

•**Lack of Inventory and Impact Analysis:** The City has not presented an inventory of homes capable of supporting six units, nor an estimate of the staff hours required to review and inspect these projects.

We respectfully ask the City Council to review this ordinance and consider adding minimum standards, feasibility requirements, and capacity analysis to ensure that new housing created under this policy is safe, high-quality, and beneficial to the community.

Signed,

Residents of East Keene

Robin Keef 51 Railroad St Keene NH

Robin Hart





CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Downtown Infrastructure Project Financing Plan**

Council Action:

In City Council May 21, 2026.

Motion to amend the intent of the Committee Report failed, with two in favor and 12 opposed to send the Downtown Infrastructure Project Financing Plan back to the Committee.

Voted 12 in favor and two opposed to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5–0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract for the Construction of the Downtown Infrastructure Project to Casella Construction, Inc., in the amount of \$26,058,836. Any such contract so awarded shall include language allowing the City to amend the scope of work as necessary based on the City Council's final Fiscal Year 2027 Budget approval.

Attachments:

None

Background:

Chair Greenwald welcomed comments from the City Manager about the Downtown Infrastructure Project bids. City Manager Elizabeth Ferland was glad to report the bid results that were opened on Friday, May 8, 2026, and which many staff, Councilors, and members of the press attended. The two bids, one from Casella Construction and one from Albanese, were reviewed by the Public Works Department and they did the bid tabulations to look for any errors and compare them. The City Manager reported a low bid from Casella Construction for \$26,058,836. She said time was of the essence: construction season had begun. So, staff were present to talk about how to fund the difference from what is in the City's budget to what the low bid is, and how to move this project forward as quickly as possible.

Chair Greenwald recognized Public Works Director, Don Lussier for a presentation on the bids and project funding. As the Manager mentioned, there were two bids and the low bid was just over \$26 million. That works out to be just about \$2,000,000 less than the bid in December 2025, so there were some savings the City was able to realize. However, it was not quite enough to get it below the funding the City has already. He showed the Committee the City's currently available funds: all the money that has been appropriated for the project, including what was already discussed through the FY27 CIP. Mr. Lussier reported about \$24.6 million currently available between the City's Water, Sewer, and General Funds. The construction contract is for a construction administration inspector on site as well as the Project Ombudsman. The total for all of that together adds up to about \$27,858,836 million, which is a little short of the need. The good news, he thought, was that the Water and Sewer funds were actually fully funded at this point, and funds already allocated that staff talked about appropriating for those portions of the project are sufficient based on the bid pricing. He said they would be a little short from the General Fund, however, as he would discuss.

Vice Chair Workman arrived at 5:36 PM.

First, Mr. Lussier discussed the funding plan, noting that staff looked at three different options for bridging that gap. The first was the easiest: reallocating money that the Council already appropriated for projects that are complete and now have unspent balances. That is something the City Council does routinely after projects close and staff know there is no more money to spend; the money is either returned to the unallocated fund balance or more often used to make up shortages in other projects through the Finance, Organization and Personnel Committee. The second option they looked at was using a portion of the unallocated fund balance, which is basically money that is in the checking account; it is money that the City has on hand but has not appropriated for a specific purpose. Its purpose is to ensure there is funding to cover any unexpected costs and emergencies. The Council's fiscal policies address where that balance should be maintained. Mr. Lussier explained the last and least desirable option is to increase the bonding amount for the project. He was happy to report that based on the bids and the difference needed to make up, staff did not recommend any increases to bond funding. They thought they could make up for the shortage with reallocation of project balances as well as some money coming from the Unallocated Fund.

Mr. Lussier reported on the unspent project balances and listed the projects with balances remaining: *Total Available: \$2,320,000*

- Upper Winchester Street: \$291,000: Work complete, underbudget
- Thompson Road Stabilization: \$350,000: Mr. Lussier recommended reserving some money to finish this project
- FY24 Road Rehab: \$742,000: Work complete, underbudget
- FY25 Road Rehab: \$632,000: Work complete, underbudget
- FY25 Road Preservation: \$103,000: Work complete, underbudget
- Carpenter St. Stormwater: \$77,000: Work complete, underbudget
- Stormwater System Analysis: \$125,000: Unspent money set aside annually for pre-engineering analysis pipe sizing, cost estimating for future drainage projects. Has not entered the design phase yet.

Next, Mr. Lussier described proposed use of the Fund Balance, which are funds in the City's "piggy bank" that have not been appropriated by the Council for a specific purpose. City staff recommended appropriating \$1.2 million from the Unallocated Fund Balance to the Downtown Project as a part of

making it whole. Those two recommendations of \$2.3 and \$1.2 million would result in a General Fund surplus of funding of about \$160,000 that represents a little bit of financial cushion if there is a change order required during construction; then, the Manager's authority would allow her to spend that additional money without having to find more. In the Sewer Fund, Mr. Lussier added \$13,000 and, in the Water Fund an additional \$80,000 of funds to cover any unexpected costs. So altogether, there would be about \$250,000 of cushion going into the project.

Mr. Lussier explained the recommended motion was unusual because of the construction season starting and not wanting to waste any time. Staff asked the Committee and Council to authorize the City Manager to negotiate and execute an award of the contract. After the notice of award goes out, the contractor would have to get insurance in place and produce some paperwork (two to three weeks) and this would allow the City to jump on the Resolution process as soon as possible. Then, as required, it would go to FOP during the following cycle, so all approvals should be ready by the time the contractor gets all their paperwork in place.

The City Manager noted that this project is not getting any cheaper, and while staff hoped for a lower bid this time, it was not as low as hoped. She thought this was the time to act, especially with the beginning of construction season, and said delaying would only create more issues down the road. Chair Greenwald said that answered one of his obvious questions that this project would not cost less in the future, stating that the last delay essentially cost \$2 million. As far as he was concerned, this sounded good.

Vice Chair Workman was hoping to see more of a contrast between these two bids, similar to what was presented for the last bids for detailed line items. She asked for more insight into the drastic differences between the bids and whether anything was glaring. The City Engineer, Bryan Ruoff, replied that Albanese's total price was essentially the same as it was the last time. The decrease in their unit price items basically ended up being the exact same cost as last time. Some of the higher end items were their sidewalk price, which was still a lot higher, while Casella's sidewalk price was reduced by roughly \$1,000,000. He called that a considerable difference in the comparison of the two bids. The other one was the pipe prices, which were high from everyone during the first bids. He said they were consistent with Albanese again this time but reduced this time for Casella are lower costs for (i.e., \$6,000 vs. \$10,000) concrete structures for the project (e.g., manholes, catch basins, drain manholes). When considering approximately 100 locations in the project, there were significant, unanticipated cost savings. That totaled the approximate \$2 million difference between the two bids. The Public Works Director added, as the City Manager mentioned, that the Public Works Department's detailed tabulation of the bids had now been publicly posted for review. Chair Greenwald suggested providing that to the Council before its next meeting and Mr. Lussier agreed, noting it is convoluted to access through the Purchasing portal.

Vice Chair Workman recalled the City Manager noting that prices would only continue to increase, especially if delayed. If moving forward, the Councilor asked how the City would make up the difference if extra funding is needed beyond the proposed \$160,000 (actually \$250,000) buffer. Mr. Lussier replied that it would depend on where the unexpected costs arise. As he mentioned, there are the General, Sewer, and Water Funds. He thought the Water and Sewer Funds have adequate funding so that if there were a shortage in those areas, an overage could be covered from those funds. If funding was identified as needed from the Water Fund, for example, it could come from the Water Fund balance, Infrastructure Capital Reserve, or additional debt from the Water Fund. It would just depend on the amount and what is available at that time. He had not performed a thorough analysis of project balances with Water and Sewer Funds because they were not looking for any

money there. So, he did not know if there were any balances available to transfer from those funds.

Chair Greenwald said the project also has a built-in contingency. Mr. Lussier agreed that within the project bid, there are contingency allowances that basically allow the City Engineer and his team to use discretion to make decisions about paying for an extra few structures, for example, out of an allowance. He called it pretty limited. Between all the different contingencies and allowances, there's around \$200,000, which includes things like escalation of diesel fuel, for example. There is an allowance for changes in costs in asphalt pricing. Those work both ways, so if prices for those materials end up lower than anticipated, the City will get a small credit for them.

Councilor Favolise asked process questions. He first asked the City Manager to walk the Committee and public in more detail through the order of operations: motion out of PLD, resolutions introduced at City Council meeting, which then go to FOP Committee? The City Manager replied that tonight staff were looking to move forward the low bidder's contract and that process would take several weeks. In the meantime, staff would bring two resolutions forward to the City Council on May 21, 2026: one will be for the allocation from the Fund Balance and the other will move funds from projects. Once the FOP Committee recommends those resolutions, they will go back to Council for a final vote. She noted that this is in the middle of the Budget process, for which the final vote is not until the second Council meeting in June 2026. She said there was some funding as a part of the FY27 Capital Improvement Program (CIP) as well.

Councilor Favolise asked about use of the Fund Balance. He is typically a fan of drawing down on the Fund Balance for things that are one-time expenditures. He said it does not do us a whole lot of good for the fund balance to just sit there. He knew what the City Manager would tell him about cash flow, the bond ratings, and all of that. He said the purpose of putting money away is in case you need to use it at some point, so if the City needs to use it now, he is okay with that. He asked Am I correct that the City is in the upper band of the fiscal policy limit relative to fund balance? The City Manager replied that there was a little room. She said the City would be spending it down in this next budget and a good portion of it already is going towards the Downtown Project, but the City would be staying in the upper to mid-limit of the range.

Councilor Tobin said she understood the need for urgency but wanted to ensure the Committee was taking the time to understand, process, and ask any questions and get those answers to make the right decision. She agreed that it would have been helpful, and she would have appreciated having all this information in advance of this meeting, when expected to make a decision. She asked the difference in reputations and past projects for the two bidders. Mr. Lussier did not have any work experience with Albanese and as far as he knew they had not worked with the City. Casella had recently completed a large project at the Keene Dillant-Hopkins Airport and the Airport Director reported to the Public Works Director that it went really well. That was the extent of Mr. Lussier's experience with Casella. However, the staff have to review references and as a part of the award. By anecdotal evidence, at least, he said Casella has performed well on City projects in the past.

Councilor Tobin asked for clarity on the items under Bid Alternate A. Mr. Lussier replied that it was the last remaining bid alternate included in this bid: the granite seating walls around the landscaped areas. He recalled back in March 2026, when the Committee talked about ways to save money and one suggestion was to replace those granite seating walls with simple granite curbing. So, the base bid was granite curbing, and the bid alternate would have replaced the granite curbing with granite seat walls. The bid alternate was not included in the proposal presented to the Committee tonight. For the Committee's information, the additional cost for those granite seat walls was \$239,000.

For the public's information based on what he had seen on Facebook, Chair Greenwald asked why only replacing the underground pipes would not be a good alternative to the full project. The Public Works Director replied that when replacing those pipes, they would be disturbing a significant portion of the downtown. They will require an approximate eight-foot trench and steel shield in the trench required by OSHA to protect the workers. If that trench is dug, he said it is likely to find the gas company also needs to work, etc., but they may only need smaller trenches if they worked on their own; all those would become a quilt of trench patches throughout the downtown as opposed to coordinating all the work and replacements at the same time while already spending the money. Mr. Lussier had said all along that opting to only replace the pipes would save a few dollars minimally, but he does not believe the City would be happy with the results. Additionally, each building gets a connection to the drain system, which would impact the sidewalks.

Chair Greenwald opened the floor to public comments.

Councilor Laura Ruttle-Miller (of West Street) said, as a newer Councilor, she had been reading through past minutes to have an understanding about concerns around this, particularly from downtown businesses. She felt like this had been going on for so long now that maybe some of that had become lost in translation. She wondered if there could be a high-level PowerPoint with a timeline of all the Council votes that had occurred on this project. Chair Greenwald suggested a 5-minute presentation at the next Council meeting. The Public Works Director said they have something like that they could update. Regarding the downtown businesses, he said there is a project Ombudsman, Mr. George Downing. He has joined monthly updates, been talking to businesses, and been helping to prepare binders that are going out to businesses about the plan of action pending the final resolution, so they have some information to share with their customers.

Chair Greenwald asked City Councilor Randy Filiault in the audience how many meetings there had been on the Downtown Infrastructure Project and Councilor Filiault replied 84.

Councilor Favolise noted that Councilor Ruttle-Miller talked about the project timeline and the post-mortems, and Councilor Favolise agreed there needs to be both a look back at where we are and how we got here in terms of the decisions that have been made around downtown, business disruption, and how we got here in terms of a lot of other things as well. He said that one of the questions he anticipates getting as a result of this is: a bid has been awarded, when is construction actually going to start? He asked if there was a rough timeline there. He was hearing a few weeks for everybody to get the paperwork in order, so it was sounding to him like June or July. Mr. Lussier replied in late June. City Engineer Bryan Ruoff said staff reached out to Casella to get a sense and they felt like it would probably take them about two months, which is a part of the reason for the urgency and asking to move forward—two months from the notice that they are being awarded the project between the paperwork. They could potentially do a soft start, not necessarily full construction with test pits. However, they anticipate construction in mid to late July.

