



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
July 21, 2022  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- 07/07/2022

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Nominations - Partner City Committee
2. Confirmations  
Library Board of Trustees  
Planning Board

**C. COMMUNICATIONS**

1. Councilor Philip Jones - Resolution in Support of a "Protect Our Police Bill"

**D. REPORTS - COUNCIL COMMITTEES**

1. Keene Elm City Rotary – Use of City Property – Clarence DeMar Marathon
2. Acceptance of Federal Forfeiture Monies - Police Department
3. FY22 DOJ Justice Assistance Grant - Police Department
4. Primex Contribution Assurance Program (CAP) - Workers Compensation - Human Resources

5. Lease Agreement with Thomas Transportation - Airport Director
6. Engineering Agreement with McFarland Johnson for the Airport Fencing Project - Airport Director
7. Design-Build Services for the Creation of a New Skatepark - Parks, Recreation and Facilities Director
8. Lower Winchester Reconstruction Project - Consultant Selection - City Engineer
9. Thompson Road Repair - Consultant Selection - City Engineer

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. Acceptance of Donations - Finance Director/Treasurer

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

1. Relating to Amendments to the Land Development Code - Rural District and Conservation Residential Development Subdivision Regulations Ordinance O-2022-09
2. Relating to Parking Rates Ordinance O-2022-08

**J. ORDINANCES FOR SECOND READING**

1. Relating to Amendments to the Land Development Code - Multi-family Residential Dwellings Ordinance O-2022-04

**K. RESOLUTIONS**

1. Acceptance of Deed and Return of Layout - Magnolia Way Resolution R-2022-23 Resolution R-2022-24
2. Acceptance of Deed and Return of Layout - Intersection Improvements - Matthews Road and Winchester Street

Resolution R-2022-25  
Resolution R-2022-26

**L. TABLED ITEMS**

1. Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access

**NON PUBLIC SESSION**

**ADJOURNMENT**

A regular meeting of the Keene City Council was held on Thursday, July 7, 2022. The Honorable Mayor George S. Hansel and his assisting “Kid Mayors” called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Andrew M. Madison was absent. Having declared a quorum physically present, Raleigh C. Ormerod—who had the Council’s permission to participate remotely—stated his location, that he was participating remotely due to health issues, and that his daughter was present with him. Michael J. Remy also requested to participate remotely due to work obligations; he was alone at his location. There were no oppositions to Councilor Remy’s remote participation. Councilor Lake led the Pledge of Allegiance.

#### ANNOUNCEMENTS

The Mayor announced that the Council’s summer vacation schedule would start with the cancelation of the July 27 and 28 MSFI and FOP meetings, followed by the August 4 Council meeting, as well as the August 10 and August 11 PLD and FOP Committee meetings. The Council will return to its normal meeting schedule for the August 18 regular meeting.

Next, Mayor Hansel congratulated a young person in our community who earned a prestigious citizenship award. Evelyn Ormerod, daughter of Keene City Councilor Raleigh Ormerod, was awarded the Robert B. and Janice C. Coates Citizenship Award by the Keene School District. It is the most prestigious award at the Keene Middle School because it is the one award determined by a vote of the eighth graders themselves. There are only two awards annually and the recipients have their names engraved permanently on a large plaque at the Keene Middle School. Through her leadership in many extra-curricular activities including KMS Peace and Justice Club, STEAM Club, Math Club, Band, Athletics, and National Junior Honor Society, Evelyn has inspired her peers with an example of citizenship. The Keene School Board established this award several years ago in honor of Bob and Janice Coates to recognize young people who made significant contributions. Bob Coates immersed himself in the leadership of various community youth efforts including Scouts, baseball, founding the former Monadnock Children’s Center, and serving as Chair of the Keene School Board. Janice was a unique and inspiring educator who fostered a community of trust, respect, and friendship. She also worked at the City of Keene Clerk’s Office for many years and volunteered at many other local nonprofits. Mayor Hansel offered his sincerest congratulations to Ms. Ormerod.

#### MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the June 16, 2022 regular meeting minutes as printed was duly seconded by Councilor Bosley and the motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

#### PROCLAMATION – KID’S MAYOR PROCLAMATION

Mayor Hansel introduced the 2022 Keene Kid Mayors, Shrihan Budakoti (10; Keene) and Madison Bullock (10; Surry). The Mayor shared that he had a fantastic day showing the kids around the City, from City Hall to the Fire Department to the Wastewater Treatment Plant. Mayor Hansel began this program in 2021 to engage kids in local government, getting them interested in the City of Keene’s work and highlighting the City’s amazing employees. Mayor Hansel said this is his highlight of being Mayor and he hopes it continues past his tenure. He noted that children have trouble with their voices being heard by City government and this was one way to hear those voices. Both children submitted such excellent essays for this role that Mayor Hansel had to choose both. He hoped more students would be inspired to apply next year. Thus, Mayor Hansel read a proclamation declaring Ms. Bullock and Mr. Budakoti as Kid Mayors for July 7, 2022.

Ms. Bullock said that her letter was about a dog park at the Ashuelot River Park, which she said is a big park for the dogs. Her favorite place to visit in the City was the Wastewater Treatment Plant.

Mr. Budakoti stated that he is entering the fifth grade. He thanked Mayor Hansel and Ms. Bullock for this opportunity to gain knowledge about the City. He listed the various sights they experienced and thanked the tour guides who explained everything so well that the children had nothing left to ask, such as at the Wastewater Treatment Plant. Mr. Budakoti said he observed City staff citing the common staff shortage challenge. He asked the Council directly whether they had ideas to improve jobs around the city.

Mayor Hansel thanked the students for their valuable ideas and service.

#### PROCLAMATION – INDEPENDENT’S MONTH

Mayor Hansel read into the record a proclamation declaring July 2022 as Independent’s Month and saluted community members and locally owned businesses that are integral to Keene’s uniqueness. He honored their efforts making this a place we all want to live and work.

The Mayor presented the proclamation to Jen Risley, who said it was great to have Council support for independent business owners. She implored the Council and others to take the Indie Challenge this month, and pledge to buy from one locally owned business one day weekly.

#### PROCLAMATION – PARKS AND RECREATION MONTH

Mayor Hansel read into the record a proclamation declaring July 2022 as Parks and Recreation Month in Keene and urged all citizens to relish in the wonders of nature around them and to participate in the diverse recreational offerings.

Mayor Hansel presented the proclamation to Director of Parks, Recreation, and Facilities, Andy Bohannon. Mr. Bohannon said this year's theme is We Rise Up, which he thought was evident through projects like the Russell Park construction and rising property values in that neighborhood, and the Cheshire Rail Trail Phase 3 to complete at the end of July. There is a community program guide going live on July 11, including movies in the park and mental health awareness day.

#### NOMINATIONS

Mayor Hansel nominated Pamela Russell-Slack and Justin Somma to serve as regular members of the Library Board of Trustees, with terms to expire June 30, 2025. Mayor Hansel also nominated Randyn Markelon to serve as an alternate member of the Planning Board, with a term to expire December 31, 2026. Mayor Hansel tabled the nominations until the next regular meeting.

#### COMMUNICATION – CATHEDRAL LEDGE DISTILLERY – REQUESTING PERMISSION FOR SPIRITS TO BE TASTED AND SOLD AT THE KEENE FARMER'S MARKET

A communication read from the Cathedral Ledge Distillery, requesting permission to allow spirits to be tasted and sold at the Keene Farmer's Market.

Mayor Hansel recognized a motion from Councilor Bosley to suspend the Rules of Order to allow action on this request to have permission for Spirits to be tasted and sold at the Keene Farmer's Market, which was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

Councilor Bosley moved that Cathedral Ledge Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2022 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: compliance with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene, including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19); submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws. Councilor Giacomo seconded the motion. Councilor Bosley provided a background report.

With no Council comments or questions, Mayor Hansel requested the vote. The motion for approval carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

#### COMMUNICATION – COUNCILOR MITCHELL GREENWALD – AMENDMENT TO THE CITY COUNCIL RULES OF ORDER – REMOTE ACCESS

A communication read from Councilor Greenwald, requesting a further amendment to the Rules of Order that would provide that a member could be allowed to participate remotely for personal reasons up to two meetings per year. This maximum of meetings would not apply to being remote for serious health issues, disability, or out-of-town employment responsibilities.

Mayor Hansel heard from Councilor Greenwald, who said he would discuss his letter with the City Attorney.

Hearing no objections, Mayor Hansel put this item on the table for discussion at the next regular City Council meeting.

#### MSFI REPORT – CHARLES REDFERN – REQUEST FOR SIGNAGE IDENTIFYING TRAILS

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 5–0, recommending that the City Manager be authorized to negotiate and execute a Right-Of-Way Usage Agreement with the NH Department of Transportation (NHDOT). A motion by Councilor Greenwald to carry out the intent of the Committee Report was duly seconded by Councilor Filiault.

Discussion ensued. Councilor Greenwald mentioned the Pathways for Keene 4 on the 4<sup>th</sup> race, which is a great event that raises a lot of money for projects like the new bridge. Councilor Jones thanked Mr. Redfern for his consistent work, including meeting with the state and bringing this recommendation to the City, identifying the North and South Bridges as integral to Keene’s trail system, which is all about connecting the community. Councilor Jones recalled the vast community effort it took to build the community bridges.

The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

#### MSFI REPORT – COUNCILOR JONES – UNSAFE SIGN PLACEMENT

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the acceptance of the communication as informational. Mayor Hansel intended to file the report as informational. Discussion ensued.

Councilor Jones expressed further concern about signs in rotaries for safety and aesthetics. Thus, Councilor Jones moved to amend the Committee recommendation to refer this matter to Staff instead of accepting as informational. Councilor Bosley seconded the proposed amendment to refer this matter to the City Manager.

Councilor Chadbourne agreed with the amendment and requested that at some point, Staff report back to the Council on this matter. The Assistant City Manager/HR Director, Beth Fox, would pass that message to the City Manager. Councilor Jones suggested small signs he had seen

elsewhere that indicate where signs are/are not permitted, which he hoped would deter signs placed in unsafe locations. Councilor Ormerod agreed with Councilor Jones' idea of small signs in the rotaries that would take some burden off City Staff enforcement.

On a roll call vote of 14–0, the motion to amend the Committee's recommendation and refer this matter to Staff carried unanimously. Councilor Madison was absent.

Councilor Greenwald believes many signs are placed because people do not know, whereas the Council is familiar with the Code of Ordinances or State policies. Thus, he shared that political signs should only be placed on private property, not in the public way and not on rotaries; the State would remove them from public locations and City Public Works would remove them from City property. He encouraged anyone to speak with the City Clerk about where signs are allowed legally with election season looming.

Councilor Jones said his motion was not about signs, just to send the matter to staff.

The motion to carry out the intent of the Committee report, as amended, carried on a roll call vote of 14–0. Mayor Hansel referred this matter to the City Manager. Councilor Madison was absent.

#### MSFI REPORT - WARRANT FOR UNLICENSED DOGS - CITY CLERK

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Keene Police Department be directed to issue civil forfeitures to those dog owners who have failed to license their dog by April 30, 2022. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried on a roll call vote of 14–0. Councilor Madison was absent.

#### FOP REPORT - ATTORNEY THOMAS HANNA - JRR PROPERTIES - DONATION OF LAND AT 0 ASHUELOT STREET - GREEN SPACE

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute an agreement on terms and conditions acceptable to the City to accept the land donation offer of a portion of 0 Ashuelot Street for use as a city park conditioned upon the successful completion of any regulatory approvals necessary for JRR properties to complete the proposed development of the proposed adjacent property. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Discussion ensued. Councilor Greenwald spoke in opposition because he felt there was a greater need for affordable housing than greenspace. He recalled past housing proposals and stated that it is possible to have housing developments that respect the land and leave open spaces for



residents to enjoy. Councilor Greenwald also reminded that property taxes would be paid on a housing project. If it becomes a park, it is something else for the City to maintain. Councilor Filiault agreed that more housing is needed, but he did not think it was the government's business to tell a private property owner what to do with their land. Regardless of the outcome—housing or greenspace—Councilor Filiault said it was a win for the City. Councilor Roberts agreed with Councilor Greenwald, reiterating the need for workforce housing. Councilor Roberts cited other examples and said that if government should not be involved, it should go both ways, whether someone wants greenspace or housing. Councilor Roberts said people need to be able to afford to live in Keene and he cited politics as a reason why workforce housing has been a discussion in Keene for 20 years.

Councilor Jones asked Staff whether the donation of the property was subject to this use by the city as a greenspace. Mayor Hansel assumed yes and the City Attorney confirmed. Mayor Hansel said it would not be acting in good faith to accept the donation and then sell it for some other purpose.

Councilor Bosley noted she was not present for the original proposal for apartment complexes at this site and could not recall what zoning issue impeded that at the time. The City Attorney could not recall what the Zoning was at the time of that proposal, but that the proposal had changed, and this applicant would also require a Variance from the Zoning Board of Adjustment. Councilor Bosley recalled that the Zoning Ordinance was just changed to allow for residential uses in the Commercial District. Thus, she wondered if the donor of this land was aware of that possibility to develop their land differently. The City Attorney's understanding was that the donors were well aware of their rights and allowed uses and what they are trying to do, which would have been allowed under the prior version of the Land Use Code, but is not in the current version.

Councilor Giacomo suspected that if the donor was allocating half the property to the Monadnock Conservancy, then they were not likely interested in development. He agreed with the need for more housing and finding a place and owners interested in that. If the Council rejected this donation, Councilor Giacomo imagined the owners would find another similar purpose.

Councilor Williams felt the greenest thing to do was to allow for housing. He cited the great location of this parcel for housing near to the downtown and West Street. He said if housing were not built there it would be on the perimeter, which would take more greenspace ultimately. He wanted to see canoe access created there and some apartments—a great place to raise a family by a park.

The motion to carry out the intent of the Committee report carried on a roll call vote of 10–4. Councilors Williams, Roberts, Workman, and Greenwald voted in opposition. Councilor Madison was absent.

FOP REPORT – FABIAN FRIEDLAND/KEENE ISLAND CONDO ASSOCIATION AND KEENE ISLAND HOLDINGS – REQUESTING LEASE OF CITY PROPERTY FOR PARKING – ISLAND STREET

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement for the proposed parking and other uses of the City-owned Island Street property. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

FOP REPORT – ACCEPTANCE OF NEW HAMPSHIRE JUVENILE COURT DIVERSION NETWORK SBIRT FUNDING – YOUTH SERVICES

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend funds provided by the New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

FOP REPORT - COLONY COURT SEWER REPLACEMENT PROJECT - CONSTRUCTION CHANGE ORDER - CITY ENGINEER

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract change order with J.A. McDonald, Inc. for an amount not to exceed \$850,000 on the Colony Court Sewer Replacement Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

CITY MANAGER COMMENTS

Assistant City Manager/HR Director, Beth Fox, reported on behalf of the City Manager.

The Assistant City Manager began with a brief update on the Comstar data security breach. Councilors would recall that the City contracts with Comstar to provide billing services for the City's ambulance service. A security breach occurred within the Comstar electronic servers earlier this year, which did not impact any of the City's electronic systems. On July 1, Comstar sent required notices to all individuals impacted by the security breach. Comstar's investigation of the incident to date has not provided any evidence that personal information contained on its servers was subject to actual or attempted misuse by any third party. However, Comstar is offering to provide complimentary credit monitoring and identity theft restoration

services to individuals impacted by the security breach. The City encourages individuals who have received the notice to contact Comstar using the phone number provided in the notice, and to take advantage of the credit monitoring and identity theft protection services.

The ACM reported that construction season is fully underway, with lots of activities in the City streets. Visitors and residents are asked to look up and be careful when approaching and traveling through the numerous work zones. The upper Winchester Street Reconstruction Project is fully underway. The Patricia Russell Park and Carpenter Street Drainage Project is going well. The City's longline painting contractor will be working at nights through the next week. Road Rehabilitation work is underway on various streets and City Highway crews are out doing shoulder work, roadside mowing, and drainage spot repairs. Water/Sewer crews are working on the annual sewer main cleaning. The ACM said to stay in the know on all Public Works happenings, see the latest YouTube videos on various projects, and join the Public Works Department Facebook page.

The ACM recalled earlier at this meeting, the Parks, Recreation, and Facilities Director, Andy Bohannon, touched on some of the activities and opportunities being offered through Parks & Recreation this summer.

In addition to those activities, the ACM shared that opportunities for summer learning and reading programs are also in full swing at Keene Public Library. Some upcoming events for adults as well youth include a "Titanic Murder Mystery Interactive Dinner Theater" on Thursday, July 14 at 6:00 PM; attendees will be invited to have a light dinner with Captain Smith and solve the murder of Titanic's First Officer before the ship sinks. The ACM added that through the week of July 18, the Library is celebrating Sherlock Holmes with daily Holmes-themed programs, including for adults on July 18; a New Hampshire Humanities presentation explores the origins of the famous detective and tracks his incarnations in literature, film, advertising, and modern media. On July 20, the movie "Mr. Holmes" would be screened. Youth programs that week include a series of activities including a birthday party for Dr. Watson, a program on How to Think Like Sherlock Holmes, and another to learn about invisible ink, fingerprinting, and ciphers. In addition, that week for all ages, the Edge Theater Company will perform four live "radio plays" July 21 through 24. Check the library section of the City's website for more information about these programs and other activities coming up at our City's Library.

The ACM also shared that this summer through August 30, the Library is serving free community lunches Monday through Friday, from 12:00 PM–1:00 PM. No registration or application is needed. Meals are provided in partnership with the USDA, Community Kitchen, New Hampshire Hunger Solutions, and New Hampshire Food Bank. To date, this program has been providing 30–50 meals daily.

Lastly, the ACM welcomed the new Community Development Director, Jesse Rounds, to his first Council meeting after his first week working with the City.

07/07/2022

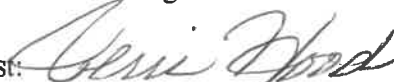
MORE TIME – ATTORNEY MICHAEL BENTLEY – AGATHA FIFIELD – REQUESTING  
THE CITY RESUME MAINTENANCE OF BLAIN(E) STREET – PRIVATE WAY

A Municipal Services, Facilities, and Infrastructure Committee report read recommending  
placing the communication on more time. Mayor Hansel granted more time.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:05 PM.

A true record, attest:

  
Assistant City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Mayor George S. Hansel  
**Through:**  
**Subject:** **Nominations - Partner City Committee**

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**Recommendation:**

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

Partner City Committee  
Doris McCollester, slot 10  
172 Liberty Lane

Term to expire Dec. 31, 2025

**Attachments:**

1. Mc\_Collester, Doris\_Redacted

**Background:**

**From:** [Patty Little](#)  
**To:** [Heather Fitz-Simon](#)  
**Subject:** FW: Interested in serving on a City Board or Commission  
**Date:** Monday, July 11, 2022 8:08:04 AM

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**From:** helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>  
**Sent:** Sunday, July 10, 2022 5:53 PM  
**To:** Helen Mattson <hmattson@keenenh.gov>  
**Cc:** Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Sun, 07/10/2022 - 17:53</p>

<p>Submitted values are:</p>

**First Name:**

Doris

**Last Name:**

Mc Collester

**Address**

172 Liberty Lane

**How long have you resided in Keene?**

54 Years

**Email:**

[REDACTED]

**Cell Phone:**

[REDACTED]

**Employer:**

Self

**Occupation:**

President of Mc Collester Mgt. Inc . Panache Hair Design , Keene NH and Plaza Beauty Salon Peterborough NH for 30 years.

**Retired**

Yes

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

Many Years ago I worked on the Octoberfest Committee with the Keene Chamber of Commerce , it was great for a couple of years until outside influence forced the closing of it .

**Have you ever served on a public body before?**

Yes

**Please select the Boards or Commissions you would be interested in serving on:**

Partner City Committee

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

I have been care taker for the last 7 years , so had no time other than my business . My Husband past and now I have the time . I was born and raised in Germany , speak , write and read German . I am very familiar with customs , culture , and history since I was schooled there .

**Why are you interested in serving on this committee**

I believe I could offer ideas for a positive interaction . I am interested because I am German and a American Citizen , culture , history and customs are different , I feel the difference especially when I visit my Family in Germany . I want to share Ideas how to overcome some of the differences .