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

Mayor Kahn clarified that this recommendation would have no further impact on the FY27 Budget that had been submitted for the Council's consideration. The City Manager said that was correct, these resolutions would be outside of the Budget process. Mayor Kahn said there would be no further impact on the tax rate recommended in the Budget process. City Manager Ferland said correct, there are items in the FY27 budget as planned in the CIP that are related to the Downtown Infrastructure

Project, but these actions would not have any additional impact to the tax rate.

On a vote of 5–0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract for the Construction of the Downtown Infrastructure Project to Casella Construction, Inc., in the amount of \$26,058,836. Any such contract so awarded shall include language allowing the City to amend the scope of work as necessary based on the City Council's final Fiscal Year 2027 Budget approval.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Keene Family YMCA - Request for Road Closure of Summit Road for the Otter Romp Youth Triathlon Race - June 7, 2026

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

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 Family YMCA for the Otter Romp Youth Triathlon Race on Sunday, June 7, 2026, subject to the licensing requirements identified in the staff report, including associated road closures. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license.

Attachments:

None

Background:

Chair Filiault recognized the petitioner, Kelly Fleurette, Senior Program Director for Keene Family YMCA (of 9 Schuyler Way), who was before the Committee to request the annual closure of Summit Road for the YMCA youth triathlon in June 2026. She said the request was the same as last year. Chair Filiault said this is one of those great activities in Keene and one of the few that are not downtown. He said it was good to see another neighborhood involved.

Councilor Jones agreed it is a great event. He said there was something originally circulating among the neighbors about the street condition and asked if that had been solved. Ms. Fleurette said there are just some extra potholes, and some had been corrected. Councilor Jones asked whether she was satisfied. Ms. Fleurette said yes but they are still looking at a new route for future events, so they would be back with a proposal earlier than usual in 2027. Councilor Jones asked if that is the route

around the block and she said yes. If there are still potholes before the event, Councilor Haas suggested submitting them to the City's SeeClickFix app for repairs before the race.

Chair Filiault requested City staff comments. Deputy City Manager, Rebecca Landry, reported that this event had been through the Protocol process. Police, Fire, Public Works, Community Development, and Parks and Recreation Departments have reviewed the plans. This is a recurring event and includes very limited use of the public way (a lot of the activities take place in the field). Staff look forward to this being a successful event again this year.

Chair Filiault opened the floor to public comments.

Councilor Molly Ellis (of Cross Street) noted that her son was very excited to be taking part in this event, which she thought would be fantastic. Ms. Fleurette appreciated the support.

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 the Keene Family YMCA for the Otter Romp Youth Triathlon Race on Sunday, June 7, 2026, subject to the licensing requirements identified in the staff report, including associated road closures. All permissions granted herein are subject to compliance with the City-approved safety protocol document, which becomes a part of this license.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Black Cloud Brewing Co. - Request for Permission to Serve Alcohol - Sidewalk Café**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Black Cloud Brewing Co. to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on November 1, 2026.

Attachments:

None

Background:

Chair Filiault welcomed Thomas Dufault, an owner of Black Cloud Brewing Co. (of 100 Main Street). He stated that all the owners are ex-employees of the defunct brewery, who bought the equipment and decided to do it the way they wanted to and the way the public wanted them to. He formally asked to do what was always there originally. Chair Filiault said it was great that everyone was familiar. He asked if there were any changes to the sidewalk plans. Mr. Dufault said no, it is the exact same layout plan from the previous brewery; he received the blueprint layout from the City. They would follow all guidelines from previous years. He and Chair Filiault agreed they are keeping it simple. Chair Filiault stated he appreciates that.

City Manager Elizabeth Ferland noted that the applicant would not need to return again next year because if the Council approves this first-time request to serve alcohol from the new owner, it will be renewed administratively in the future.

Chair Filiault opened the floor to public comments.

Councilor Laura Tobin (of Center Street) wondered if the public could view the layout plans submitted for these sidewalk cafés. Chair Filiault suggested going to the City Clerk's Office, who should let anyone review the plans.

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 that the City Council grant permission to Black Cloud Brewing Co. to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on November 1, 2026.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: NH Humanities Council Community Development Finance Authority (CDFA) Grant

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a grant of up to \$3,800 in support of two programs that facilitate community building.

Attachments:

None

Background:

Chair Powers welcomed Library Director Martine Fiske, who explained that the Library was awarded a grant for \$3,800. She asked the Committee to recommend that the City Manager be authorized to do all things necessary to accept and expend a grant of up to \$3,800 in support of two programs that facilitate community building. These are federal pass-through funds that come from the New Hampshire Community Development Finance Authority. The first of the programs that this would fund is called the Community Conversation. The New Hampshire Humanities would provide a facilitator and an artist who will act to capture the minutes of the meetings both textually and artistically. The goal is to encourage conversation about how the community has been changing, to address particular topics in each community, and find a way for the communities to come together and address those issues. The grant would provide \$800 for food, childcare, and any sort of supplies needed. They would pay separately for the facilitator and the artist. The follow up event would occur later in the fall, based on the topics that come out of that community conversation. The grant would give the City up to \$3,000 to put on that second event. The Library has community partners who have

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already agreed to work with them on building that second event and to organize and implement the first one as well: Hannah Grimes Center for Entrepreneurship; the City's Human Rights Committee; the Monadnock Diversity, Equity, Inclusion, & Belonging Board; Keene Family YMCA; and the Monadnock Interfaith Project will assist in advertising, organizing, designing, and implementing these programs.

There were no public comments.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a grant of up to \$3,800 in support of two programs that facilitate community building.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of 2026 AARP Community Challenge Capacity-Building Microgrant**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 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 2026 AARP Community Challenge Capacity-Building Microgrant in the amount of \$2,500.

Attachments:

None

Background:

Chair Powers welcomed City Planner Megan Fortson, seeking a recommendation that the City Manager be able to expend funds for a \$2,500 grant that the Community Development Department was recently given as part of the AARP Community Challenge. It is called a Capacity Building Micro Grant and would be used as a part of the Bicycle/Pedestrian Master Plan update to perform a series of three to five bike and walk audits around the City of Keene with a focus on the senior population. There are already volunteers throughout the community, and the Community Development Department would be working with American House, Covenant Living, and Keene Senior Center to get these bikes and walk audits completed. They are also working to schedule with members of the population who do not bike or walk but just have other general accessibility and mobility considerations that need to be taken into account. The course of the grant is going to run from about June to December 2026, when the final report will be completed, but the brunt of the work is going to be finished during the warmer months. All of the data collected will be used as part of the Bicycle/Pedestrian Master Plan update, which has a very tight budget at \$50,000 currently.

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There were no public comments.

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

On a vote of 5 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 2026 AARP Community Challenge Capacity-Building Microgrant in the amount of \$2,500.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Technical Services Agreement - Southwest Region Planning Commission**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a Technical Assistance Agreement with Southwest Regional Planning Commission for the Ashuelot Greenspace Project.

Attachments:

None

Background:

Chair Powers welcomed Deputy City Manager Andy Bohannon to explain this technical service agreement with Southwest Regional Planning Commission (SWRPC) for the Ashuelot Green Space. He recalled the City receiving a donation of the land (about 2.5 acres) adjacent to the Monadnock Conservancy to be developed as a park. Then the City received a donation of \$35,000 for the conceptual design of a playground. In having conversations with SWRPC, they were able to look at possibly using Timber for Transit Program funds through SWRPC as an opportunity to have the technical side of the design completed up to \$105,000, which would be an approximately 80% match. So, the City was able to leverage the \$35,000 and then to get the design services. SWRPC hired VHB as the technical designer for their side of things and the City was in the process of review at this time. At the next FOP meeting or shortly after, there will be an award request for the conceptual design for the playground. Mr. Bohannon asked the Committee to allow the City Manager to sign this agreement, stating that it is really being transparent with the Committee about all the steps that staff have completed, because staff probably could just sign the agreement, but wanted to make sure that the Committee was aware that there are about \$140,000 worth of services being performed not out of

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the City Budget. He said it was another way of always being a little creative.

There were no public comments.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a Technical Assistance Agreement with Southwest Regional Planning Commission for the Ashuelot Greenspace Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Recreational Trails Program Grant - Keene State College Pedestrian Bridge**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a Recreation Trails Program grant for \$80,000.00 for the trestle bridge on the Ashuelot Rail Trail.

Attachments:

None

Background:

Chair Powers welcomed Deputy City Manager Andy Bohannon to explain a project that seemed like it may never happen. He recalled the City applying for the Recreational Trails Program Grant for the pedestrian bridge on the Ashuelot Rail Trail, known as the Trestle Bridge, in 2025. Now, the State of New Hampshire Trails Bureau changed their process. Typically, you used to be able to submit the application, then they would award it, and then they would go through all the technical reviews and all the permits after they awarded it. Now, the process has changed so they go through all the background before awarding, so everything is in-line upon award. So, this has taken longer than anticipated. This recommended motion would allow the City Manager to sign the documents that would go back in front of the Governor and council to sign. The FOP Committee sort of did this in November 2025, but the grant documents have to be signed by the City Manager within 30 days of City Council approval or action, so this is coming back to the City Council. This would align with the City Council action next week and then the City Manager would execute the agreements to go back to the state to get on the Governor and council agenda. Because of the delay, the Governor has said they will extend the project time frame through the end of September 2027. So, once awarded the

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funding, Mr. Bohannon said the City would be working to get the project completed as soon as possible.

There were no public comments.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a Recreation Trails Program grant for \$80,000.00 for the trestle bridge on the Ashuelot Rail Trail.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of HealthTrust Wellness Grant**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 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 2026 wellness grant from HealthTrust in the amount of \$2,500 to be used for employee wellness activities.

Attachments:

None

Background:

Chair Powers welcomed Human Resources Director Darcy Newport, who requested that the City Manager be authorized to accept and expend a donation from Health Trust for the City's Wellness programs. The City's insurance Bender Health Trust offers a Wellness Grant as a benefit to employers who train Wellness Coordinators. The City has five employees who are trained as Wellness coordinators and support the wellness, health, and wellness initiatives throughout the City. Health Trust is offering the City a grant of \$2,500 to use towards those efforts.

There were no public comments.

Chair Powers noted this is an annual event with Health Trust and because the City's Wellness Coordinators do a good job, they are happy to reward us. Ms. Newport said the City is very grateful.

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

On a vote of 5 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 2026 wellness grant from HealthTrust in the amount of \$2,500 to be used for employee wellness activities.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2025 Hazardous Materials Emergency Preparedness (HMEP) Grant Award**

Council Action:

In City Council May 21, 2026.

Voted unanimously to carry out the intent of the report.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 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 Hazardous Materials Emergency Preparedness Grant award.

Attachments:

None

Background:

Chair Powers welcomed Fire Chief Jason Martin, who said the City was recently notified that it was awarded \$7,197 as part of the FY25 Hazardous Materials Emergency Preparedness Program. This funding will be used to buy a training prop, specifically a bulk liquid cargo tank emergency control and leak mitigation training simulator. Since already awarded the grant, the next step in this process would be to execute the grant agreement. Once completed and returned, the application will be moved to the Department of Safety's Business Office for Governor and Executive Council approval. There is a 20% match totaling \$1,439.40 that will be satisfied through in-kind activities, such as training and any sort of other associated administrative costs.

There were no public comments.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City
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Manager be authorized to do all things necessary to accept and expend the 2025 Hazardous Materials Emergency Preparedness Grant award.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Councilor Jones - Draft Resolution for Consideration Addressing the Burden on Local Property Taxpayers**

Council Action:
In City Council May 21, 2026.
More time granted.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends placing "Councilor Jones - Draft Resolution for Consideration Addressing the Burden on Local Property Taxpayers" on More Time.

Attachments:

None

Background:

Councilor Jones was unable to attend but Mayor Kahn noted that members of the public attended to provide testimony.

Chair Powers opened the floor to public comments.

Kenneth Stewart (of 11 Algonquin Drive) was really pleased to see that Councilor Jones proposed this Resolution because it is badly needed and would be a good first step. However, Mr. Stewart was concerned that without some specifics added to it, the City would just get into the back and forth where those in the state who want to take this approach will simply rebut this because there are no specific numbers in the resolution. They would say the problem is crazy local spending on school boards and County delegations and city councils and select boards. He suggested that this be augmented in some way—either an amendment to this resolution or follow up communications—that really get into some specifics about how much downshifting has occurred. He said it is not only the

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increment from the prior budget session to the latest one that the state did. This is something that has unfolded over 10 years or so, going back to approximately 2010, when the state decided to walk away from its share of the retirement plan “that they talked us all into doing and said it was going to be just great and they were going to pony up some share of it, and then they’ve walked away from that.”

Mr. Stewart was really struck by the importance of getting these numbers out in front of people because he found an opinion piece that Jack Wozmack wrote in 2025 when he was the County Treasurer; he made the assertion that over the 10-year period, the state has walked away from or downshifted something on the order of \$3 billion plus dollars, which works out to \$300 million per year. Mr. Stewart did not know what the impact is in Keene, but thought the City should look back over that number of years and figure that out, stating that it would be really helpful for the public to know the effect on the County, the School, and the and the municipal budget. He suggested including a letter with the tax bill, explaining how much money has been downshifted over the past decade and what it has cost the City. Without those specifics, he thinks it is just an ethereal conversation. He suggested that being fact-free is not a good place to be. He hoped the City would build on this with some public relations (i.e., pieces in The Sentinel or on the radio, whatever it takes) because this is a huge amount of money if Mr. Wozmak’s numbers are near correct. Mr. Wozmak even asserted that by adding back all the downshifting plus careful budgeting at the local level, the property taxes in New Hampshire would actually have gone down, which was stunning for Mr. Stewart to hear. So, he thought it was worth the City digging into the hard numbers, stopping the conversations, and moving toward a more equitable way of funding how we do business here in New Hampshire.