**Please provide 2 personal references:**

Cathy Evans

[REDACTED]

**References #2:**

Bayr Klaus & Christa

[REDACTED]



# CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Mayor George S. Hansel  
**Through:**  
**Subject:** **Confirmations**  
**Library Board of Trustees**  
**Planning Board**

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**Council Action:**  
**In City Council July 7, 2022.**  
**Tabled until the next regular meeting.**

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

Library Board of Trustees  
Justin Somma, slot 6 Term to expire June 30, 2025  
57 Mayflower Drive

Pamela Russell Slack Term to expire June 30, 2025  
260 Beaver Street, slot 5

Planning Board  
Randyn Markelon, alternate, slot 11  
123 Roxbury Street Term to expire Dec. 31, 2026

- Attachments:**
1. Somma, Justin\_Redacted
  2. Slack, Pamela\_Redacted
  3. Markelon, Randyn\_Redacted

**Background:**



**From:** [Patty Little](#)  
**To:** [Heather Fitz-Simon](#)  
**Subject:** FW: Interested in serving on a City Board or Commission  
**Date:** Thursday, June 16, 2022 2:28:31 PM

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**From:** helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>  
**Sent:** Tuesday, June 14, 2022 11:15 AM  
**To:** Helen Mattson <hmattson@keenenh.gov>  
**Cc:** Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Tue, 06/14/2022 - 11:15</p>  
<p>Submitted values are:</p>

**First Name:**

Justin

**Last Name:**

Somma

**Address**

57 Mayflower Drive  
Keene NH

**How long have you resided in Keene?**

10 years

**Email:**

[REDACTED]

[REDACTED]

**Employer:**

Gathering Waters Chartered Public School

**Occupation:**

Business Manager

**Retired**

No

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

I am not currently holding a position with any committees, however I am transitioning out of my role as Business Manager with the organization to also serve in a volunteer capacity on committees related to strategy and finance.

**Have you ever served on a public body before?**

No

**Please select the Boards or Commissions you would be interested in serving on:**

Library Board of Trustees

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

My skill set centers around operations, facilities and finances, developed over 15 years of managing operations in a small business environment. For 7 years prior to moving to Keene I owned a hardware store in rural New York. After moving here I joined the management team of the Monadnock Food Co-op for their startup, worked another local foods startup for a year and a half with several area investors, worked with C&S for 3 years, after which I got into non-profits, working as the Business Manager for the Monadnock Waldorf School and now for Gathering Waters Charter School. I am departing that post at the end of the month and am planning to relax this summer while I map out my next venture.

My interests are all things Keene. I enjoy hiking from all over town from my jumping-off point on Mayflower Drive, shopping at the Farmer's Market on weekends, enjoying the many local events and activities downtown offers, and raising two wonderful sons (one is a junior at Keene High, the other in 8th grade at my aforementioned school).

**Why are you interested in serving on this committee**

I have been a passionate about Keene's Library since moving to the area in 2013 to help start up the Food Co-op. My family uses it on a regular basis and we enjoy not just the expected amenities but also the book sales, events at Heberton Hall, and the Library's Writers Group, of which my spouse is an avid member going on 7 years (I believe). In speaking with the current trustees, I feel as though my focus on facilities and finance marries with the needs of the Board.

**Please provide 2 personal references:**

Gabrielle Schuerman

[gabrielle.schuerman@gatheringwaterscharter.org](mailto:gabrielle.schuerman@gatheringwaterscharter.org)

603-852-2718

**References #2:**

Steve D'Alessio

[steve@dlaessio.com](mailto:steve@dlaessio.com)

603-352-1000

## Heather Fitz-Simon

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**Subject:** FW: Interested in serving on a City Board or Commission

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**From:** [helpdesk@ci.keene.nh.us](mailto:helpdesk@ci.keene.nh.us) <[helpdesk@ci.keene.nh.us](mailto:helpdesk@ci.keene.nh.us)>  
**Sent:** Wednesday, June 29, 2022 8:31 PM  
**To:** Helen Mattson <[hmattson@keenenh.gov](mailto:hmattson@keenenh.gov)>  
**Cc:** Patty Little <[plittle@keenenh.gov](mailto:plittle@keenenh.gov)>; Terri Hood <[thood@keenenh.gov](mailto:thood@keenenh.gov)>  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Wed, 06/29/2022 - 20:31</p>

<p>Submitted values are:</p>

**First Name:**

Pamela

**Last Name:**

Slack

**Address**

260 Beaver St.  
Keene NH  
03431

**How long have you resided in Keene?**

Most of my life

**Email:**

[REDACTED]

**Cell Phone:**

[REDACTED]

**Employer:**

U S Senate

**Occupation:**

Senior Special Assistant for Constituent Services

**Retired**

No

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

Chair of the Planning Board  
Keene Housing Board Commissioner your

**Have you ever served on a public body before?**

Yes

**Please select the Boards or Commissions you would be interested in serving on:**

Library Board of Trustees

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

I have been involved with City Government for many years. Previously as a City Councilor and Chair of the MFSI committee, and also the Finance, Personel and Organization Committee.

Chair of the Partner City Committee.

I have the pleasure of working for Senator Jeanne Shaheen for over 13 years on her constituent services team, attending events on her behalf, and some policy work.

**Why are you interested in serving on this committee**

I have always been interested in serving as a Trustee but my prior commitments did not allow me the time needed to serve. I was born and raised in Keene and have watched the Library grow and continue to grow. I was a Library Aid in Illinois at an elementary school for four years and enjoyed learning the inner workings of the Library. I still am.

**Please provide 2 personal references:**

David Orgaz

[dorgaz@masiello.com](mailto:dorgaz@masiello.com)

[REDACTED]

**References #2:**

Lee Mosbaugh

[REDACTED]

**From:** [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)  
**To:** [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)  
**Subject:** FW: Interested in serving on a City Board or Commission  
**Date:** Wednesday, June 8, 2022 9:26:12 AM

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**From:** [helpdesk@ci.keene.nh.us](mailto:helpdesk@ci.keene.nh.us) <[helpdesk@ci.keene.nh.us](mailto:helpdesk@ci.keene.nh.us)>  
**Sent:** Tuesday, June 7, 2022 3:31 PM  
**To:** Helen Mattson <[hmattson@keenenh.gov](mailto:hmattson@keenenh.gov)>  
**Cc:** Patty Little <[plittle@keenenh.gov](mailto:plittle@keenenh.gov)>; Terri Hood <[thood@keenenh.gov](mailto:thood@keenenh.gov)>  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Tue, 06/07/2022 - 15:31</p>

<p>Submitted values are:</p>

**First Name:**

Randyn

**Last Name:**

Markelon

**Address**

123 Roxbury St Keene

**How long have you resided in Keene?**

Less than a year; previously I was here for 8 years

**Email:**

[REDACTED]

**Cell Phone:**

[REDACTED]

**Employer:**

N/A

**Occupation:**

I'm not currently working

**Retired**

No

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

I was previously on my local land trust board, various professional committees, oversaw condo board meetings, and was heavily involved with many small to mid-size non-profits while managing the Connecticut Non-Profit Center building in Hartford, CT. I am currently looking for opportunities to donate my time locally.

**Have you ever served on a public body before?**

Yes

**Please select the Boards or Commissions you would be interested in serving on:**

Planning Board

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

My professional background is in commercial and residential real estate management. I was heavily involved at site-level with planning, budgeting and marketing new developments as well as repositioned assets. I am interested in land conservation and recreation in rural areas aligned with strong planning in developed areas to encourage a balanced environment.

**Why are you interested in serving on this committee**

I grew up in Keene and have recently moved back to the area. Keene has always been quaint and family-friendly; I'm happy to see the city has also become more diverse in both population and offerings. I look forward to helping serve Keene's long range goals for development and fiscal growth while maintaining a strong sense of community and small town feel.

**Please provide 2 personal references:**

Pam Russel Slack

[REDACTED]

**References #2:**

Armando Rangel

[REDACTED]



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Councilor Philip Jones  
**Through:** Patricia Little, City Clerk  
**Subject:** **Councilor Philip Jones - Resolution in Support of a “Protect Our Police Bill”**

---

**Recommendation:**

**Attachments:**

1. Jones\_Communication

**Background:**

Councilor Jones is requesting the drafting of a Resolution that would request legislation be enacted which would outlaw the owning, storing, buying, selling, distributing, manufacturing, or custom making of any gun loading ammunition designed to penetrate bulletproof armor.

July 19, 2022

FROM: Councilor Philip M. Jones



TO: The Honorable Mayor and City Council

SUBJECT: Resolution in support of a "Protect Our Police Bill"

**Recommendation:**

Recommend that the Keene City Council authorize staff to draft a resolution in support of a "Protect Our Police Bill". The resolution would be sent to all state elected officials requesting that legislation be enacted and supported which would outlaw the owning, storing, buying, selling, distributing, manufacturing, or custom making of any gun loading ammunition designed to penetrate bulletproof armor.

**BACKGROUND:**

Title XII – Public Safety and Welfare Chapter 159-18 states a person is guilty of a class B felony if he uses or attempts to use any Teflon-coated or armor-piercing bullet or cartridge or any bullet or cartridge which contains any explosive substance in the projectile and is designed to explode upon impact, in the course of committing any misdemeanor or felony.

Our local law enforcement personnel should be assured that they are protected by wearing flak jackets and body armor. They should also know that protective partitions, shields, and armored vehicles will actually serve the designed purpose they are intended for.

I see no reason why these items should be available for public use. As a community and as a society we should be doing all we can to protect our law enforcement officials and first responders.





## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022

**To:** Mayor and Keene City Council

**From:** Planning, Licenses and Development Committee, Standing Committee

**Through:**

**Subject:** Keene Elm City Rotary – Use of City Property – Clarence DeMar Marathon

---

**Recommendation:**

On a roll call vote of 4–0, the Planning, Licenses, and Development Committee recommends the Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 25, 2022, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 23 Community Events Budget. Said payment shall be made within 30-days of the date of invoice.

**Attachments:**

None

**Background:**

Chair Bosley welcomed Susan Simonds on behalf of the applicant, Keene Elm City Rotary, which holds the annual Clarence DeMar Marathon event. This is a fundraising event held to aid children in all of Cheshire County. Ms. Simons is a member of the race committee and spoke on behalf of the race director, Alan Stroshine. Ms. Simons offered continued gratitude for the City of Keene's support of the annual event. This event will bring over 400 volunteers from throughout the community, in addition to runners from around the world. There is also the Kids DeMar, which helps to promote movement in children, helping build them to running the full marathon. This event has drawn 1,000 children in the past, who run the end of the race with the Super Seniors over 70 years old. She said the event has built great camaraderie in the City for the last 15 years. Thus, the Rotary graciously requested that the City permit this event again on Sunday, September 25, based out of Keene State College.

Chair Bosley requested Staff comments from the Director of Public Works/Emergency Management, Kürt Blomquist. Mr. Blomquist said City Staff had completed the protocol meetings with the applicants and recommended that the Council issue a license for this event. Chair Bosley expressed her happiness that this event made it through Covid-19; her own kids run the race. Ms. Simonds agreed with what a phenomenal and heartwarming event it is for the City.

Hearing no public comments, Chair Bosley entertained a motion from Vice Chair Giacomo, which was seconded by Councilor Johnsen.