The City Manager talked about a recent town hall at the Keene Public Library on this topic, which Senator Donovan Fenton moderated with a panel of the City Manager, County Administrator, and School Superintendent. The City Manager provided numbers related to the big things such as retirement shared revenue, and meals and rooms revenue because those were the bigger numbers back to at least 2008. The County and School also have numbers that they could share. The City Manager mentioned that she really wants to focus on the School funding issue right now, which she knows is beyond the City, and said it is not about budgeting but about uniting and putting pressure on the State of New Hampshire to adequately fund education. At this time, looking at tax rates across the State of New Hampshire, the biggest impacts are being felt in the School portion of the rate because of the funding formula used and how they are doing it. So, the City Manager thought there would be an opportunity to put in a policy proposal to address this, and she mentioned this to the New Hampshire Municipal Association (NHMA). The policy proposal was not approved but NHMA is interested in doing something on this, so the City Manager said to stay tuned.

Mayor Kahn noted that Councilor Jones was concerned about the resolution being communicated by June 4, 2026 because it relates to the final session of the Legislature before bills go to the Governor. So, the Mayor thought there was sufficient time to delay two weeks until the Committee’s next meeting to navigate this, although he thought Councilor Jones would love an affirmative vote in his absence. Still, it sounded like a request for additional specifications, such as the retirement contribution relative to the City being likely the biggest hit the City had absorbed over the 10-year period. The Mayor thought Mr. Stewart made a good point about that specificity. Mayor Kahn thought the City Manager already explained how it affected \$0.90 on the dollar of the tax rate, so the Mayor was not surprised to hear that there could be an impact to the City or County of \$3 million per year. He thought there was time to tune this up for the next meeting.

City Councilor Randy Filiault said Mr. Stewart made a very valid point about downshifting and agreed

that it would be imperative to be a bit more specific. Several years ago, when Councilor Filiault was looking at the Rooms and Meals Tax, the state was supposed to give the City \$0.40 on a dollar, and they were giving the City \$0.21. When the City inquired, the reply was that “We don’t have that criteria. We can’t get that to you.” He said the City Manager and Finance Department did their due diligence, did the homework, and found out between 2013 and 2023 the state shorted Keene \$1 million per year just in Rooms and Meals Tax alone. Councilor Filiault said that means business dividends, profits, and tax. He appreciated what the City Manager said about the school but noted Councilor Roberts has been on the School Board a long time and Councilor Filiault has been serving that last four years. He said the School Board is meeting weekly because of the bills passed in Concord and downshifting; there is a Policy Committee that meets monthly to determine what is downshifted that month. Councilor Filiault said the City Manager is absolutely correct and the bottom line is that even though they are separate budgets, the taxpayers pay out of the same wallet. He said we are all in this together; there is no more finger pointing. Downshifting is affecting all of us significantly, it cannot be glossed over, and the state needs to be held accountable.

Councilor Roberts agreed with Mr. Stewart but played devil’s advocate, stating that a lot of people in Keene do not care about this because they do not think it affects them. Renters, for example, think it does not affect them, and Councilor Roberts suggested the City needs to go out and demonstrate that rents are so high in Keene because of the property taxes. This does not just affect homeowners and businessowners. He added that because of downshifting, the City has to ask people in Keene to pay more, and he asked what opportunities the City is losing to make itself better or to provide better services that people would like because property taxes are so high. Councilor Roberts spoke about getting people on board who do not realize all the benefits and services they are losing because of the height of the tax. If only communicating to homeowners, there would not be a lot of people on board.

Councilor Lake talked about the medium for communicating this, noting the goal of June 4, 2026. He was worried that by putting this on “More Time,” this communication suggesting a possible resolution would not get the desired result in time. There was not an actual resolution before the Committee yet. So, he was worried that “More Time” would be a delay. He thought there could be consensus to move forward something theoretically to the Committee like a resolution draft the next time for review. Alternatively, he wondered if a resolution would be the right way to go or if there were other ways, such as having the Council/Mayor write a letter that other organizations (e.g., the County, other towns) could sign onto and have more weight behind it rather than a sole resolution adopted by Keene. Councilor Chadbourne called it a good idea. Chair Powers thought there would be a lot of work before the next meeting, and a better idea could arise. He thought everyone was hitting on the point of getting the idea out in many different ways. He added about reminding people that while they may rent and not pay taxes, they do vote, and this is an election year. Chair Powers agreed about a lot of local publicity on the effects of this over time.

Chair Powers thought the City Manager had instructions to work with Councilor Jones and others on “More Time” to bring something like a draft resolution or something else forward to the next FOP meeting.

Mayor Kahn suggested that committees often ask the City Manager to draft resolutions beyond just “More Time” as a way to advance the process a bit. Councilor Lake thought that was a definite path. Given his position that there were multiple possible routes to take, he hated to make a motion locking the Committee into a resolution at this time before hearing from Councilor Jones. He thought the City Manager could theoretically bring forward a draft resolution while this is on More Time without the

Committee prompting her to do so with a motion. He was hesitant for a vote locking that in though. Chair Powers said the message was received about the timing.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends placing "Councilor Jones - Draft Resolution for Consideration Addressing the Burden on Local Property Taxpayers" on More Time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Water & Sewer Utility Charges
Ordinance O-2026-07**

Council Action:

In City Council May 21, 2026.

Referred to the Finance, Organization and Personnel Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

That Ordinance O-2026-07 be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation to the City Council.

Attachments:

1. O-2026-07-Related to Water & Sewer Utility Charges_Referral

Executive Summary:

Ordinance O-2026-07 updates the City's water and sewer utility charges effective July 1, 2026, including a five percent increase to most rates and fees to support the long-term financial stability of the utility funds. The average residential customer will see an increase of approximately \$45 annually.

Background:

In May of 2025, Public Works introduced an ordinance to update our water and sewer utility rates for the first time since 2022. At that time, we described our intention to implement regular, incremental adjustments to the utility rates in order to maintain the financial stability and resiliency of the Water & Sewer Funds.

Ordinance O-2026-07 will enact a five percent increase on most charges effective as of July 1, 2026-231

2026.

For our "Median" residential customer, with a 5/8" water service and using approximately 12 units of water per quarter, these changes will increase their quarterly bill by approximately \$11.28 per quarter (\$45.13 per year).



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to Water & Sewer Utility Charge

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

That Sec. 98-165.1 “Fees and charges” of the Ordinances of the City of Keene, as amended, are hereby further amended, effective as of July 1, 2026, by deleting the stricken text and inserting the bolded text, as follows:

Sec. 98-165.1. - Fees and charges.

The fees for backflow prevention device permits are found in Appendix B to this Code. ~~The An initial Permit Issuance fee will be assessed at the time the permit is issued and again upon reissuance, at a minimum every five years.~~ **application is submitted to the City permit is issued and again upon reissuance, at a minimum every five years. A Permit Renewal fee will be assessed with each required backflow device testing report submission.** Changes in ownership of a building or change in use of a building that requires a change in type of backflow prevention device will require a new permit. Failure to pay any fees associated with the backflow prevention program, or failure to comply with any of the provisions of this division 5, will be subject to the provisions in Code [sections 1-15](#) and [98-515](#), including turning off the water service to the building.

And further, that Appendix B “Fee Schedule” of the Ordinances of the City of Keene, as amended, are hereby further amended, effective as of July 1, 2026, by deleting the stricken text and inserting the bolded text in, as follows:

§ 98-165. Backflow operating permit fees:

~~Original-Backflow preventer operating Permit Issuance Fee~~ ~~\$ 25.00~~ **\$50.00**

Permit Renewal **Fee.....**-\$10.00

§ 98-216. Private wastewater disposal permit and inspection fee \$50.00

§ 98-359. Fee for industrial users to defray the administrative costs of the industrial discharge permits (IDP) program:

Significant industrial users, flat fee per year \$2,000.00

Additional fee per gallon based on one day's average flow \$0.02

Minor industrial users, flat fee per year \$200.00

§ 98-511(a). Water meter rates:

Volumetric Rate for water passing through the meter	\$5.62 \$5.90 per hcf
Volumetric Rate for water dispensed into a tanker truck or other bulk container from a City dispenser	\$22.44 \$23.56 per hcf \$0.03 \$0.032 per gallon
Fixed Quarterly Charge (meter size in inches)	
5/8"	\$25.55 \$26.83
3/4"	\$38.33 \$40.25
1"	\$63.87 \$67.06
1 1/2"	\$127.73 \$134.12
2"	\$204.37 \$214.59
3"	\$383.21 \$402.37
4"	\$638.67 \$670.60
6"	\$1,277.35 \$1,341.22

§ 98-511(c). Flat Rates:

Unmetered 5/8" service; flat fee per quarter... ~~\$78.71~~ **82.65**

§ 98-511(g). Public and private fire protection service charges:

Private Fire Protection (per connection, per year)	
Private Fireline 1 1/2"	\$30.89 \$32.43
Private Fireline 2"	\$65.84 \$69.13
Private Fireline 4"	\$407.55 \$427.93
Private Fireline 6"	\$1,183.83 \$1,243.02
Private Fireline 8"	\$2,522.79 \$2,648.93
Private Fireline 10"	\$4,536.85 \$4,763.69
Private Fireline 12"	\$7,328.27 \$7,694.68
Private Hydrant (per hydrant, per year)	\$1,183.83 \$1,243.02

§ 98-512(a). Sewer rates:

Volumetric Rate (\$ per hcf)	\$6.60 \$6.93
Fixed Quarterly Charge (meter size in inches)	
5/8"	\$53.48 \$56.15
3/4"	\$80.21 \$84.22
1"	\$133.69 \$140.37
1 1/2"	\$267.36 \$280.73
2"	\$427.78 \$449.17
3"	\$802.08 \$842.18
4"	\$1,336.81 \$1,403.65
6"	\$2,673.63 \$2,807.31

§ 98-512(b) Septage and holding tank charges:

Septage, per gallon \$0.095

Minimum fee for each load of septic waste \$10.00

Holding tank waste, per gallon \$0.065

Minimum fee for each load of holding tank waste \$10.00

§ 98-513(b) Letting-on and letting-off charges:

The minimum charge for any service requiring staff to visit a customer's premises shall be ~~\$75~~ **\$80.00**, or shall be billed based on the basis of actual labor, equipment and materials.

§ 98-514(a) Meter testing charges:

Flat rate charge for meter testing, regardless of size... \$150

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Deputy City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Elizabeth Ferland, City Manager
Subject: **Relating to Short-term Rental Uses
Ordinance O-2026-09**

Council Action:

In City Council May 21, 2026.

Referred to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for a public workshop.

A true record;

Attest:

Deputy City Clerk

Recommendation:

To refer Ordinance O-2026-09 to the Joint Committee of the Planning Board and Planning, Licenses, and Development Committee for a public workshop.

Attachments:

1. O-2026-09 Application and Narrative
2. O-2026-09-Relating to Short-term Rental Uses_Referral

Executive Summary:

Ordinance O-2026-09 establishes a definition and use standards for short-term rentals in the Land Development Code and allows them, with limitations, in all residential districts and zoning districts where bed and breakfasts are currently permitted. The proposed regulations are intended to support housing-based income opportunities for residents while protecting neighborhood character, public safety, and the quality of life for surrounding properties.

Background:

Short-term rentals or "STRs" are homes that people rent to visitors for short-term stays from 1 to 30 days, usually through an online platform such as Airbnb, VRBO, or other websites. The City's zoning 2026-243

code does not explicitly allow short-term rentals. However, there are approximately 50 active short-term rental properties in Keene.

This ordinance proposes to establish a definition and use standards for the term "Short-term Rental" in Article 8 of the Land Development Code and allow this use by right (with use limitations) in all residential districts and all zoning districts where "Bed and Breakfast" is currently allowed. This includes the following districts: Rural, Residential Preservation, Low Density, Low Density 1, Medium Density, High Density, High Density 1, Downtown Transition, Commerce, Neighborhood Business, Business Growth and Reuse, Office, and Agriculture.

The intent of this proposed change is to support wealth-building opportunities for Keene residents by explicitly allowing this use to occur in residential districts. In addition, the proposed use standards are intended to help ensure the health and safety of short-term rental guests, preserve the residential character of Keene's neighborhoods, and protect the quality of life for abutting residences.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: September 17, 2024

Address: 3 Washington St. Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: Article 8 + various sections (see attached ~~documents~~)

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

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: Attached

Mari Brun
Validation of Number of parcels by the
Community Development Department

Mari Brun
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: 05/19/2026 Ordinance Number: O-2026-09

On City Council agenda: 05/21/2026 Workshop to be held: _____

Public Hearing to be held _____

Zoning District	Approx. Number of Parcels in District	Requires Mailed Notice?
Rural	1,500	No
Residential Preservation	169	No
Low Density	3,700	No
Low Density 1	13	Yes
Medium Density	787	No
High Density	772	No
High Density 1	3	Yes
Downtown Transition	96	Yes
Commerce	233	No
Neighborhood Business	48	Yes
Business Growth and Reuse	28	Yes
Office	9	Yes
Agriculture	46	Yes

CITY OF KEENE
NEW HAMPSHIRE

O-2026-09 Relating to Short-term Rental Uses

This ordinance proposes to establish a use definition and use standards for “Short-term Rental” in Article 8 of the Land Development Code and allow this use by right in the following districts: Rural, Residential Preservation, Low Density, Low Density 1, Medium Density, High Density, High Density 1, Downtown Transition, Commerce, Neighborhood Business, Business Growth and Reuse, Office, and Agriculture.