On a roll call vote of 4–0, the Planning, Licenses, and Development Committee recommends the Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 25, 2022, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 23 Community Events Budget. Said payment shall be made within 30-days of the date of invoice.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Acceptance of Federal Forfeiture Monies - Police Department**

---

**Recommendation:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend Federal forfeiture monies in the amount of \$22,404.45.

**Attachments:**

None

**Background:**

Police Captain Steve Stewart addressed the Committee regarding a recommendation to accept Federal forfeiture monies. The captain stated these monies were seized in conjunction with the drug investigation the Keene Police Department and the US Department of Homeland Security investigations. The amount seized was \$22,404.45.

Councilor Remy made the following motion, which was seconded by Councilor Madison.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend Federal forfeiture monies in the amount of \$22,404.45.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **FY22 DOJ Justice Assistance Grant - Police Department**

---

**Recommendation:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept the U.S. Department of Justice FY22 JAG in the amount allocated to the City of \$5,554.

**Attachments:**

None

**Background:**

Captain Stewart stated the second item is a recommendation to accept a US Department of Justice Assistance Grant in the amount of \$5,554. He indicated the department co-applied for this grant with Cheshire County and the monies are split in half. Captain Stewart stated this funding supplies iPhones for police cars as well as a few staff in the detective's unit. The department has participated in this grant process for about four to five years, which has increased the department's efficiency in terms of being able to get in touch with victims and witnesses. The use of the iPhones also allows officers to be able to take pictures and videos at the scene quickly. Councilor Madison made the following motion, which was seconded by Councilor Remy.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept the U.S. Department of Justice FY22 JAG in the amount allocated to the City of \$5,554.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Primex Contribution Assurance Program (CAP) - Workers Compensation - Human Resources**

---

**Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex3 in a multi-year Contribution Assurance Program (CAP) through the calendar year 2025 providing for mitigation in the event of adverse experience, and assurance of predictable contributions for future workers' compensation insurance.

**Attachments:**

None

**Background:**

Assistant City Manager, HR Director Beth Fox was the next to address the committee. She stated she was before the committee seeking authorization for the City Manager to do all things necessary to enter into a contribution assurance agreement, known as a cap agreement with the City's workers' compensation carrier, Primex, through the calendar year 2025.

She explained the cap agreement will provide the City with some protection against premium increases, potentially mitigating the impact of losses on future contributions. Ms. Fox stated the City has participated in this cap program since 2012. It has benefited from it in past years when sometimes larger increases in contribution are required when the City's experience may not be as favorable during different rating periods. This agreement will provide for protection from and limit rate increases to the amount of 6%.

Councilor Remy made the following motion, which was seconded by Councilor Lake.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex3 in a multi-year Contribution Assurance Program (CAP) through the

calendar year 2025 providing for mitigation in the event of adverse experience, and assurance of predictable contributions for future workers' compensation insurance.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Lease Agreement with Thomas Transportation - Airport Director

---

**Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Thomas Transportation for a portion of the Airport terminal parking lot for parking of their customer's vehicles.

**Attachments:**

None

**Background:**

Airport, Director, Dave Hickling addressed the Committee and stated he has a request from Thomas Transportation to lease parking spaces at the airport. This is similar to the lease they had in the past. Thomas Transportation asked to terminate that lease during Covid as they couldn't really operate their business. Mr. Hickling explained the lease would be for about 40 spaces and would help bring additional revenue to the airport.

Councilor Lake made the following motion, which was seconded by Councilor Remy.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Thomas Transportation for a portion of the Airport terminal parking lot for parking of their customer's vehicles.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Engineering Agreement with McFarland Johnson for the Airport Fencing Project - Airport Director**

---

### **Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional engineering services contract with McFarland Johnson for the Preliminary Design and Environmental Assessment for the airport wildlife perimeter fence project.

### **Attachments:**

None

### **Background:**

Mr. Hickling stated the next item is for an agreement with McFarland Johnson. He indicated the CIP has a project to construct a perimeter fence to keep wildlife off the runway. The City has received a scope of work and cost from McFarland Johnson to start this work. The focus of the agreement will include 30% for design with most of the work being environmental assessment. There will be a wetland delineation done with this work as well. The airport hired a company to perform a wildlife assessment. This project is funded through the FAA – hence the airport will be looking for a grant to cover 90% of that cost, 5% will be a state grant and the City will be covering the other 5%.

Councilor Madison stated there are some members of the Conservation Commission who are interested in this project and asked that they be kept apprised of the environmental assessment. Mr. Hickling indicated the scope of work includes two meetings, with both the Keene and Swanzey Conservation Commissions to keep them updated and they will also be provided minutes of meetings to keep them updated.

Councilor Remy noted a typographic error in the background notes; the \$167,310 is just the Federal portion of the funding and the State would be another \$9,295, which isn't listed.

Councilor Remy made the following motion, which was seconded by Councilor Remy.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City



Manager be authorized to do all things necessary to negotiate and execute a professional engineering services contract with McFarland Johnson for the Preliminary Design and Environmental Assessment for the airport wildlife perimeter fence project.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Design-Build Services for the Creation of a New Skatepark - Parks, Recreation and Facilities Director**

---

### **Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$225,000.00 with funding to come from Project Cost Center (90317).

### **Attachments:**

None

### **Background:**

Parks, Recreation Facilities Director, Andy Bohannon, was the next to address the committee. Mr. Bohannon stated this item is a request for the City Manager to execute a professional service contract with Spohn Ranch for the design-build services for a new skate park in an amount not to exceed \$225,000, which is the current budget. The City Council allocated \$25,000 in the CIP to help fund and give a commitment to some of the larger donors who came forward after that commitment from the City. The fundraising brought in \$200,000 prior to Covid. This was presented to the Council last fall for purposes of the design services to move this project along but for one reason or another, it was delayed.

Mr. Bohannon stated the item was put out to bid and Spohn Ranch was the only bidder, but they have been a part of this project since 2014.

Councilor Remy asked once the design was complete whether the committee could see a presentation of the design. Mr. Bohannon agreed they would.

Councilor Remy made the following motion, which was seconded by Councilor Madison.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service

contract with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$225,000.00 with funding to come from Project Cost Center (90317).



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Lower Winchester Reconstruction Project - Consultant Selection - City Engineer**

---

### **Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with McFarland Johnson, Inc. for the Lower Winchester Street Reconstruction Project for an amount not to exceed \$480,000.00.

### **Attachments:**

None

### **Background:**

City Engineer Don Lussier stated now that the Winchester Street reconstruction project is now fully underway, he is here to talk about the next project on the horizon, which will be the Lower Winchester Street reconstruction project. This work would consist of extending the work being done this summer from the Roundabout at Route 101 all the way down to the Swanzey town line. This project will also be participating through the State with Federal Highway funds, which falls under the Fixing America's Surface Transportation System Act. Through this program, DOT pays for 80% of eligible project costs and 20% is the local share. The City manages the work, hires consultants, and oversees the work. The City gets reimbursed after the costs have been paid.

Mr. Lussier stated this is a unique project – previously staff had asked Council for authorization to enter into a three-party agreement with the DOT, Town of Swanzey, and Southwest Regional Planning Commission. However, because Swanzey and Southwest Regional Planning Commission have expressed an interest in extending the scope of the project into Swanzey to pick up some pedestrian amenities, the Town of Swanzey will be part of this project and will participate in public presentations and with the steering committee.

Mr. Lussier added that one of the caveats of the funding sources is that the City is required to use a qualifications-based selection process. The hiring of engineering consultants falls into two steps. First, you ask them for their qualifications and you select from the field the most qualified firm to do the work. Once you have selected the most qualified firm, then you negotiate a scope of work and a

fee for the project; architectural services are also hired in the same manner as per Federal guidelines.

This process was pursued and four firms submitted their qualifications for this project. Two of those firms were selected to be interviewed by the selection team and at the end of the process, the team selected McFarland Johnson as the preferred candidate for the work. Mr. Lussier stated McFarland Johnson had done good work for the City, such as on the Upper Winchester Street project. Mr. Lussier indicated CHA was an equally qualified firm. However, the staff is recommending the Finance Committee authorize the City Manager to execute an engineering services contract for up to \$480,000. This contract will be the first of a couple of contracts. This contract will take the City through what is referred to as the engineering study phase – this contract does the geotechnical investigation, and all of the environmental studies evaluate the proposed alternatives or potential alternatives, and works with the community to select a preferred alternative for eventually designing and building.

A second contract will be executed once the City knows what exactly is being designed, and the number of properties that are going to be impacted. He added that staff would be back with the second contract.

Councilor Remy asked for added clarification on what the public engagement portion would look like. Mr. Lussier stated they are planning a pretty extensive public participation plan for this project. There are going to be seven public meetings in all. The first would be two listening sessions (one in Keene and one in Swanzey). The City is also planning for “every door direct mail” – where a postcard is mailed to residents which will also include tenants in a particular building. Once the listening session is complete, the hope is that the Mayor will appoint a steering committee to help guide this project. This committee will be comprised of business owners, and residents - a cross-section of people. These would all be public meetings. There will also be a website and a project-specific mailing list for the project. People will also be sent reminders of public meetings via email. At the end of the process, the steering committee will be responsible for ultimately making a recommendation to the Council on alternatives for intersection treatment, sidewalk locations, how many lanes are needed etc. This meeting will also be advertised in advance, so anyone interested can attend. Councilor Remy asked whether there would be a way for people to submit online feedback. Mr. Lussier answered in the affirmative.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with McFarland Johnson, Inc. for the Lower Winchester Street Reconstruction Project for an amount not to exceed \$480,000.00.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Thompson Road Repair - Consultant Selection - City Engineer**

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**Recommendation:**

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with John Turner Consulting, Inc. for the Thompson Road Repair & Stabilization Project for an amount not to exceed \$60,000.00.

**Attachments:**

None

**Background:**

Mr. Lussier reminded the committee that a few months ago staff had requested funding for this work. Since that time a Request for Proposal was sent out. Although the City does not always recommend the lowest cost for engineering work, in this case, there were two very well-qualified proposals, and one of them was substantially less than the other. The reason for the quoted amount is predominantly that the Turn Consulting firm had already done the geotechnical investigation and preliminary alternative analysis. Ordinarily, a team will be selected to review the proposals. Given the disparity between the prices and the fact that the City had already worked with one firm and was happy with their work with the City, the staff did not feel it was fair to ask the other consultant to put a lot of effort into preparing for a presentation as they probably would not be able to overcome the price hurdle. As a result, the staff elected not to do interviews but selected the firm based on the review of the proposals. Staff is recommending the Finance Committee authorize the City Manager to enter into a contract with John Turner consulting Inc. for an amount not to exceed \$60,000.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a 4-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with John Turner Consulting, Inc. for the Thompson Road Repair & Stabilization Project for an amount not to exceed \$60,000.00.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Merri Howe, Finance Director/Treasurer  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Acceptance of Donations - Finance Director/Treasurer**

---

**Recommendation:**

Move that the City Council accept the list of donations below and the City Manager be authorized to use each donation in the manner specified by the donor.

**Attachments:**

None

**Background:**

The City of Keene receives donations from many sources throughout the year that are brought forward to the City Council for acceptance with gratitude. Below is a listing of recent donations received by the City of Keene.

- The Keene Parks, Recreation and Facilities Department received 2 donations to be used for the Human Rights Committee collaboration with the Keene International Festival. \$1,000 from Jennifer Alexander for event logistics and \$1,000 from Saving Bank of Walpole for event logistics.
- The Keene Parks, Recreation and Facilities Department received a donation in the amount of \$3,500 from the Pathways for Keene and that the funds be used toward a new kiosk at the Ammi Brown Trail trailhead.
- The Keene Fire Department received a \$500 donation from Tobias and Brenna Iselin, parents of Henry Iselin who passed away in November 2020, and was close to the members of the Keene Fire Department.

The total of these donations is \$6,000.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022

**To:** Mayor and Keene City Council

**From:** Mari Brunner, Senior Planner

**Through:** John Rogers, Interim Community Development Director  
Elizabeth Dragon, City Manager

**Subject:** **Relating to Amendments to the Land Development Code - Rural District and Conservation Residential Development Subdivision Regulations Ordinance O-2022-09**

---

**Recommendation:**

That the City Council refer Ordinance O-2022-09 to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee

**Attachments:**

1. Application
2. Narrative
3. Ordinance O-2022-09
4. Ordinance O-2022-09\_Redlined2

**Background:**

The attached materials include the full text of Ordinance O-2022-09 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-09. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

The proposed changes include:

- Reducing the minimum lot size for the Rural District from five acres to 2 acres.
- Changing the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Adding three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modifying the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units



per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.

- Amending Table 8-1, "Permitted Principal Uses by Zoning District, and the "Permitted Uses" sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Removing the requirement to submit a "Yield Analysis Plan" as part of a CRD application.
- Adding additional submittal and filing requirements for CRD applications include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of these proposed changes is to expand opportunity for housing development in the Rural District while maintaining and protecting environmentally sensitive areas. In addition, the intent of the proposed density incentive options is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Keene Community Development Date: 6/14/2022

Address: 3 Washington Street Keene, NH

Telephone: (603) 352-5440 Email: mbrunner@keene-nh.gov

Existing Section Reference in Chapter 100, Land Development Code: 3.1.2, 19.3, 25.10

Does the amendment affect "Minimum Lot Size"? [X] Yes [ ] No

Does the amendment affect "Permitted Uses"? [X] Yes [ ] No

Does the amendment affect a zoning district that includes 100 or fewer properties?\* [X] Yes [ ] No
(For assistance in determining answer, Please contact Community Development)
LD-1 District

I, Mari Brunner hereby certify that I have contacted Community Development to confirm whether the amendment affects a zoning district that includes 100 or fewer properties, and I certify that the information I have provided on this application is true and correct.

Attest: Mari Brunner
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 affects a zoning district that 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.



**APPLICATION TO AMEND THE ZONING ORDINANCE**

Date Received by City Clerk: 7/18/22 Ordinance Number: 0-2022-09

On City Council agenda: 7/21/22 Workshop to be held: \_\_\_\_\_

Public Hearing to be held \_\_\_\_\_

**APPLICABLE FEES:**

Application Fee @ \$100.00 \$ n/a

Publication of Notice in The Keene Sentinel @ \$90.00 \$ n/a

Postage Fees for property owners/agents and abutters at current USPS 1<sup>st</sup> Class Mailing rate  
*(Only needed if amendment impacts 100 or fewer properties)* \$ n/a

Total Fees submitted to City Clerk \$ n/a

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

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**O-2022-09 Relating to Amendments to the City of Keene Land Development Code, Rural District and Conservation Residential Development Subdivision Regulations**

The attached materials include the full text of Ordinance O-2022-09 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-09. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

The proposed changes include:

- Reducing the minimum lot size for the Rural District from five acres to 2 acres.
- Changing the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Adding three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modifying the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.
- Amending Table 8-1, “Permitted Principal Uses by Zoning District,” and the “Permitted Uses” sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Removing the requirement to submit a “Yield Analysis Plan” as part of a CRD application.
- Adding additional submittal and filing requirements for CRD applications that include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of these proposed changes is to expand opportunity for housing development in the Rural District while maintaining and protecting environmentally sensitive areas. In addition, the intent of the proposed density incentive options is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock.



# CITY OF KEENE

**Twenty-Two**

In the Year of Our Lord Two Thousand and .....

**Relating to Amendments to the Land Development Code**

AN ORDINANCE .....

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

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

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	<del>5-acres</del> <b><u>2 acres</u></b>
<del>Min lot area per dwelling unit without city water &amp; sewer</del>	<del>5-acres</del>
<del>Min lot area per dwelling unit with city water &amp; sewer</del>	<del>2-acres</del>
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

2. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
3. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
4. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.
5. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

6. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

~~C. Density. The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.
2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.

8. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”

9. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit <sup>1</sup>	Min Open Space
Rural	4-acres <del>2 acres</del>	50%
	<del>3-acres</del>	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

<sup>1</sup> ***Density bonus(es) may be granted as specified in Section 19.3.6***

10. That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P <sup>1</sup> (max of 3 dwelling units per structure)	P <sup>1</sup> (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

**P1 = Use permitted with workforce housing density incentive**

11. That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

**Section 19.3.6: Optional Density Incentives**

**Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.**

**A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**

**B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**

- 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
- 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
- 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
- 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**

**C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling**

unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include “multifamily dwelling” (max of 3 units per structure).

1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.
  - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.
  - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner’s insurance and condominium fees (if applicable) will not exceed 30% of household income.
2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.
  - b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.
  - d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.
3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied



**until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.**

12. That Section 25.10.5 “Submittal Requirements,” sub-section C “Conservation Residential Development Subdivision Applications” of Article 25 be amended as follows:

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
- ~~3. A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
  - ~~a. The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~
- 4 ~~3~~. A proposed conditions plan including the following.
  - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
  - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
  - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- 5 ~~4~~. A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
  - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
  - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.

- c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6.5. Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.
6. **Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**
- a. **A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
  - b. **A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**
7. **Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**
- a. **A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
  - c. **Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
  - d. **The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**
13. That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:
- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.

---

George S. Hansel, Mayor

**Twenty-Two**

**Relating to Amendments to the Land Development Code**

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

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	<del>5 acres</del> <b><u>2 acres</u></b>
<del>Min lot area per dwelling unit without city water &amp; sewer</del>	<del>5 acres</del>
<del>Min lot area per dwelling unit with city water &amp; sewer</del>	<del>2 acres</del>
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

2. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
3. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
4. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.
5. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

6. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

~~C. Density. The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.
2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.

8. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”

9. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit <sup>1</sup>	Min Open Space
Rural	<del>4 acres</del> <b>2 acres</b>	50%
	<del>3 acres</del>	<del>60%</del>
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

<sup>1</sup> ***Density bonus(es) may be granted as specified in Section 19.3.6***

10. That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P <sup>1</sup> (max of 3 dwelling units per structure)	P <sup>1</sup> (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

**P1 = Use permitted with workforce housing density incentive**

11. That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

**Section 19.3.6: Optional Density Incentives**

**Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.**

**A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**

**B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**

- 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
- 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
- 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
- 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**

**C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling**

unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).

1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.
  - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.
  - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.
2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.
  - b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.
  - d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.
3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied

**until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.**

**12. That Section 25.10.5 “Submittal Requirements,” sub-section C “Conservation Residential Development Subdivision Applications” of Article 25 be amended as follows:**

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
- ~~3. A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
  - ~~a. The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~
- ~~4~~ **3.** A proposed conditions plan including the following.
  - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
  - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
  - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- ~~5~~ **4.** A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
  - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
  - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.



- c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6 **5.** Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.
- 6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**
- a. A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
  - b. A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**
- 7. Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**
- a. A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
  - c. Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
  - d. The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**

13. That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:

- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land ~~to the Community Development Department.~~ **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.

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George S. Hansel, Mayor

# ARTICLE 3. RESIDENTIAL ZONING DISTRICTS

3.1 RURAL (R) .....	3-2
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3.3 LOW DENSITY (LD).....	3-4
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### 3.1 RURAL (R)

#### 3.1.1 Purpose

The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.

#### 3.1.2 Dimensions & Siting

<b>Min Lot Area</b>	<b>2 acres</b>
	<b>5 acres</b>
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
<b>Min Lot Width at Building Line</b>	200 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	50 ft
<b>Min Rear Setback</b>	50 ft
<b>Min Side Setback</b>	50 ft

#### 3.1.3 Buildout

<b>Max Building Coverage</b>	10%
<b>Max Impervious Coverage</b>	20%

#### 3.1.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.1.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Manufactured Housing	P <sup>1</sup>	8.3.1.B
Dwelling, Single-Family	P	8.3.1.D
<b>Dwelling, Two-Family</b>	<b>CRD</b>	<b>8.3.1.E</b>
<b>Dwelling, Multifamily</b>	<b>CRD</b>	<b>8.3.1.C</b>
Manufactured Housing Park	P	8.3.1.F
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Bed and Breakfast	SE	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Kennel	P	8.3.2.P
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Cemetery	P	8.3.6.A
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
Farming	P	8.3.6.D
Golf Course	P <sup>1</sup>	8.3.6.E
Gravel Pit	SE	8.3.6.F
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit  
**CRD = Permitted by Conservation Residential Development**

### 3.2 RESIDENTIAL PRESERVATION (RP)

#### 3.2.1 Purpose

The Residential Preservation (RP) District is intended to return this area of the City to neighborhoods composed predominantly of moderately dense single-family residential development. This district serves as an additional downtown zoning district that promotes pedestrian-scale development, walkability, bikeability, and urban green space where possible. All uses in this district shall have city water and sewer service.