The intent of this proposed change is to support wealth-building opportunities for Keene residents, ensure the health and safety of Short-term Rental guests, preserve the residential character of Keene’s neighborhoods, and protect quality of life for abutting residences.

The attached materials include the full text of Ordinance O-2026-02 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with this ordinance. 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 Six

AN ORDINANCE Relating to Short-term Rental Uses

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

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

1. Add a new section “AI” to Article 8, Section 8.3.2, “Commercial Uses” to define “Short-term Rental,” as follows. The intent of this proposed change is to support wealth-building opportunities for Keene residents, ensure the health and safety of Short-term Rental guests, preserve the residential character of Keene’s neighborhoods, and protect quality of life for abutting residences.

AI. Short-term Rental (STR)

1. Defined.

Short-term Rental (STR) - A dwelling or any portion thereof that the owner or the lessee of the dwelling offers for occupancy, for a fee, for fewer than 30 consecutive days. Short-term Rentals can be hosted, where the dwelling is the primary residence of the owner or lessee, or non-hosted, where the dwelling is not the primary residence of the owner or lessee.

2. Use Standards

- a. **If located in a residential zoning district, the residential appearance of the dwelling or the lot on which the STR is located shall be maintained.**
- b. **Non-Hosted STRs shall have posted contact information in accordance with Chapter 18, Section 18-16 A of the City Code of Ordinances. The exceptions listed in Section 18-16 B shall not apply to this use.**

2. Allow “Short-term Rental” as a permitted use in the zoning districts listed below by amending Sections 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, 5.1.5, 5.3.5, 5.4.5, 5.5.5, 7.2.5, and Tables 4-1 and 8-1, to display “Short-term Rental” as a permitted use under the category of commercial uses.

- a. Rural
- b. Residential Preservation

- c. Low Density
- d. Low Density 1
- e. Medium Density
- f. High Density
- g. High Density 1
- h. Downtown Transition
- i. Commerce
- j. Neighborhood Business
- k. Business Growth and Reuse
- l. Office
- m. Agriculture

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Joint Committee of the
Planning Board and Planning, Licenses and
Development Committee for a Public Workshop.

Deputy City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.3.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Elizabeth Ferland, City Manager
Subject: **Relating to the Definition of Short-term Rental
Ordinance O-2026-10**

Council Action:

In City Council May 21, 2026.

Referred to the Planning, Licenses and Development Committee to be placed on more time until after the public hearing on Ordinance O-2026-09.

A true record;

Attest:

Deputy City Clerk

Recommendation:

To refer Ordinance O-2026-10 to the Planning, Licenses and Development Committee for review and recommendation.

Attachments:

1. O-2026-10_Narrative
2. O-2026-10-Relating to the Definition of Short-term Rental_Referral

Executive Summary:

Ordinance O-2026-10 seeks to align with amendments proposed by companion Ordinance O-2026-09 by creating a matching definition for "Short-term Rental" in Article 29 of the Land Development Code to ensure consistency with the use definitions established in Article 8.

Background:

This is a companion ordinance to O-2026-09 that would create a matching definition for "Short-term Rental" in Article 29 of the Land Development Code (LDC). The intent of this proposed change is to maintain consistency between the use definitions in Article 8 of the LDC and the definitions section of the LDC in Article 29.

2026-244

CITY OF KEENE
NEW HAMPSHIRE

O-2026-10 Relating to the Definition of Short-term Rental

This ordinance proposes to establish a definition for “Short-term Rental” in Article 29 of the Land Development Code. This is a companion ordinance to O-2026-09, which proposes to create a use definition with use standards in Article 8 and allow this use in a variety of zoning districts.

The intent of this proposed change is to ensure consistency between the use definitions in Article 8 and the Definitions in Article 29.

The attached materials include the full text of Ordinance O-2026-02. 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 Six

AN ORDINANCE _____ Relating to the Definition of Short-term Rental

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

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

1. That a definition of “Short-term Rental” be added to Article 29, as follows:

Short-term Rental (STR) - A dwelling or any portion thereof that the owner or the lessee of the dwelling offers for occupancy, for a fee, for fewer than 30 consecutive days. Short-term Rentals can be hosted, where the dwelling is the primary residence of the owner or lessee, or non-hosted, where the dwelling is not the primary residence of the owner or lessee.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
 Referred to the Planning, Licenses and
 Development Committee.

Deputy City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.4.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Darcy Newport, Human Resources Director
Through: Elizabeth Ferland, City Manager
Subject: **Fiscal Year 2027 Wage Schedules
Ordinance O-2026-11**

Council Action:

In City Council May 21, 2026.

Referred to the Finance, Organization and Personnel Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

That Ordinance O-2026-11: Relating to Fiscal Year 2027 Wage Schedules be referred to the Finance, Organization and Personnel Committee for discussion and a recommendation to the City Council.

Attachments:

1. O-2026-11 FY27 Wage Schedules

Executive Summary:

Ordinance O-2026-11 seeks to codify a 3% Cost of Living Adjustment to the City's Wage Schedule. It also updates non-union position classifications by adding Assistant Planner and Fire Marshal positions and revising the title of Human Resources Assistant.

Background:

Recommending approval of the proposed Cost of Living Adjustment (COLA) to the current Wage Schedule ordinance. This 3% adjustment supports the City's ability to remain competitive in attracting and retaining employees while helping wages keep pace with increases in the cost of living. Also seeking approval for adjustments to the non-union positions in City Code Section 62-194, including the addition of an Assistant Planner and Fire Marshal and a title change for Human Resources Assistant.

2026-233



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE FY27 Wage Schedules

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting Section 2-231, "City Council Appointments' Salary Schedules;" of Chapter 2, entitled "Administration;" as well as Section 62-141 "Call Firefighter Hourly Wage Schedule;"; Section 62-166, "Hourly Wage Schedule for Probationary Public Works;" Section 62-191, "Probationary Firefighter;" Section 62-192, "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule;"; of Chapter 62 entitled, "Personnel," and by substituting in lieu thereof the following attached new sections: Section 2-231, "City Council Appointments' Salary Schedule;" Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Probationary Public Works Hourly Wage Schedule;" Section 62-191, "Probationary Firefighter;" Section 62-192 "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule;"; effective July 1, 2026.

Jay V. Kahn, Mayor

City Code Section 2-231

**COUNCIL APPOINTMENTS
ANNUAL SALARY SCHEDULE**
(effective July 1, 2026)

<u>SALARY</u>	<u>City Clerk</u>	<u>City Attorney</u>	<u>City Manager</u>
CA1	105,660	130,797	157,013
CA2	110,415	136,683	164,079
CA3	115,384	142,834	171,463
CA4	120,576	149,262	179,179
CA5	126,002	155,979	187,242
CA6	131,672	162,998	195,668

City Code Section 62-141

**CALL FIREFIGHTER
HOURLY WAGE SCALE**
Non-bargaining unit
(effective July 1, 2026)

<u>GRADE</u>		<u>STEP 1</u>
CF1	Non-certified Probationary Firefighter	\$ 12.30
CF2	Probationary Firefighter (Level 1)	\$ 15.99
CF3	Probationary Firefighter (Level 2)	\$ 17.79
CF4	Firefighter (Level 1)	\$ 18.45
CF5	Firefighter (Level 2)	\$ 22.15
CF6	Special services (Chaplain, Photographer & Aide)	\$ 17.21

City Code Section 62-166

The hourly wage schedule for probationary public works employees is as follows:

**PROBATIONARY PUBLIC WORKS
HOURLY WAGE SCHEDULE**

Non-bargaining unit
(effective July 1, 2026)

<u>GRADE</u>	<u>STEP 1</u>
PPW 1	\$17.84
PPW 2	\$18.64
PPW 3	\$19.48
PPW 4	\$20.36
PPW 5	\$21.28
PPW 6	\$22.23
PPW 7	\$23.23
PPW 8	\$24.28
PPW 9	\$25.37
PPW 10	\$26.52
PPW 11	\$27.70
PPW 12	\$28.95

GRADE

PPW 2	Maintenance Aide I; Recycler I; Recycler I/Attendant
PPW 4	Water & Sewer Service Aide II; Household Hazardous Waste Coordinator
PPW 5	Maintenance Aide II; Motor Equipment Operator I; Recycler II; Water & Sewer Service Aide II
PPW 7	Mechanic I
PPW 8	Motor Equipment Operator II: Water Meter & Backflow Specialist
PPW 9	Mechanic II; Sign Maker; Maintenance Mechanic; Utility Operator
PPW 10	Highway Foreman; Transfer Station Foreman; Maintenance Technician I; Lead Mechanic; Water/Sewer Senior Equipment Operator
PPW 11	Maintenance Electrician
PPW 12	Water & Sewer Foreman; Maintenance Technician II; Shop Manager; Solid Waste Operations Foreman; Senior Utility Operator; Highway Operations Foreman:Water Meter and Backflow Foreman

City Code Section 62-191

PROBATIONARY FIREFIGHTER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2026)

<u>GRADE</u>		<u>STEP 1</u>
PF 1	Firefighter/EMT B	\$23.84
PF 2	Firefighter/A-EMT	\$25.60
PF 3	Firefighter/Medic	\$27.50
PF 4	Paramedic Only	\$26.52

City Code Section 62-192

PROBATIONARY POLICE OFFICER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2026)

<u>GRADE</u>		<u>STEP 1</u>
PP 1	Uncertified Hire	\$32.40

City Code Section 62-194 Administrative, office, technical and management personnel.

The annual salary schedule for administrative, office, technical and management personnel is as follows:

**ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT
ANNUAL SALARY SCHEDULE**

Non-bargaining unit
(effective July 1, 2026)

<u>GRADE</u>	<u>STEPS</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
S 4	41,912	43,798	45,769	47,829	49,981	52,230
S 5	43,798	45,769	47,829	49,981	52,230	54,580
S 6	45,769	47,829	49,981	52,230	54,580	57,036
S 7	47,829	49,981	52,230	54,580	57,036	59,603
S 10	54,580	57,036	59,603	62,285	65,088	68,017
S 11	57,036	59,603	62,285	65,088	68,017	71,078
S 12	59,603	62,285	65,088	68,017	71,078	74,277
S 13	62,285	65,088	68,017	71,078	74,277	77,619
S 14	65,088	68,017	71,078	74,277	77,619	81,112
S 15	68,017	71,078	74,277	77,619	81,112	84,762
S 16	71,078	74,277	77,619	81,112	84,762	88,576
S 17	74,277	77,619	81,112	84,762	88,576	92,562
S 18	77,619	81,112	84,762	88,576	92,562	96,727
S 19	81,112	84,762	88,576	92,562	96,727	101,080
S 20	84,762	88,576	92,562	96,727	101,080	105,629
S 21	88,576	92,562	96,727	101,080	105,629	110,382
S 22	92,562	96,727	101,080	105,629	110,382	115,349
S 23	96,727	101,080	105,629	110,382	115,349	120,540
S 24	101,080	105,629	110,382	115,349	120,540	125,964
S 25	105,629	110,382	115,349	120,540	125,964	131,632
S 26	110,382	115,349	120,540	125,964	131,632	137,555
S 27	115,349	120,540	125,964	131,632	137,555	143,745
S 28	120,540	125,964	131,632	137,555	143,745	150,214
S 29	125,964	131,632	137,555	143,745	150,214	156,974
S 30	131,632	137,555	143,745	150,214	156,974	164,038
S 31	137,555	143,745	150,214	156,974	164,038	171,420
S 32	143,745	150,214	156,974	164,038	171,420	179,134

City Code Section 62-194

ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT

(July 1, 2026)

- S 4 Library Aide
- S 5 Minute Taker
- S 6 Administrative Assistant; Records Clerk
- S 7 Administrative Assistant I
- S 8 NO POSITIONS ASSIGNED
- S 9 NO POSITIONS ASSIGNED
- S 10 Audio Video Production Specialist, Recreation Specialist
- S 11 Office Manager; Parking Services Technician
- S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant;
Purchasing Specialist; Human Resource Specialist
- S 13 NO POSITIONS ASSIGNED
- S 14 **Assistant Planner**
- S 15 Executive Assistant; Librarian II; Payroll Administrator; Human Resources-Assistant **Administrator**;
Youth Services Manager; Engineering Technician; Assistant City Clerk; Senior Paralegal
Police Dispatch Supervisor; Social Worker; Fire Department Administrator; Deputy Revenue Collector
- S 16 Planner; Laboratory Supervisor; GIS Coordinator
- S 17 Property Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations Manager;
IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager
- S 18 Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector;
Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager;
Treatment Plant Manager; Deputy City Clerk; Infrastructure Project Manager
- S 19 Senior Planner, Recreation Manager: Fleet Services Manager; Accounting & Fund Manager;
Highway Operations Manager; Building Construction Manager
- S 20 Systems Administrator; Purchasing & Contract Services Manager: Water/Sewer Operations Manager
- S 21 NO POSITIONS ASSIGNED
- S 22 Assistant City Engineer
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; Database Administrator; Building/Health Official; Deputy City Attorney
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head;
Airport Director
- S 26 City Assessor; Human Resources Director; Library Director; Parks & Recreation Director
- S 27 IT Director; Community Development Director; Police Captain; Deputy Fire Chief; **Fire Marshal**
- S 28 Finance Director/Treasurer
- S 29 Public Works Director
- S 30 Police Chief: Fire Chief
- S 31 Deputy City Manager
- S 32 NO POSITIONS ASSIGNED



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Delinquent Accounts
Ordinance O-2026-05**

Council Action:
In City Council May 21, 2026.
Voted unanimously to adopt Ordinance O-2026-05.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2026-05.