#### 3.2.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
<b>Min Lot Width at Building Line</b>	60 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

#### 3.2.3 Buildout

<b>Max Building Coverage</b>	35%
<b>Max Impervious Coverage</b>	45%
<b>Min Green / Open Space</b>	55%

#### 3.2.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.2.5 Permitted Uses

<b>RESIDENTIAL USES</b>		<b>SECTION</b>
Dwelling, Single-Family	P	8.3.1.D
<b>COMMERCIAL USES</b>		<b>SECTION</b>
Bed and Breakfast	SE	8.3.2.G
<b>CONGREGATE LIVING / SOCIAL SERVICES USES</b>		<b>SECTION</b>
Group Home, Small	CUP	8.3.4.F
<b>OPEN SPACE USES</b>		<b>SECTION</b>
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
<b>INFRASTRUCTURE USES</b>		<b>SECTION</b>
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

### 3.3 LOW DENSITY (LD)

#### 3.3.1 Purpose

The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have city water and sewer service.

#### 3.3.2 Dimensions & Siting

Min Lot Area	10,000 sf
Min Lot Width at Building Line	70 ft
Min Road Frontage	60 ft
Min Front Setback	15 ft
Min Rear Setback	20 ft
Min Side Setback	10 ft

#### 3.3.3 Buildout

Max Building Coverage	35%
Max Impervious Coverage	45%
Min Green / Open Space	55%

#### 3.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

### 3.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
<b>Dwelling, Two-Family</b>	<b>CRD</b>	<b>8.3.1.E</b>
<b>Dwelling, Multifamily</b>	<b>CRD</b>	<b>8.3.1.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted

P<sup>1</sup> = Permitted with limitations per Article 8.

CUP = Permitted by Conditional Use Permit

**CRD = Permitted by Conservation Residential Development**

### 3.4 LOW DENSITY 1 (LD-1)

#### 3.4.1 Purpose

The Low Density 1 (LD-1) District is intended to provide for low intensity residential development, which is primarily detached single-family dwellings on lots of 1-acre or larger in areas on the outer edge of available city water and sewer service. All uses in this district shall have city sewer. City water is required if sufficient volume and pressure is available as determined by the Public Works Department.

#### 3.4.2 Dimensions & Siting

##### Lots Without City Water Service

<b>Min Lot Area</b>	1 acre
<b>Min Lot Width at Building Line</b>	75 ft
<b>Min Road Frontage</b>	100 ft
<b>Min Road Frontage (For lots fronting on a cul-de-sac)</b>	60 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

##### Lots With City Water Service

<b>Min Lot Area</b>	20,000 sf
<b>Min Lot Width at Building Line</b>	75 ft
<b>Min Road Frontage</b>	75 ft
<b>Min Road Frontage (For lots fronting on a cul-de-sac)</b>	60 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

#### 3.4.3 Buildout

<b>Max Building Coverage</b>	30%
<b>Max Impervious Coverage</b>	35%
<b>Min Green / Open Space</b>	65%

#### 3.4.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
<b>Dwelling, Two-Family</b>	<b>CRD</b>	<b>8.3.1.E</b>
<b>Dwelling, Multifamily</b>	<b>CRD</b>	<b>8.3.1.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted

P<sup>1</sup> = Permitted with limitations per Article 8.

CUP = Permitted by Conditional Use Permit

**CRD = Permitted by Conservation Residential Development**

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P1 = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

RESIDENTIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	Use Dist & Stem
Dwelling, Above Ground Floor	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-	8.3
Dwelling, Manufactured Housing	P1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Dwelling, Multifamily	CRD	-	CRD	CRD	P1	P	P	P1	P	P	P	P	-	-	-	P	P	P	-	-	-	-	-	-	8.3
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	8.3
Dwelling, Two-Family / Duplex	CRD	-	CRD	CRD	P	P	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	8.3
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
COMMERCIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	8.3
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Bar	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	-	-	-	-	P1	SE	P1	-	-	-	-	-	-	8.3
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Clinic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Day Care Center	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Event Venue	-	-	-	-	-	-	-	-	P	P	SE	SE	P	P	P	P	SE	SE	P	SE	P	P	-	-	8.3
Funeral Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Greenhouse / Nursery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Health Center / Gym	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Neighborhood Grocery Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Office	-	-	-	-	-	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Personal Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Private Club / Lodge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3
Research and Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Restaurant	-	-	-	-	-	-	-	SE	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Retail Establishment, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Specialty Food Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.2



access to the cistern and supporting facilities shall conform to the Keene Fire Department hydrant specifications.

3. Individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R may be installed; however, in no case may the installation of such a system be made a requirement of approval.
4. Any other public or private fire protection water supply system approved by the Fire Chief and determined by the Planning Board to provide a similar or greater level of fire protection than the options provided in (1) and (2) above.

#### 19.2.8 Utilities

- A. When required by City Code, all subdivisions will be serviced by City water and sewer. All necessary water and sewer lines shall be installed to the required specifications of the Public Works Department and shall include service lines running from the water and sewer mains to the property line to service each lot. In addition, utility rights-of-way shall be provided in accordance with Article 22 of this LDC.
- B. All lots smaller than 1-acre in size shall be connected to City sewer service, unless otherwise expressly allowed in this LDC.

## 19.3 CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISIONS

### 19.3.1 Purpose

The purpose of a conservation residential development subdivision is to promote the conservation of natural resources while providing greater flexibility and creativity in the design of residential development than would be possible using conventional zoning and subdivision practices.

This purpose is accomplished by allowing for clustering of dwelling units at a higher density than would be allowed by the underlying zoning district, provided a portion of the existing tract of land to be subdivided is permanently designated as open space.

### 19.3.2 Dimensional Standards

- A. **Minimum Dimensional Requirements.** All conservation residential development subdivisions shall meet the minimum dimensional requirements specified in Table 19-1. If not specified in Table 19-1 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.
- B. **Perimeter Building Setback.** A building setback shall be required around the perimeter of the existing tract proposed for subdivision (excluding access points) as specified in Table 19-1. The land area included in the perimeter setback may be counted toward the calculation of open space.
- C. **Density.** ~~The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~
  1. **The number of dwelling units allowed within a conservation reservation development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.**

**Table 19-1: Dimensional Requirements for Conservation Residential Development Subdivisions**

		Rural District	Low Density-1 District (without city water)	Low Density-1 District (with city water)	Low Density District	
<b>TRACT</b>	Min tract size	10 acres	5 acres	5 acres	5 acres	
	Min tract frontage	100 ft	100 ft	100 ft	50 ft	
	Perimeter Building Setback	From external roads	100 ft	30 ft	30 ft	30 ft
		From other tract boundaries	50 ft	20 ft	20 ft	20 ft
Min Lot Area		<del>1 acre</del> <b>32,000 SF</b>	16,000 sf	8,000 sf	6,000 sf	
<b>LOT</b>	Min Road Frontage	40 ft	40 ft	40 ft	40 ft	
	Min Lot Width at Building Line	75 ft	75 ft	60 ft	60 ft	
	Min Front Setback	15 ft	15 ft	15 ft	15 ft	
	Min Rear Setback	20 ft	20 ft	15 ft	15 ft	
	Min Side Setback	10 ft	10 ft	10 ft	10 ft	
	Max Building Coverage	30%	35%	40%	45%	
	Max Impervious Coverage	35%	40%	45%	60%	

- A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a density of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.**

**D. Open Space Reserve**

- All conservation residential development subdivisions shall permanently reserve at least 50% of the area of the existing tract as open space.
- Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.
- Any land designated for roads within the open space may not be used in the

**Table 19-2: Density & Open Space Requirements**

Zoning District	Density Factor per Dwelling Unit <sup>1</sup>	Min Open Space
Rural	<del>4 acres</del> <b>2 acres</b>	50%
	<del>3 acres</del>	<del>60%</del>
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

**<sup>1</sup>Density bonus(es) may be granted as specified in Section 19.3.6**

calculation of the open space area.

### 19.3.3 Permitted Uses

**A. Residential Uses.** Table 19-3 identifies the uses allowed on building lots in a conservation residential development subdivision.

**Table 19-3: Conservation Residential Development Permitted Uses**

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	<b>P 1 (max of 3 dwelling units per structure)</b>	<b>P 1 (max of 3 dwelling units per structure)</b>	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

**P1 = Use permitted with Workforce Housing density incentive**

**B. Open Space Uses.** Uses allowed on land designated as open space in a conservation residential development subdivision shall be limited to the following uses. Use of the designated open space area may be further restricted by the owners of the open space.

1. Conservation
2. Agriculture
3. Forestry
4. Passive Recreation

### 19.3.4 Primary & Secondary Conservation Areas

Plans for a conservation residential development subdivision shall identify and delineate primary and secondary conservation areas on the existing tract, as defined below. Delineation of lands to be used to meet the open space requirements of the conservation residential development subdivision shall be based on an analysis and prioritization of primary and secondary conservation values identified on the tract.

**A. Primary Conservation Areas.** Primary conservation areas shall consist of all slopes over 25% gradient; surface waters, including streams, wetlands, vernal pools, ponds, and any

buffers associated with them; and, springs and floodways.

- B. Secondary Conservation Areas.** Secondary conservation areas shall consist of the following list of attributes.
1. Significant natural areas of species defined by the New Hampshire Natural Heritage Inventory as endangered, threatened, or of special concern.
  2. Slopes in excess of 15% where disturbance and resulting erosion and sedimentation could be detrimental to water quality
  3. Woodlands, particularly those performing important ecological functions, such as soil stabilization and protection of streams, wetlands and wildlife habitats.
  4. Areas with topographic and soil conditions affording high rates of infiltration and percolation.
  5. Groups of trees and large individual trees of botanic significance.
  6. Prime agricultural soils as defined by the USDA Natural Resource Conservation Service.
  7. Historic features that are designated on the NH State Register of Historic Places, or the National Register of Historic Places or Historic Landmarks.
  8. Cultural features, such as stone walls, barn foundations, and cellar holes.
  9. Existing or planned recreational trails on or throughout the tract that connect to other locations in the City.
  10. Visually prominent topographic features such as knolls, hilltops, ridges, outlooks, and scenic viewsheds.
  11. Highest condition habitat areas as defined by the NH Wildlife Action Plan, as amended.
  12. Drinking water supply areas.

### 19.3.5 Design Criteria

- A. General Criteria.** In addition to the standards for review listed in Section 19.2 of this Article, the following review criteria shall apply to applications for conservation residential development subdivisions.
1. All proposed development shall be located outside of primary conservation areas, and shall be designed to minimize impact to any identified secondary conservation areas.
  2. Streets shall be constructed in accordance with the standards in Article 22 of this LDC, and shall connect to an existing street network.
  3. All structures shall be accessed from interior streets, rather than from roads bordering the perimeter of the tract.
    - a. In the event that a waiver of this standard is granted, shared driveways shall be incorporated where feasible.
- B. Open Space Standards.** The location and layout of all open space within a conservation residential development subdivision shall require Planning Board approval and comply with the following standards.
1. The areas of land designated to meet the open space requirement of any conservation residential development subdivision shall not be used for siting of individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic.
  2. In delineating the required open space area(s), an interconnectedness of the conservation values shall be maintained and fragmentation of the open space into small, disconnected parcels shall be avoided.
    - a. The lot area of any parcel designated as open space shall not be less than 1-acre.
    - b. All areas of open space do not need to

be contiguous, but consideration shall be given to connections between non-contiguous areas.

- c. Where possible, any designated open space will be located so that it is adjacent to other open space or protected lands that abut the existing tract.
- 3. Each proposed lot in the conservation residential development subdivision shall have reasonable access to the open space, but need not front directly on such land.

### **C. Open Space Ownership & Maintenance**

- 1. Land designated for open space in a conservation residential development subdivision shall not be further subdivided and shall remain as open space in perpetuity.
- 2. All designated open space and any associated facilities in a conservation residential development subdivision shall be permanently protected by covenants or easements as approved by the Planning Board or its designee.
  - a. All designated open space and any other common lands, roads and/or facilities shall be deeded to and maintained by a Homeowner's Association, a non-profit organization, or some other entity as approved by the Planning Board or its designee.
    - i. The designated open space and any other common features shall be held, managed and maintained by the developer until such time as they are transferred to the designated entity under an agreement approved by the Planning Board or its designee.

### 19.3.6 Optional Density Incentives

#### Conservation Residential Development

Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

- A. **Open Space Density Incentive.** Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.
- B. **Solar Density Incentive.** Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:
  1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.
  2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.
  3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.
  4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.
- C. **Workforce Housing Density Incentive.** Conservation Residential Development

Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).

1. **Workforce Housing, Owner-Occupied.** A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.
  - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.
  - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will

not exceed 30% of household income.

non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.

2. **Workforce Housing, Rental.** A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
  - a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.
  - b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental price of the unit shall be restricted to the affordable rental price for a period of 30 years.
  - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.
  - d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.
3. **Assurance of Continued Affordability.** In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other

## 25.10 SUBDIVISION REVIEW

### 25.10.1 Description

Subdivision review allows for the orderly division or consolidation of lots, as well as the alteration or adjustment of lot boundary lines.

### 25.10.2 Initiation

The applicant for subdivision review shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

### 25.10.3 Authority

- A. The Planning Board shall have the authority to hear and decide on applications for subdivision review including boundary line adjustments and conservation residential development subdivisions.
- B. For voluntary merger applications, the Planning Board designates the Zoning Administrator as their designee to review and decide on such applications, and in their absence, the Community Development Director.

### 25.10.4 Applicability

Subdivision review shall be required for the following types of subdivisions.

- A. **Subdivision.** Any division of a lot, tract or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development.
- B. **Conservation Residential Development Subdivision.** Applications for subdivision review consisting of 3 or more proposed lots and the layout and construction of a new road, where the existing parcel to be subdivided is located in either the Rural, Low Density, or Low Density-1 zoning districts, and meets the minimum lot size requirements specified in Article 19, shall follow the conservation residential development subdivision process set forth in Section 19.3 of this LDC.

C. **Boundary Line Adjustment.** The adjustment of boundary lines between 1 or more contiguous, preexisting approved or subdivided lots.

D. **Voluntary Mergers.** The merger of 2 or more contiguous pre-existing approved or subdivided lots owned by the same property owner.

### 25.10.5 Submittal Requirements

An applicant for subdivision review shall submit a completed application on the appropriate form to the Community Development Department, and shall provide sufficient information to enable City staff and the Planning Board to evaluate the proposal for compliance with this LDC. Submittal requirements for the different types of subdivision review are included below.

#### A. Voluntary Merger Applications

A completed voluntary merger application shall include the following.

1. A completed and notarized voluntary merger form.
2. A map, drawn to scale, displaying the layout and boundaries of the lots proposed to be merged.
3. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances.

#### B. Subdivision & Boundary Line Adjustment Applications

A completed application for subdivisions and boundary line adjustments shall include the following.

1. A written narrative describing the type, scope and scale of the proposal including the following information.
  - a. The sizes of the existing and proposed lot.
  - b. Existing and proposed uses.
  - c. The location of access points for the existing and proposed lots.



- d. An explanation of how the proposal complies with the applicable standards in this LDC.
2. A complete plan set signed and stamped by a NH licensed surveyor (7-copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which shall include the following materials.
    - a. A location map of the proposed subdivision or boundary line adjustment.
    - b. An existing conditions plan (at a scale of 1-in = 100-ft or a larger scale) showing all parcels affected by the proposal, and depicting the following information.
      - i. Contours of at most 5-ft intervals
      - ii. Owner names and tax map parcel numbers for all abutters.
      - iii. Boundaries and acreage of the existing lot(s) subject to review.
      - iv. Surface waters, including wetland areas delineated by a NH certified wetland scientist, and any manmade waterways, ponds, ditches, etc.
      - v. Precautionary and prohibitive slopes.
      - vi. Delineation of 100-year floodplain and floodways as shown on current FIRM maps.
      - vii. Location of any public streets, rights-of-way, and easements.
      - viii. Location of existing structures, wooded and vegetated areas, site features (e.g. fences, walls, ground-mounted equipment, utilities, stormwater facilities, wells, septic systems, stone walls, etc.), driveways, and parking areas on the subject property, and to the extent practicable on directly abutting properties.
    - c. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
      - i. Owner names and tax map parcel numbers for all direct abutters.
      - ii. Boundaries and acreage of the proposed lots subject to review.
      - iii. Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
      - iv. The location of proposed structures and site features, lot lines, public streets, rights-of-way, easements, driveways and parking areas.
  3. Any additional information the Planning Board, or its designee, may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
  4. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the Planning Board, or its designee, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses.
  5. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located

within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

6. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
7. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, which shall be Certified Mail.

### C. Conservation Residential Development Subdivision Applications

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
3. ~~A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
  - a. ~~The yield analysis shall be performed by applying a conventional subdivision~~

~~layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~

4. ~~3.~~ A proposed conditions plan including the following.
  - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
  - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
  - c. The location and dimensions of any proposed roads, sidewalks, and trails.
5. ~~4.~~ A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
  - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
  - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.
  - c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
6. ~~5.~~ Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not

adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.

**7. 6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**

- a. A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
- b. A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**

**8. 7. Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**

- a. A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
- b. Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
- c. The Planning Board shall request additional information if, in their**

**judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**

**25.10.6 Submittal Requirement Exemptions**

- A.** An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B.** Any exemption granted by the Community Development Director, or their designee, shall be evaluated and approved by the Planning Board during its review of application completeness. If the Board determines the exempted material is necessary to complete its review of the application, they may deny the exemption request and determine the application to be incomplete.
- C.** If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Planning Board prior to the Board's determination of application completeness.

**25.10.7 Application Submittal Deadline**

A completed application shall be submitted to the Community Development Director, or their designee, no later than 26-business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

**25.10.8 Procedure**

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for subdivision review.

**A. Voluntary Merger Procedure**

- 1.** Except where such merger would create a violation of then-current ordinances or regulations, all voluntary merger applications shall be approved administratively, and no public hearing shall be required.
- 2.** No new survey plat need be recorded, but a

notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board, or its designee, shall be filed for recording in the County Registry of Deeds, and a copy sent to the City of Keene Assessing Department.

3. No such merged parcel shall thereafter be separately transferred without subdivision approval.

#### **B. Boundary Line Adjustment Procedure**

1. All boundary line adjustment applications shall be reviewed by the Planning Board without a public hearing. However, mailed notice to abutters and other persons requiring notice is required.
2. An updated survey showing the boundary line adjustment, and all metes and bounds of the revised parcels shall be prepared by the applicant following approval from the Planning Board, and shall be filed with the Community Development Department for recording in the County Registry of Deeds.

#### **C. Subdivision & Conservation Residential Development Subdivision Procedure**

1. **Presubmission Meeting.** Applicants for subdivision review that propose the creation of 3 or more lots shall attend a pre-submission meeting at least 2-weeks prior to the Planning Board submittal deadline.
2. **Staff Determination of Application Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
  - a. If the missing application materials or information are necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information by the revision deadline of 14 calendar

days prior to the corresponding regularly scheduled Planning Board meeting date.

3. **Departmental Review.** Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the City's Engineering Division, Fire Department, Police Department, Zoning Administrator, and Building and Health Official for technical review.

- a. City staff will be requested to return comments on the application to the Community Development Department within 5-business days of the distribution date.
- b. The Community Development Director, or their designee, shall communicate departmental comments to the applicant, as soon as they are all received.

4. **Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date. The revision deadline shall not be waivable.

5. **Site Visits.** At the discretion of the Community Development Director or Planning Board Chair, a formal Planning Board site visit to the subject property may be scheduled prior to the Planning Board public hearing on the application.

#### **6. Compliance with Zoning.**

- a. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.
- b. Applications shall be in compliance with the Zoning Regulations prior to the

issuance of public notice for the public hearing.

**7. Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for subdivision review to the Planning Board for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).

**8. Board Determination of Application Completeness.** The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.

- a. The Planning Board shall consider advice from the Community Development Director, or their designee, in reaching a determination of application completeness.
- b. If the Planning Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board.

**9. Public Hearing.** Upon reaching a finding that an application is complete, the Planning Board may open the public hearing for the application.

**10. Decision.** The Planning Board shall finish its review of an application within 65 calendar days of the meeting at which the Board accepted the application as being complete. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under NH RSA 676:4 can be extended by mutual agreement of the Board and the applicant, so long as the applicant requests the extension in writing.

#### 25.10.9 Filing

- A. Building permits shall not be issued until approved subdivision plans have been signed by the Planning Board Chair or Vice Chair. Said signature shall signify that the plan has

been duly approved by the Board and that all conditions precedent to plan signature have been met as specified in the approval.

**B.** Prior to Planning Board Chair or Vice Chair signature of a plan approved by the Board, the applicant shall:

1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met as specified by the Board; and,
2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department, including 2-copies of the approved subdivision plan printed on mylar in a format pursuant to NH RSA 478:1-a and displaying the owners signature(s).

**C.** For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents shall be submitted to the Community Development Department and are subject to the review and approval of the City Attorney prior to signature.

**D.** Unless otherwise specified in Section 25.10, the Community Development Department shall record the approved subdivision plan with the County Registry of Deeds.