Attachments:

1. O-2026-08_Adopted

Background:

Chair Powers recognized Public Works Director Don Lussier, who said Ordinance O-2026-05 is really about finance. He explained that the City ordinances right now allow the City to collect 1.5% interest on any delinquent bill, whether it is a tax bill, utility bill, or dog license that is 30 days past due. He said utility bills, in particular, are a little special. Under state law, there is a special provision that allows the City to use the lien procedure, like it would for a tax bill, to recoup the costs for utility bills. Mr. Lussier said this is great, but of course that is obviously not the goal. The law says that if the City goes through that process, it has to use a lien and has to file a suit in order to get reimbursed for those bills. The law stipulates that the City is only allowed to charge 12% interest per year, about 1% a month, so there is a little bit of a discrepancy between what is in the City's Code and the state statute. He said staff were trying to make those two things identical through this Ordinance change.

Mr. Lussier explained the purpose of making this change now. In actuality, historically, the City has not applied interest to past due utility bills. Its efforts at collecting utilities have really relied pretty heavily on the threat of shutoff. If residents do not pay after a certain period of time, the City sends a

2026-133

letter and if they do not pay, the City sends somebody out and shuts off their service, which forces compliance. However, the City does not do shutoffs between November and April, obviously because this is during the winter months and there could be issues with shutting off water supply causing damage to internal plumbing if water service freezes and the City could be liable for damage to the system. In the last couple of years since Mr. Lussier started in this role, he started noticing that certain property owners have figured out the system. Starting in November, the City starts seeing the Accounts Receivable and the amount of past due bills start going up and up. Then people start paying them down again in April. He said the City is trying to create some incentive for people to stay current with their bills rather than use the City as essentially a 90-day free loan. Tonight, City staff hoped to make the City's Ordinance match the state law. Mr. Lussier further stated the goal is to put the public on notice that moving forward, the City will be applying interest to past due utility bills. When he looked at Accounts Receivables for March 2026 for Water and Sewer combined, there were more than \$1 million in past due bills, so he said it is becoming a problem. The City needs to collect those bills in order to keep operating and said it is not fair to the other customers to have these past due bills.

Councilor Lake asked about the math. He saw the City capped at 12% in the RSA annually. His question was about what was written: "1% per month nominal." He asked if the City was planning on just accruing interest on the initial amounts and not the total balances. Mr. Lussier said the interest rate would compound monthly in accordance with the Code but because the state law is written as "12% per annum," the City would have to match that, so it is not actually going to be 1% per month, it is more like 0.8875% per month, which totals 12% per year APR. Councilor Lake asked if the Ordinance should state "1% nominal" because of the compounding factor and the math. Mr. Lussier thought he included it in parentheses for clarity and deferred to the City Attorney. City Attorney Amanda Palmeira noted that the statute states 12% per year and the intent behind the Ordinance change is that if the City does need to use the statutory process for collecting on the lien, which is what the statute process is, that the number is already pretty much calculated for the City, so utility billing on a monthly basis will not be outlandishly different than what the lien process would reflect—trying to keep the calculations as close. Even though the statute goes per year, the City is going to do per month for collections.

Councilor Chalice asked if this is a new process and Mr. Lussier said it is a new practice. Councilor Chalice noted that in most cases when people are not paying their bills, charging them interest if they do not have the money can be an exercise in frustration. If using staff time to pursue this process, she asked that staff keep an eye on the amount of their time that it takes to go through and make sure that this is working to the City's benefit. Mr. Lussier said she raised a great point. He noted that this Ordinance would not change the other important tool in the City's toolbox besides shutoffs, which are payment plans. The Ordinance states, "The Finance Department, at the discretion of the Finance Director, shall determine the necessity for special arrangements." If there is a customer with a hardship that has trouble catching up with a bill, the City is very routinely, like every month, works with customers on payment plans so that they can catch up. The general practice is to try limiting those close to a six-month period of catching up to current. Once they are in that payment plan, they would be considered not to be in default; they would be current and they would not be charged interest.

Chair Powers opened the floor to public comments.

City Councilor Jacob Favolise (of Main Street) asked if this process applies the same to commercial customers as residential customers. Mr. Lussier said absolutely. Councilor Favolise knew the Public

Works Director referenced about \$1 million of overdue balance. Beyond payment plans, he asked what currently the City can do to force payment and force compliance with the enforcement mechanisms there are. Mr. Lussier explained the enforcement mechanism, which is shutoffs. He noted that shutoff had now begun for the season. They happen once per month (the Wednesday after the 20th) and there are four people in the meter division who can accomplish 30 to 40 accounts. They show up and say they have to shut off the water because the bill is 90 days past due and sometimes, they will receive a check on site. They prioritize the highest account balances first and work through as many of those as possible on that day. He noted this is the current tool in their toolkit.

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

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2026-05.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to the Process to Amend the Zoning Text and Zoning Map

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

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

1. That the Zoning Text or Zoning Map amendment application procedures in Article 26, Section 26.3.4.C and D be amended to allow the public hearing date to be set by the City Clerk, as follows:

C. Joint Public Workshop

1. Upon receipt of the application and draft ordinance from the City Council, the Joint Committee of the Planning, Licenses and Development Committee and the Planning Board shall hold a public workshop, with published and mailed notice.
2. This public workshop is not a due process public hearing and is intended to: prepare information for the City Council on the proposed change; provide a method by which the City Council and the Planning Board may receive public comment throughout a changing legislative process; and, afford an opportunity for adjustment to or modification of the draft ordinance.
3. At the public workshop, the applicant, or their representative, shall present on the proposed amendment. The Community Development Director, or their designee, shall present the staff report.
4. The Joint Committee of the Planning, Licenses and Development Committee and the Planning Board may make changes to the proposed ordinance throughout the public workshop process, without any requirement that additional published or mailed notice be provided.
5. At the conclusion of the public workshop, the Planning Board shall vote on the degree to which the proposal is consistent with the City's Comprehensive Master Plan and the Planning, Licenses and Development Committee shall ~~vote on a recommendation as to when the public hearing should be held~~ **refer the ordinance back to City Council.**
6. Following the public workshop, the Community Development Director, or their designee, shall submit the following materials to City Council.

- a. Any revisions to the draft ordinance recommended by the Joint Committee of Planning, Licenses and Development Committee and the Planning Board.
- b. The staff report.
- c. Minutes of the public workshop(s) held on the draft ordinance.

D. Council Public Hearing


- 1. ~~Upon receipt of a recommendation to hold a public hearing from the Planning, Licenses and Development Committee~~ **Following the conclusion of the public workshop**, the City Council shall ~~schedule~~ **hold** a public hearing on the application and draft ordinance.
- 2. The City Clerk shall provide published and mailed notice of the public hearing in accordance with NH RSA 675:7.



Jay V. Kahn, Mayor

In City Council May 7, 2026.
Referred to the Planning, Licenses, and
Development Committee.


City Clerk

A true copy; 
Attest:
City Clerk

PASSED: May 21, 2026



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to the Process to Amend the Zoning Text and Zoning Map Ordinance O-2026-08**

Council Action:

In City Council May 21, 2026.

Voted unanimously to adopt Ordinance O-2026-08.

A true record;

Attest:

Deputy City Clerk

Recommendation:

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-08.

Attachments:

1. O-2026-08_Adopted

Background:

Chair Filiault recognized Senior Planner Mari Brunner to present Ordinance O-2026-08, relating to the process to amend the Zoning Text and Zoning Map. She called this a tweak to the language within the Land Development Code to allow the City Clerk, rather than City Council, to set the public hearing date. The Public Hearing would still be held before City Council, but this small change would allow a minimum of four weeks and up to six weeks out of the process timeline to be eliminated, which is important for a few reasons. One, it is just shortening the process and making things more efficient and streamlined. Also, there has been feedback from the public that it actually makes it harder to follow along when there is such a large gap between the Public Workshop and the Public Hearing. This would also allow for the details to hopefully remain a little bit more fresh in people's minds between that Workshop, when the PLD Committee hears a very detailed overview, and when the Public Hearing is conducted. She said currently, there is a very large gap and there is often a period of time where the Committee has to re-familiarize itself with the ordinance that they reviewed a few months ago. This will help shorten that time frame. Chair Filiault called this "streamlining government". Ms. Brunner agreed. Chair Filiault thanked staff for this very simple tweak that could

2026-212

save a month and streamline government, noting he is all for it.

Councilor Jones took the opportunity to mention a change he has been asking for through five mayors to streamline this same Section 5: "Planning Board shall vote on the degree to which the proposal is consistent with the City's Comprehensive Master Plan." He thinks that the Planning Board should cite the part of the Comprehensive Master Plan (CMP) that it supports. He had been asking for that for years for transparency. He knows staff mention it sometimes. Ms. Brunner thought that was something the Planning Board could start doing in practice without changing the actual language of the regulation. She said this was really just outlining the procedure of the Planning Board, which is mostly to find the Ordinance consistent with the CMP and the staff report is usually more detailed about what parts of the CMP relate to the Ordinance. She thought that practice could easily change, and she would bring that to the Planning Board. Councilor Jones was satisfied with this approach. Chair Filiault and Ms. Brunner agreed it would be a change to practice and not the actual policy.

Councilor Jones referred to the same Section, noting the Mayor used to set the Public Hearing. He asked what would happen if the PLD Committee votes "No" to not send an Ordinance to Council for a Public Hearing. Ms. Brunner said the Ordinance would still be entitled to a Public Hearing, which Councilor Jones said he thought had always been the case. Ms. Brunner agreed that it is by state statute. Councilor Jones noted that there used to be times that the PLD Committee voted "No" even though they knew the petitioner was entitled to the Public Hearing just because the Committee knew it was its only way of expressing itself, and he said that would continue. Ms. Brunner said the PLD vote really comes later in the process after the Public Hearing; the Committee's involvement early on is to keep the City Council and Planning Board in communication and cohesion with each other. That overlap did not used to exist, and the Planning Board would go to City Council on its own and there was not always agreement, so the mechanism was created with a Councilor and the Mayor on the Planning Board (PB), and PB-PLD Joint Workshop. Councilor Jones agreed that it is a communication tool created in the 1980s by former Mayor Kendall Lane that the Councilor agrees with. He said the instances of PLD voting "No" on ordinances could still happen and Ms. Brunner agreed.

Councilor Haas asked if at Joint PB-PLD Committee meetings, the PLD Committee will press the PB to tell the PLD why it finds ordinances in accordance with the CMP, so the PLD can question the PB about it in some fashion. Ms. Brunner explained that Joint PB-PLD Committee meetings are a meeting of the two public bodies, so members of the PLD Committee who are present and sitting at that meeting, depending on who is chairing and what the chair allows, would certainly be able to jump into the conversation and ask questions. She does not think there is a way the PLD Committee could force the Planning Board to do something; they are their own separate body with their own decision-making authority. However, she thinks that they are very collaborative and amenable to working with the PLD. Councilor Haas agreed. He wondered if there is a legal reason the PLD could not ask that question of the PB. The City Attorney confirmed what Ms. Brunner said: the PB is its own statutory body; it is not like one of the Standing Committee's that reports to the City Council, so the PLD cannot demand anything of the PB, necessarily. There is a joint process that reflects exactly that relationship, which is bringing the two independent bodies together to work on an ordinance that both have the right to see, but how they find it in compliance with the CMP are their own statutory obligations. Putting an ordinance back through the Council process is the PLD Committee's obligation itself. Councilor Haas said it is incumbent upon the PLD to know where in the CMP these items sit for when they are referenced by the PB.

Chair Filiault opened the floor to public comments.

Ward One Councilor Jacob Favolise (of Main Street) said far be it for him to be critical of streamlining or making government more efficient. He just wanted to offer for the Committee one of the things that he thinks the Council should think about is whether and to what extent this change would appropriately balance the desire for efficient action on housing, which he thinks they all agree we need, with what he thinks should be a deliberative process that maybe does take a little bit longer. He heard what staff were saying about the public feedback and maybe Council feedback about things being harder to track but said that is a balance he was trying to weigh in his head right now, and he thought the Committee should as well. Chair Filiault said the Committee could always see how it goes and could always change things back if needed.

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-2026-08.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to the Process to Amend the Zoning Text and Zoning Map

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

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

1. That the Zoning Text or Zoning Map amendment application procedures in Article 26, Section 26.3.4.C and D be amended to allow the public hearing date to be set by the City Clerk, as follows:

C. Joint Public Workshop

1. Upon receipt of the application and draft ordinance from the City Council, the Joint Committee of the Planning, Licenses and Development Committee and the Planning Board shall hold a public workshop, with published and mailed notice.
2. This public workshop is not a due process public hearing and is intended to: prepare information for the City Council on the proposed change; provide a method by which the City Council and the Planning Board may receive public comment throughout a changing legislative process; and, afford an opportunity for adjustment to or modification of the draft ordinance.
3. At the public workshop, the applicant, or their representative, shall present on the proposed amendment. The Community Development Director, or their designee, shall present the staff report.
4. The Joint Committee of the Planning, Licenses and Development Committee and the Planning Board may make changes to the proposed ordinance throughout the public workshop process, without any requirement that additional published or mailed notice be provided.
5. At the conclusion of the public workshop, the Planning Board shall vote on the degree to which the proposal is consistent with the City's Comprehensive Master Plan and the Planning, Licenses and Development Committee shall ~~vote on a recommendation as to when the public hearing should be held~~ **refer the ordinance back to City Council.**
6. Following the public workshop, the Community Development Director, or their designee, shall submit the following materials to City Council.

- a. Any revisions to the draft ordinance recommended by the Joint Committee of Planning, Licenses and Development Committee and the Planning Board.
- b. The staff report.
- c. Minutes of the public workshop(s) held on the draft ordinance.

D. Council Public Hearing

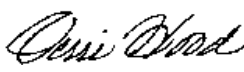
- 1. ~~Upon receipt of a recommendation to hold a public hearing from the Planning, Licenses and Development Committee~~ **Following the conclusion of the public workshop**, the City Council shall ~~schedule~~ **hold** a public hearing on the application and draft ordinance.
- 2. The City Clerk shall provide published and mailed notice of the public hearing in accordance with NH RSA 675:7.



Jay V. Kahn, Mayor

In City Council May 7, 2026.
Referred to the Planning, Licenses, and
Development Committee.


City Clerk

A true copy; 
Attest:
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: May 21, 2026

To: Mayor and Keene City Council

From: Kari Chamberlain, Finance Director/Treasurer

Through: Elizabeth Ferland, City Manager

Subject: **Relating to Appropriation of Funds for the FY 2026-2027 Bond Issues: Ashuelot River Green Space, Ashuelot River Dam Repair or Removal, Downtown Infrastructure Improvements & Reconstruction Project, Gilbo Ave Solar Pavillion Project, Lower Winchester Street Reconstruction, Roadway Preservation & Rehabilitation Program, Robin Hood Park Improvement Project, Stormwater Resiliency Program, Martell Court Bypass Project, Downtown: Sewer Improvements Program, Water Distribution Improvements Program.**
Resolution R-2026-10
Resolution R-2026-11
Resolution R-2026-12
Resolution R-2026-13
Resolution R-2026-14
Resolution R-2026-15
Resolution R-2026-16
Resolution R-2026-17
Resolution R-2026-18
Resolution R-2026-19
Resolution R-2026-20

Council Action:

In City Council May 21, 2026.

Referred to the Finance, Organization and Personnel Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

That resolutions R-2026-10, R-2026-11, R-2026-12, R-2026-13, R-2026-14, R-2026-15, R-2026-16, R-2026-17, R-2026-18, R-2026-19, and R-2026-20 be introduced and read at the May 21, 2026 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

Attachments:

1. Bond Resolutions Summary Report
2. R-2026-12-Funds for the Downtown Infrastructure Improvements_Referral
3. R-2026-13-Funds for the Gilbo Ave Solar Pavillion_Referral
4. R-2026-14-Funds for the Lower Winchester Street Reconstruction_Referral
5. R-2026-15-Funds for the Roadway Preservation & Rehabilitation_Referral
6. R-2026-16-Funds for the Robin Hood Park Improvements_Referral
7. R-2026-17-Funds for the Stormwater Resiliency_Referral
8. R-2026-18-Funds for the Martell Court Bypass Project_Referral
9. R-2026-19-Funds for the Downtown - Sewer Improvements Program_Referral
10. R-2026-20-Funds for the Water Distribution Improvements_Referral
11. R-2026-10- Funds for the Ashuelot River Greenspace_Referral
12. R-2026-11-Funds for the Ashuelot River Dam Repair-Removal_Referral

Background:

Included in the proposed FY 2026-2027 operating budget are several bond issues to fund projects advanced through the Capital Improvements Program (CIP) process. The attached table summarizes the various projects, bond amounts and terms. These resolutions require two readings before the City Council, the first of which will be May 21, 2026.

FY 2027 Budget – Bond Resolutions				
Resolution	Fund	Description	Amount	Term
R-2026-10	General Fund	Ashuelot River Green Space	\$ 200,000	10
R-2026-11	General Fund	Ashuelot River Dam Repair or Replace	144,000	15
R-2026-12	General Fund	Downtown Infrastructure Improvements & Reconstruction	3,932,830	10
R-2026-13	General Fund	Gilbo Ave Solar Pavillion	439,200	10
R-2026-14	General Fund	Lower Winchester Street Reconstruction	143,550	10
R-2026-15	General Fund	Roadway Preservation & Rehabilitation	500,000	10
R-2026-16	General Fund	Robin Hood Park Improvements	1,117,000	15
R-2026-17	General Fund	Stormwater Resiliency	3,509,300	15
Subtotal – General Fund			\$ 9,985,880	
R-2026-18	Sewer Fund	Martell Court Bypass Project	\$ 825,000	15
R-2026-19	Sewer Fund	Downtown: Sewer Improvements	\$ 1,369,200	15
Subtotal – Sewer Fund			\$ 2,194,200	
R-2026-20	Water Fund	Water Distribution Improvements	1,690,200	15
Subtotal – Water Fund			\$ 1,690,200	
TOTAL – ALL FUNDS			\$ 13,870,280	



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Downtown Infrastructure Improvements & Reconstruction Project

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

That the sum of three million nine hundred thirty-two thousand eight hundred thirty dollars (\$3,932,830) is hereby appropriated for the Downtown Infrastructure Improvements and Reconstruction Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to three million nine hundred thirty-two thousand eight hundred thirty dollars (\$3,932,830) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kath Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Gilbo Ave Solar Pavillion Project

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

That the sum of four hundred thirty-nine thousand two hundred dollars (\$439,200) is hereby appropriated for the Gilbo Ave Solar Pavillion Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to four hundred thirty-nine thousand two hundred dollars (\$439,200) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Lower Winchester Street Reconstruction

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

That the sum of one hundred forty-three thousand five hundred fifty dollars (\$143,550) is hereby appropriated for the Lower Winchester Street Reconstruction, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one hundred forty-three thousand five hundred fifty dollars (\$143,550) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kelli Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Roadway Preservation & Rehabilitation Program

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

That the sum of five hundred thousand dollars (\$500,000) is hereby appropriated for the Roadway Preservation & Rehabilitation Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to five hundred thousand dollars (\$500,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kelli Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Robin Hood Park Improvement Project

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

That the sum of one million one hundred seventeen thousand dollars (\$1,117,000) is hereby appropriated for the Robin Hood Park Improvement Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million one hundred seventeen thousand dollars (\$1,117,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kath Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Stormwater Resiliency Program

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

That the sum of three million five hundred nine thousand three hundred dollars (\$3,509,300) is hereby appropriated for the Stormwater Resiliency Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to three million five hundred nine thousand three hundred dollars (\$3,509,300) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kathleen Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Martell Court Bypass Project

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

That the sum of eight hundred twenty-five thousand dollars (\$825,000) is hereby appropriated for the Martell Court Bypass Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to eight hundred twenty-five thousand dollars (\$825,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kathleen Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Downtown: Sewer Improvements Program

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

That the sum of one million three hundred sixty-nine thousand two hundred dollars (\$1,369,200) is hereby appropriated for the Downtown: Sewer Improvements Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million three hundred sixty-nine thousand two hundred dollars (\$1,369,200) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kelli Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Water Distribution Improvements Program

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

That the sum of one million six hundred ninety thousand two hundred dollars (\$1,690,200) is hereby appropriated for the Water Distribution Improvements Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million, six hundred ninety thousand, two hundred dollars (\$1,690,200) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kath Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Ashuelot River Green Space Project

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

That the sum of two hundred thousand dollars (\$200,000) is hereby appropriated for the Ashuelot River Green Space Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to two hundred thousand dollars (\$200,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kathleen Richards
Deputy City Clerk



CITY OF KEENE

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

A RESOLUTION Relating to Appropriation of Funds for the Ashuelot River Dam Repair or Removal Project

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

That the sum of one hundred forty-four thousand dollars (\$144,000) is hereby appropriated for the Ashuelot River Dam Repair or Removal Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one hundred forty-four thousand dollars (\$144,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Finance, Organization and
Personnel Committee.

Kathleen Richards
Deputy City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Funding for the Downtown Infrastructure Project
Resolution R-2026-21**

Council Action:

In City Council May 21, 2026.

Referred to the Finance, Organization and Personnel Committee.

A true record;

Attest:

Deputy City Clerk

Recommendation:

That Resolution R-2026-21 be referred to the Finance, Organization & Personnel Committee for their consideration and a recommendation to the Council.

Attachments:

1. R-2026-21-Funding for the Downtown Infrastructure Project_Referral

Background:

On May 13, 2026, Public Works reviewed a funding plan for the Downtown Infrastructure Project with the Municipal Services, Facilities, and Infrastructure Committee. The plan will allow the City to close a gap between the final anticipated construction costs based on actual bid pricing and the project budget already approved by the City Council. The plan reallocates unspent funds from completed projects and appropriates additional funds from the Unassigned Fund Balance.

Resolution R-2026-21 is intended to implement the plan as previously discussed.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to Funding for the Downtown Infrastructure Project

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

That the remaining unspent project balance of approximately \$291,524, including bond proceeds, from the Upper Winchester Street Reconstruction Project (75J0026A) be reallocated to the Downtown Infrastructure Project (75J0034A); and

Further, that the remaining unspent project balance of approximately \$77,923, including bond proceeds, from the Carpenter Street Drainage Improvement Project (75M00622) be reallocated to the Downtown Infrastructure Project (75J0034A); and,

Further, that the sum of \$350,000, including bond proceeds, from the Thompson Road Repair & Stabilization Project (75J0036A) be reallocated to the Downtown Infrastructure Project (75J0034A) ; and

Further, that the sum of \$125,000 from the Stormwater System Analysis Program (75M010) be reallocated to the Downtown Infrastructure Project (75J0034A); and

Further, that the remaining unspent project balance of approximately \$742,410, including bond proceeds, from the FY 24 Road Preservation and Rehabilitation Program (75M00224) be reallocated to the Downtown Infrastructure Project (75J0034A); and

Further, that the remaining unspent project balance of approximately \$735,803, including bond proceeds, from the FY 25 Road Preservation and Rehabilitation Program (75M00225) be reallocated to the Downtown Infrastructure Project (75J0034A); and

Further, the sum of \$1,402,000 in unspent bond proceeds from the FY 26 Road Preservation and Rehabilitation Program (75M00226) reallocated to the Downtown Infrastructure Project (75J0034A), in lieu of those roadways identified within the FY25 - FY31 Capital Improvement Plan; and,

Further, that the sum of \$1,200,000 be appropriated from the General Fund unassigned Fund Balance to the Downtown Infrastructure Project (75J0034A).

In City Council May 21, 2026.
Referred to the Finance, Organization
and Personnel Committee.

Kathleen Richards
Deputy City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Attorney James M. Callahan
on Behalf of Property Owners Paul C. and Gail M. Dubriske
Through: Terri Hood, City Clerk
Subject: **Relating to the Absolute Discontinuance of a Portion of a Right of Way
Across a Portion of Property Located on Elm Street (Identified by Tax Map
Number 521-004-000)
Petition and Resolution R-2026-22**

Council Action:

In City Council May 21, 2026.

Referred to the Municipal Services, Facilities and Infrastructure Committee Meeting of June 24, 2026, to allow notice to abutters to occur.

A true record;

Attest:

Deputy City Clerk

Recommendation:

Attachments:

1. Petition
2. R-2026-22 Abs. Discont.- Portion of Property Located on Elm Street_Referral
3. Exhibit A - Map Identifying Location of "Old Elm Street ROW"
4. Exhibits B and C - Letters to Abutters
5. Exhibits D and E - Quitclaim Deeds - Conveying State DOT Properties to Petitioner

Background:

Attorney Callahan of Shaheen and Gordon has submitted a petition and Resolution R-2026-22 Relating to the Absolute Discontinuance of a Portion of a Right of Way Across a Portion of Property Located on Elm Street (Identified by Tax Map Number 521-004-000) on Behalf of Property Owners Paul C. and Gail M. Dubriske. The petitioners request that the City of Keene discontinue a portion of an existing "paper" right-of-way known as the Old Elm Street ROW that crosses property owned by the Dubrises on Elm Street. They indicate that the ROW is no longer needed for public access or safety purposes and its removal would facilitate the planned development of an 18-unit condominium project expanding housing options in Keene.

2026-248

James M. Callahan
Attorney

May 19, 2026

HAND-DELIVERED

Terri M. Hood, City Clerk
City of Keene
3 Washington Street
Keene, New Hampshire 03431

**Re: Paul C. & Gail M. Dubriske (the "Applicant")
Proposed Discontinuance of Right of Way ("ROW")
Tax Map Parcel #521-004-000 (the "Property")**

Dear Ms. Hood:

Enclosed are the following with respect to the above-reference matter:

1. A Petition for the Discontinuance of the ROW over the Property and Exhibits referenced therein;
2. A list of abutters potentially affected by the Discontinuance of the ROW over the Property;
3. A proposed Resolution related to the discontinuance of the ROW as outlined in the Petition; and,
4. A proposed Description of the portion of the ROW to be discontinued.

We are hopeful that a public hearing will be scheduled as soon as possible. Please let me know if additional information is required or if any fee is required (which I'll get to you right away). Thank you.

Very truly yours,

James M. Callahan

James M. Callahan

cc: Paul C. & Gail M. Dubriske – *via email only*
Evan Clement – Planner, Keene Community Development – *via email only*
Amanda Palmeira, City Attorney – *via email only*
Don Lussier, City Public Works Director – *via email only*

**PETITION FOR DISCONTINUANCE OF A SECTION OF RIGHT OF WAY ON
PROPERTY ON ELM STREET**

TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF KEENE

Your Petitioner, Paul C & Gail M. Dubriske, 454 Elm Street, Keene, New Hampshire (the "Petitioner"), respectfully petitions the City Council for the City of Keene, New Hampshire, to discontinue a portion of the right-of-way ("ROW"), that crosses the Petitioner's property shown as Lot 004 on Keene Tax Map 521 (the "Property"), and respectfully represents that there is good reason for said request, and in support thereof, states the following:

1. The Petitioner received approval from the Keene Planning Board at its December 22, 2025, meeting to develop the Property as an 18 Unit condominium project (the "Project"). Units in the Project will introduce sorely needed housing into the Keene market.
2. The Petitioner intends to convey the Property to Elmside, LLC, a New Hampshire limited liability company affiliated with the Petitioner.
3. As part of its development process, the Petitioner acquired title to several parcels of land from the State of New Hampshire that were related to the layout of New Hampshire Route 9 and relocation of Elm Street. These parcels are shown as Parcel A, Parcel B and Parcel C on Plan No. 25065 recorded in the Cheshire County Registry of Deeds (the "Plan"). A copy of the Plan is included with this Petition as *Exhibit A*.
4. That parcel of land over which the City has its ROW is shown on the Plan as the "Old Elm Street ROW." The origin of this ROW is found in Book 1, Page 279 in the Cheshire County Registry of Deeds, recorded on June 23, 1766 (incorrectly shown on the Plan as 1866).
5. The approved site plan for the Project shows Units located within the ROW.
6. The Petitioner has obtained financing from the Savings Bank of Walpole to develop the Project. The existence of the ROW creates a defect in title that precludes the Petitioner from closing on its financing. The ROW is described as follows:

Beginning at a point of land on the ROW southwest of Elm Street, Keene, Cheshire County, New Hampshire,

Thence N 45° 06'27" E, a distance of 35.26 feet;
Thence S 43° 17' 23" E, a distance of 235.04 feet;
Thence S 62°12' 18" W, a distance of 10.90 feet;

Thence N 35°05'15" E, a distance of 39.81 feet;
Thence S 43°17'23" W, a distance of 236.25 feet to the point of beginning.

(See also highlighted area on the Plan).

7. The Petitioner is requesting that the City Council vote to discontinue the ROW as the same is not needed for access by any party. The ROW is "paper" only originating with a reservation contained in a deed dating back to Colonial times. Elm Street has been laid out as a public way for generations and provides access to not only the Petitioner and abutter Sarah D. Vezzani (referenced below), but also to the general public.

8. The ROW to be discontinued is abutted by the following properties:

Franklin Pierce Highway (A.K.A. N.H. Route 9 & 10)
See Return of Layout 939/400
Book 939, Page 440; Book 858, Page 460; & Book 554, Page 396 in the Cheshire County Registry of Deeds

Tax Map Parcel #521-005-000-000
Owned by Sarah D. Vezzani
By virtue of deed from Robert E. & Karin L. Muenkel dated August 7, 2007, and recorded at Book 2455, Page 749 in the Cheshire County Registry of Deeds

9. A letter from the undersigned was hand-delivered to Sarah D. Vezzani's house on Sunday, May 17, 2026. A copy of this letter is attached hereto as **Exhibit B**. As of the date of this Petition, no reply to this letter has been received. While this Petition is pending, the Petitioner will try to obtain Ms. Vezzani's Consent to this Petition as well as a Waiver of Damages. As the ROW exists on "paper" only and does not serve any function, the Petitioner does not believe that its discontinuance will result in damages to any party, including Ms. Vezzani. Regardless of this belief, the Petitioner will indemnify and hold harmless the City of Keene from any damages that may be incurred, including without limitation, damages assessed pursuant to RSA 231:49.

10. An email was sent to Frank Linnenbringer, District Engineer for NHDOT District 4 (which District includes Keene) on May 18, 2026. A copy of this email is attached hereto as **Exhibit C**. No reply to this email has been received as of the date of this Petition. While this Petition is pending, the Petitioner will try to obtain the State of New Hampshire's Consent to this Petition as well as a Waiver of Damages. As stated in Paragraph 3, above, the State of New Hampshire conveyed several tracts of land to the Petitioner in the past year. See deeds attached hereto as **Exhibits D** and **E**. The conveyance of these parcels, two of which are identified as "Excess State ROW" on the Plan is conclusive evidence that

the State does not need or require the ROW. The Petitioner does not believe that the ROW's discontinuance will result in damages to any party, including the State of New Hampshire. The Petitioner hereby reiterates that it will indemnify and hold harmless the City of Keene from any damages that may be incurred, including, without limitation, damages assessed pursuant to RSA 231:49.

11. The interest of the general public in continuing the ROW is not outweighed by the burden in continuing the ROW imposes on the Petitioner. As stated, the general public has access for travel via a public way, Elm Street, and abutters do not need the ROW for access to their respective properties. The ROW was never developed and is not necessary for public convenience or safety. See, for example, *Town of Hinsdale v. Chesterfield*, 153 N.H. 70 (2005) for a discussion of the balancing test applied by the trial court in weighing public versus private interests in the case of a road discontinuance.
12. A Construction Plan showing all existing conditions and proposed improvements that includes evidence documenting the need to discontinue the ROW in order to support the Project was previously provided to the City's Planning Department.

WHEREFORE, your Petitioner respectfully requests that:

- A. The City Council conduct a hearing on the proposed discontinuance of the ROW, and following such hearing, the City Council vote:
- B. To discontinue the ROW, more specifically bounded and described as follows:

Beginning at a point of land on the ROW southwest of Elm Street, Keene, Cheshire County, New Hampshire,

Thence N 45° 06' 27" E, a distance of 35.26 feet;
Thence S 43° 17' 23" E, a distance of 235.04 feet;
Thence S 62° 12' 18" W, a distance of 10.90 feet;
Thence N 35° 05' 15" E, a distance of 39.81 feet;
Thence S 43° 17' 23" W, a distance of 236.25 feet to the point of beginning.

Dated this 19th day of May, 2026.

Respectfully submitted,

Paul C & Gail M. Dubriske
By their Attorney:

Shaheen & Gordon, P.A.

By:  _____
James M. Callahan

20 Depot Street, Suite 220
Peterborough, NH 03458
Telephone: (603)845-1959



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF A RIGHT OF WAY ACROSS A PORTION OF PROPERTY LOCATED ON ELM STREET (TMP# 521-004-000)

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

That the Keene City Council is of the opinion that there is no further need to use a portion of the Right of Way located on property identified on Keene City Tax Map 521 as Lot 004 for the accommodation of the public and there is occasion for the absolute discontinuance of said Right of Way as described in the attached Description of Complete Discontinuance, subject to the following conditions:

1. The Petitioner shall grant the City a Temporary Access Agreement to access Parcel No. 521/004 for the purpose of maintaining and repairing an existing public water main located in the area to be discontinued. Such Temporary Access Agreement shall automatically extinguish upon the Public Works Director’s acceptance in writing of a relocated water main;
2. The Petitioner shall, under the supervision of the Public Works Director, relocate a City Water Main from the portion of the ROW to the Elm Street right-of-way as it is currently traveled. The relocated water main shall be constructed in accordance with the City’s public infrastructure standards and the details of such relocation shall be approved in advance by the City Engineer;
3. The petitioner shall bear all costs of public infrastructure improvements, including the relocation of the water main, restoration of roadway and sidewalk surfaces, replacement of an existing catch basin, and installation of a new sanitary sewer manhole within the Elm Street right-of-way. Costs may include, but are not limited to, construction cost, testing fees, Public Works excavation and utility connection permit fees and Engineering inspection fees;
4. Prior to commencing construction of any public infrastructure, the Petitioner shall furnish security in accordance with Sec. 22.2.4 of the Land Development Code;
5. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and either waive their rights to any damages, or the City has accepted an indemnification against any such damages;
6. All documentation is in a content and form acceptable to the City Attorney and City Engineer; and,

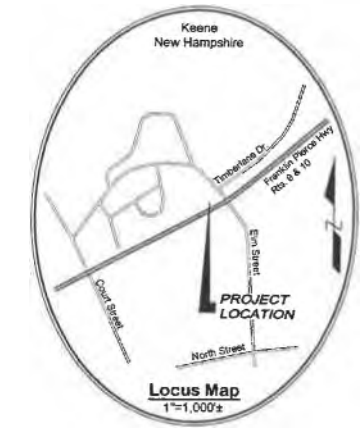
7. That Paul C. & Gail M. Dubriske, or their successor, Elmside, LLC, a New Hampshire limited liability company shall indemnify and hold harmless the City of Keene from any and all damages that may be claimed as a result of said discontinuance.

Jay V. Kahn, Mayor

In City Council May 21, 2026.
Referred to the Municipal Services,
Facilities and Infrastructure Committee
Meeting of the June 24, 2026, to allow
Notice to the abutters to occur.

Kath Richards

Deputy City Clerk



Notes

1. THE BEARINGS SHOWN ON THIS PLAN ARE REFERENCED TO NAD83 NH STATE PLANE GRID, BASED ON A STATIC GPS SURVEY PERFORMED IN OCTOBER 2021 USING AN IGS3 GNSS RECEIVER.
2. THE BOUNDARY LINES SHOWN ON THIS PLAN WERE CALCULATED FROM RECORD DEEDS PLANS AND PHYSICAL EVIDENCE FOUND DURING THE FIELD SURVEY.
3. ANY UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES SHOWN HAVE BEEN PLOTTED FROM DATA OBTAINED FROM FIELD SURVEY OF SURFACE LOCATIONS, PREVIOUS MAPS AND RECORDS OBTAINED FROM THE CITY OF KEENE. THEIR EXISTENCE MUST BE CONSIDERED APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITIES THE EXISTENCE OF WHICH ARE NOT KNOWN. THE SIZE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED PRIOR TO ANY AND ALL CONSTRUCTION. CALL DIG-SAFE PRIOR TO ANY CONSTRUCTION.

Surveyor's Certification

PURSUANT TO RSA 676:18 III AND RSA 672:14, I CERTIFY THAT THIS SURVEY AND PLAT WERE PRODUCED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION AND DATA COLLECTOR TRAVERSE WITH A POSITION TOLERANCE OF 0.03 ± 100 ppm THAT MEETS OR EXCEEDS NH LAWS 500 AND THE ALLOWABLE RELATIVE POSITIONAL ACCURACY FOR URBAN AREAS AS REQUIRED BY THE STATE OF NEW HAMPSHIRE IN TABLE 500.1, "ACCURACY MEASUREMENTS, LOCAL ACCURACY OF CONTROL SUPPORTING THE SURVEY," AND IS BASED ON INFORMATION RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS AS REFERENCED HEREIN, INFORMATION PROVIDED BY THE CLIENT AND PHYSICAL EVIDENCE FOUND.

PURSUANT TO RSA 676:16, I AND RSA 672:14, I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.



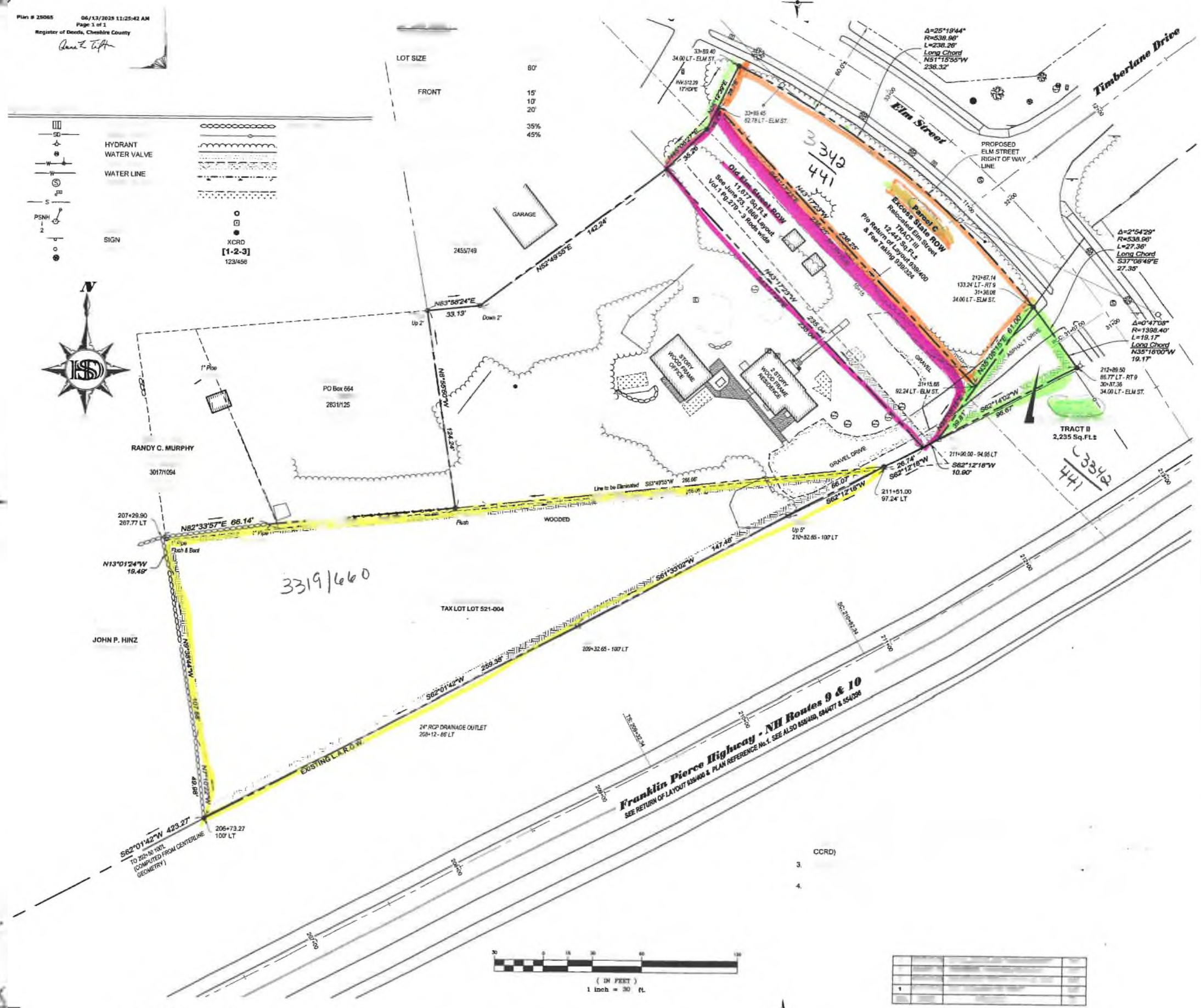
**Plan of Lands
 OF
 State of New Hampshire
 FRANKLIN PIERCE HIGHWAY
 AND**

Paul C. & Gail M. Dubriske
 Tax Map Parcel 521-004 - Book 2234, Page 53
 454 Elm Street, Keene, Cheshire County, New Hampshire

Scale 1" = 30'

Surveyed 10/2021 Plan prepared 05/03/2023
 Project No. H21-053 Cad File No. H21-053 Plan.dwg

Huntley Survey & Design, PLLC
 NH & VT Land Surveying, Wetlands & NH Septic System Design
 653 West Road, Temple, NH 03084 (603) 924-1688 www.huntleysurvey.com



**PETITION FOR DISCONTINUANCE OF A SECTION OF RIGHT OF WAY ON
PROPERTY ON ELM STREET**

ABUTTER LIST

The ROW to be discontinued is abutted by the following properties:

1. Franklin Pierce Highway (A.K.A. N.H. Route 9 & 10)
See Return of Layout 939/400
Book 939, Page 440; Book 858, Page 460; & Book 554, Page 396 in the Cheshire
County Registry of Deeds

State of New Hampshire – Department of Transportation
District 4 – Attn: Frank Linnenbringer, District Engineer
19 Base Hill Road
Swanzey, New Hampshire 03446

2. Tax Map Parcel #521-005-000-000
Book 2455, Page 749 in the Cheshire County Registry of Deeds

Sarah D. Vezzani
464 Elm Street
Keene, New Hampshire 03431

James M. Callahan
Attorney

May 17, 2026

Sarah D. Vezzani
464 Elm Street
Keene, New Hampshire 03431

HAND-DELIVERED

Re: *Discontinuance of City of Keene Right of Way*

Dear Ms. Vezzani:

My office represents Paul Dubriske and Elmside, LLC. As you know, Mr. Dubriske obtained Keene Planning Board approval to develop a cottage court on property owned by him and his wife, Gail Marie Dubriske (Keene Tax Map 521-004-000 – the “Premises”). I understand and appreciate that you were formerly a member of the Keene Planning Board and recused yourself from hearing my client’s Site Plan application and, in fact, spoke in opposition to this application (as also evidenced by your letter to the Keene Planning Board and Conservation Commission of December 13, 2025). I also understand that you subsequently resigned from the Planning Board.

Considering (and cognizant of) these circumstances, I have what may be considered an unusual request. The City of Keene holds an interest in a Right of Way (ROW) that crosses not only the Dubriske property, but also yours. This ROW traces its origins to a 1766 deed. I’ve included a part of a survey that shows the ROW over the Dubriske property and continuing onto your property towards Elm Street.

I am preparing a Petition on behalf of my client to the Keene City Council to relinquish this ROW (which is a right of way to nowhere). This Petition follows a statutory process outlined in New Hampshire RSA 231:43 as well as the City’s Land Development Code, Section 23.2.1.A. One statutory requirement is that abutters consent to the discontinuance and waive damages. By this letter, I am requesting that you provide this consent and waiver. Just to be clear, this request does not give you leverage to frustrate the Dubriske’s project. If you don’t provide consent and the waiver, in the alternative, the Dubriske’s can provide the City with an indemnification although we would prefer the consent and waiver.

One benefit to you should you agree to provide consent and a waiver, is that (with your additional consent) we can include in the Petition a request to discontinue the ROW insofar as it impacts your property. In a meeting with the City Attorney, Public Works Director, and Planning Staff this past Friday, I was asked to reach out to you to see if you would be interested in this discontinuance. According to City staff, the City Council would prefer to relinquish as much of the ROW as it can at one meeting. Discontinuance of the ROW from your property will remove an exception to title.

Page 2

If you're willing to provide your consent, please confirm by email to me at your earliest convenience to: jcallahan@shaheengordon.com. I intend to submit the Petition this Tuesday. I apologize for the short notice but clarity on the ROW removal process was very recently received. Please don't hesitate to reach out with any questions. I appreciate your consideration.

Very truly yours,

James M. Callahan

James M. Callahan

James Callahan

From: James Callahan
Sent: Monday, May 18, 2026 4:06 PM
To: 'Frank.E.Linnenbringer@dot.nh.gov'
Subject: Dubriske, Elm Street, Keene

Hi Mr. Linnenbringer,

I represent Paul Dubriske. He and a partner are developing land on Elm Street in Keene. Over the past year, they acquired several small parcels of land from NH DOT that were identified on a plan as excess State ROW. We recently discovered that the City of Keene has an easement ROW over the parcel (an easement to nowhere). We're petitioning the Keene City Council to discontinue this ROW. As part of this process, we need to obtain consents and waivers from abutters. One of the abutters is the State related to Route 9. Would you be the right person with whom to discuss this process? By the way, I tried calling this number: 603-352-3202 – but it was disconnected.

Thanks, Jim Callahan

James M Callahan, Esq.
Shaheen & Gordon, P.A.
20 Depot Street, Suite 220
Peterborough, NH 03458
T: 603.845.1959
jcallahan@shaheengordon.com

**Shaheen
& Gordon**
ATTORNEYS AT LAW

shaheengordon.com | [Facebook](#) | [LinkedIn](#) | [Twitter](#)

STATEMENT OF CONFIDENTIALITY

This e-mail, and any attachments, is intended only for use by the addressee and may contain legally privileged or confidential information. If you are not the intended recipient of this e-mail, any dissemination, distribution or copying of this e-mail, and any attachments, is prohibited. If you have received this e-mail in error, please immediately notify me by telephone, permanently delete the original and any copy of the e-mail.

Paul Dubriske
@ Desk

Anna Z. Tift

TRANS TAX CH858998 87.00

Exhibit D

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT, The State of New Hampshire, whose mailing address is PO Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, by the Commissioner of The Department of Transportation, pursuant to vote of the Governor and Executive Council on January 18, 2023, (Item # 31) and in accordance with the provisions of New Hampshire, RSA 228:31 and RSA 4:39-c, for consideration paid, grants to Paul Dubriske and Gail Dubriske, husband and wife, as joint tenants with rights of survivorship, whose mailing address is 454 Elm Street, City of Keene, County of Cheshire, State of New Hampshire 03431, with QUITCLAIM covenants,

Any and all interests in a certain parcel of land situated on the northerly side of NH Route 9 (Franklin Pierce Highway) in the City of Keene, County of Cheshire, State of New Hampshire, and shown as "Parcel A" on a plan entitled; "Plan of Lands of State of New Hampshire, Franklin Pierce Highway and Paul C. & Gail M. Dubriske, Tax Map Parcel 521-004, Book 2234, Page 53, 454 Elm Street, Keene, Cheshire County, New Hampshire" prepared by Huntley Survey & Design, PLLC, dated May 3, 2023 and recorded in the Cheshire County Registry of Deeds on June 13, 2025, as Plan No. 25065.

Containing 39,606 square feet, or 0.909 of an acre of land, more or less, and being a portion of the land acquired by the State of New Hampshire, by Warranty Deed, recorded January 19, 1973, in the Cheshire County Registry of Deeds at Book 858, Page 460.

Excepting and reserving a drainage easement to the State of New Hampshire to accommodate an existing 24" culvert and the maintenance of the existing drainage ditch as depicted on N.H.D.P.W. & H. Plans of Proposed Federal Aid Project F-012-1(3), NH Project P-2962-B, dated June 09, 1977.

Excepting and reserving any and all easements or encroachments that may be in effect, whether recorded or not.

IN WITNESS WHEREOF The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the Department of Transportation, duly authorized, and executed this 30 day of JUNE, 2025.

Signed, Sealed and Delivered
in the presence of:

THE STATE OF NEW HAMPSHIRE

William J. Cass
William J. Cass, Commissioner
Department of Transportation

STATE OF NEW HAMPSHIRE, Merrimack

SS.

A. D., 2025

On this 30 day of June, 2025, before me, Tanya Wilson, the undersigned officer, personally appeared by William J. Cass, Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

Tanya M. Wilson
Notary Public, State of New Hampshire
My Commission Expires Apr 09, 2030

Tanya Wilson
Notary Public Justice of the Peace
My Commission Expires: 4/9/30

Anne Z Tift

TRANS TAX CH859951 40.00

*Return to
Paul Dubriske
@ desk*

Exhibit E

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT the State of New Hampshire, whose mailing address is PO Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, by the Commissioner of the Department of Transportation, pursuant to vote of the Governor and Executive Council on January 28, 2026, (Item #14) and in accordance with the provisions of New Hampshire, RSA 228:31 and RSA 4:39-c, for consideration paid, grants to Paul Dubriske, whose mailing address is 454 Elm Street, City of Keene, County of Cheshire, State of New Hampshire 03431, with QUITCLAIM covenants.

Any and all interest in two parcels of State-owned land shown as "Parcel B Excess State ROW" and "Parcel C Excess State ROW" on a plan titled: "Plan of Lands of State of New Hampshire, Franklin Pierce Highway and Paul C. & Gail M. Dubriske, Tax Map Parcel 521-004, Book 2234, Page 53, 454 Elm Street, Keene, Cheshire County, New Hampshire" dated May 3, 2023, prepared by Huntley Survey & Design, PLLC, and recorded September 18, 2025 in the Cheshire County Registry of Deeds as Plan No. 25117. Said Plan was corrected by affidavit due to an error, which affidavit was duly recorded on February 6, 2026, as Document No. 2600925, Book 3338, Page 1306 in the same Registry."

Containing in all 14,682 +/- SF and being a portion of the land acquired by the State of New Hampshire, from Eveyn Rivers by Condemnation, recorded April 26, 1977, in the Cheshire County Registry of Deeds at Book 929, Page 324.

Excepting and reserving a utility easement to the benefit of the City of Keene as depicted on a Plan of Keene, F-012-1(3), P2962B and further identified on the above referenced Plan.

Excepting and reserving any and all easements or encroachments that may be in effect, whether recorded or not, whether shown on the above referenced Plan or not.

IN WITNESS WHEREOF, the State of New Hampshire has caused its name to be set and its seal to be affixed hereto by the Commissioner of the Department of Transportation, duly authorized, and executed this 25, day of February, 2026.

THE STATE OF NEW HAMPSHIRE
William J. Cass
William J. Cass, Commissioner
Department of Transportation

STATE OF NEW HAMPSHIRE, Merrimack County SS.

A. D., 2026

On this 25 day of February, 2026, before me, Jennifer Lane, the undersigned officer, personally appeared by William J. Cass, Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

Jennifer D. Lane
Notary Public/Justice of the Peace
My Commission Expires: _____

Jennifer D. Lane
Justice of the Peace, State of NH
My Commission Expires April 6, 2027



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: May 21, 2026
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Request to Review Recent Amendments to Land Development Code - Adopted September 18, 2025 (O-2025-15-A)

Council Action:

In City Council May 21, 2026.

Voted five in favor and nine opposed, a motion to refer the communication back to the Planning, Licenses, and Development Committee failed. The communication was filed as informational.

A true record;

Attest:

Deputy City Clerk

In City Council April 16, 2026.

Voted six in favor and eight opposed, a motion to amend the recommendation to file the item as informational failed.

Voted seven to seven, a motion requesting the matter be placed on more time failed.

Voted 13 in favor and one opposed, a motion to table the matter until the City Council meeting of May 21, 2026 passed.

A true record;

Attest:

A handwritten signature in cursive script, appearing to read "Chris Wood".

City Clerk

Recommendation:

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.

Attachments:

None

Background:

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 is 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 Ruttle-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.