#### 25.10.10 Approval Standards

Subdivision review by the Planning Board, or its designee, shall include an analysis of land characteristics and access potential to determine if each proposed new lot or each lot affected is of such character that it can be accessed and used for building in a manner that avoids or mitigates the



# CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022

**To:** Finance, Organization and Personnel Committee

**From:** Chelsea North, Parking Operations Manager

**Through:** Medard Kopczynski, Economic Development Director/Special Projects  
Elizabeth Dragon, City Manager

**Subject:** **Relating to Parking Rates  
Ordinance O-2022-08**

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**Recommendation:**

That Ordinance O-2022-08 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation.

**Attachments:**

1. Ordinance O-2022-08

**Background:**

In 2020, the parking fund operated on a lean budget due to decreased usage during the peak of the pandemic. It has since returned to pre-pandemic levels and usage in several Main Street and Central Square areas has exceeded availability, with levels of Central Square often at 90% or higher of supply. Despite the increased usage, the budget has barely kept up with expenses and the fund will go negative in the future.

As was detailed in the 2021 Strategic Parking Plan, rate increases are necessary to continue to fund the maintenance and operation of the parking system, for the benefit of Downtown Keene and the Monadnock region. The parking fund is a self-sustaining fund that pays for the maintenance and beautification of the Downtown area, in addition to the operation of the parking system. The parking fund's income is generated through several revenue streams including hourly metered parking, quarterly permits, ticket payments, leases, and parking space rentals. The parking fund operates on a lean budget. It is of the utmost importance to maintain the parking system and its safety, attractiveness, and utility to its customers and users.

To be consistent with City Council Goals, Strategic Governance, and the Strategic Parking Plan, fees should be reviewed regularly and consistently. This is a balancing of the system to allow use as well as meet expenses. The main intention of these changes is to manage municipal finances in a manner to support the burden on the property taxpayer and continue to ensure that Keene's municipal infrastructure supports the varied needs of Keene residents and businesses. Parking Services intends to revisit fees with the City Council, in a scheduled and consistent pattern with some

review and, if needed, adjustment for some of the systems on a biannual basis, as defined in the City Council’s fiscal policy R-2021-37. Section III(F) states, “Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities” and section III(H) states, “Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.” Evaluation of fees on a biannual basis allows for adjustment or non-adjustment of these fees as opposed to greater increases on a sporadic basis.

There is a symbiotic relationship between the aesthetics of the downtown area and the ability to attract residents and visitors, as well as a business's ability to attract and retain workers. Proper management of the parking system is crucial to the growth and sustainability of the parking fund, as well as it funding the amenities and maintenance of the Downtown Core. One cannot work without the other. Landscaping, lighting, and other amenities are directly funded by non-metered parking rates, thereby decreasing the property tax burden of Keene residents by maintaining its self-sustaining budget. Metered parking space revenue is used to maintain and manage parking spaces and parking lots, plowing and sanding, and maintenance of the parking meters.

The Downtown Core is the heart of the community, as well as the Monadnock region. Visitors are attracted to it because of its beauty and business offerings. While visitors are a part of the attraction and usage, there is a strong residential and business base that depends on the attraction to the Downtown. Several businesses operate within its boundaries, including healthcare, restaurants and retail, manufacturing, and education, among others. Under the Land Use Code, there is no requirement for property owners and developers to provide on-site parking. That responsibility is on the shoulder of the parking system, and rates and availability have not kept pace with the demand.

**METER RATES:**

In September 2018, it was recommended to the City Council in the proposed action that the parking rates be increased to \$1.00/hr. on Main Street and Central Square. Additionally, it was recommended in 2019, that the price of parking on Main Street and Central Square be raised to \$1.25/hr. and \$1.00/hr. on the side streets, and to adjust the hours of enforcement from 10:00 AM to 9:00 PM. These proposed increases and adjustments were not accepted during those years. The budget continues to be lean and flat and operational costs are rising.

Recent Historical Proposals and Increases:

Year	Proposed On-Street Increase	Actual Increase	Proposed Off-Street Increase	Actual Increase
2018	.75 to \$1	.75 to .85	.30 to .35	.30 to .35
2019	\$1 to \$1.25 for Main Street & Central Square \$1 to stay the same for side streets	No Change Made	.35 to .40	No Change Made

Despite an increase in the City’s parking rates and ticket fees in 2019, our rates have not kept pace with parking rates in the New England region. The following table details parking rates in area cities and towns:

City/Town	Hours of Operation	Meter Rate, Per Hour	Meter Time Limit	Garage/Lot Rate, Per Hour	Garage/Lot Time Limit	Ticket Amounts
Nashua, NH	Mon-Sat 9-7	.50-1.00, zone dependent	0, 1.5, 2 hrs. zone dependent	.50	No limit	\$10.00
Portsmouth, NH	Mon-Sat 9-8 Sun 12-8	1.50-5.00 zone dependent	Progressive charge by hours stayed	1.00, 2.00	Varying Limits	\$15.00, \$35.00, some \$50.00
Manchester, NH	Mon-Fri 8-8 Sat 10-8 (one street only)	.75	2 or 10 hrs. zone dependent	.75	10 hours	\$10.00, \$15.00, \$30.00, \$50.00
Durham, NH	Mon-Fri 8-8 Saturday 10-4	1.50-2.25 zone dependent	Progressive charge by hours stayed	1.50/hr. (first 2 hours) \$2.00/hr. (2-4 hours)	Progressive charge by hours stayed	\$25.00
Dover, NH	Mon-Sat 9-8	1.00-3.00	Progressive charge by hours stayed	.50-1.00	3 hours or no limit	\$20.00-\$50.00 (10 day pay period)
Concord, NH	Mon-Sat 9-7	1.00	3 or 10 hours	.50	10 hours	\$15.00-\$25.00 (10 day pay period)
Brattleboro, VT	Mon-Sat 9-6	1.00	2 hours or 30 minutes Zone dependent	.40, .50, 70, 1.00	3 or 10 hours Zone dependent	\$10.00-\$20.00 (14 day pay period)

We would propose to raise on-street meter rates by \$.15, from \$.85 to \$1.00/hr, and off-street parking rates would increase \$.15, from \$.35 to \$.50/hr. Through our mobile payment apps and pay stations, we can provide options for discounted rates for Keene taxpayers and downtown workers. One such program we are considering is offering \$.15 off per hour of parking in the Commercial Lot and the Gilbo East lot with proof of Keene's residency or employment in the Downtown Core District. This would allow this demographic of our parking customer base to pay at the current parking meter rate. Operationally, there are still some program details to negotiate.

Current On-Street Meter Rates	Proposed On-Street Meter Rates	Current Off-Street Rates	Proposed Off-Street Rates
.85/hr.	1.00/hr.	.35/hr.	.50/hr.

It is of additional note that Parking Services has had two successful trials of pay stations in front of City Hall and the Library that allow a parker to park in any of the pay station's parking spaces for free when the total session is 15 minutes and under. This allows for quick trips into businesses and stores. We anticipate that this program will be extended to many suitable areas in the downtown core, as the pay stations are added throughout the system. We believe this loading zone benefit will be a great advantage for customers and decrease the frustration with increasing fees. With pay stations and our anticipated second method of pay-by-app software, we can "white list" vehicles and produce tiered-pricing structures for the City of Keene's property taxpayers and workers. The flexibility of rates will be crucial to the modernization, adaptability, and management of the parking system.

**TICKET FEES:**



In FY19, the parking rates and ticket fees were raised. \$5.00 tickets were raised to \$10.00, and \$15.00 tickets were not raised at that time. Rate increases should be a whole number that relates to change amounts between 10 and 25 cents. This simplistic number increase is easier for parking users to understand and pay for the amount of parking they need, without the need for complex calculations and setting at the meters.

The purpose of a ticket is to be a deterrent for violating the parking code and to encourage parkers to pay the parking rate, which is designed to primarily promote the turnover in parking spaces. The ticket costs are low enough that some consider them to be a good price for parking in a parking spot for hours on end.

At this time, Parking Services would propose to increase parking ticket fees by \$5. The current fees for the majority of violations are \$10 and some are \$15. Late fees will include doubling the base ticket amount at 30 days past due and doubling again at 60 days past due. This would leave the existing late fee schedule for \$10 tickets in place; however, a \$20 ticket would double in 30 days to \$40 and then double again within 60 days to \$80. It currently escalates to \$35 and again to \$75. A consistent pricing structure will simplify the fee schedule and reduce confusion about ticket rates.

<b>Current ticket</b>	<b>Current late fee schedule</b>	<b>Proposed ticket amount</b>	<b>Proposed ticket late fee schedule</b>
\$10.00	\$10/30/60	\$15.00	\$15/30/60
\$15.00	\$15/35/75	\$20.00	\$20/40/80

If the increases are adopted, it will provide funding for current levels of operation, routine maintenance of Downtown areas, parking decks, and parking lots through FY 25.

**SHIFTING HOURS:**

Additionally, in the near future, a proposal will be brought forward to shift the hours for paid parking during the summer maintenance period which extends from May 1 to October 31. The hours would be shifted from the current time from Monday through Saturday, from 8:00-17:00 to Monday through Saturday, 10:00-19:00. This is to effectively manage the parking system by promoting turnover when it is at its busiest and some parking areas operate at capacity. This will align with the City’s busiest seasons and daily hours regarding parking usage. It is also a consideration for the parking service officers who work these hours. It allows them to be more accessible to the public for questions and parking information.

Conversely, during the winter maintenance period, the parking usage is less and the days are shorter, creating a hazard for parking service officers working in the dark. Parking Services’ survey data shows a notable decrease in parking usage; therefore, the hours of operation during the winter maintenance period (November 1 to April 31) would remain in effect Monday through Friday, from 8:00 to 17:00.

To make these changes, the Code will need to be changed in several places. However, the current priority lies with meter rates and ticket increases to align with rising operating costs and to be comparable with parking rates in nearby markets.

**PROPOSALS:**

**Increase on-street meter fees to \$1.00/hr and off-street rates to \$.50/hr**

**Increase ticket fees**



# CITY OF KEENE

O-2022-08

Twenty-two

In the Year of Our Lord Two Thousand and .....  
Regarding Parking Rates

AN ORDINANCE .....

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

That the ordinances of the City of Keene, as amended, are hereby further amending by removing the stricken text and inserting the bolded text in Article III, section 94-181 entitled "Established" and section 94-211 entitled "Meter Rates," of Chapter 94, entitled "Traffic, Parking and Public Ways" as follows:

**Sec. 94-181. Established.**

- (a) *Penalty.* Unless a penalty for the violation is otherwise specified, any person violating the provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense, which shall be collected under the following procedures, and may also be subject to the towing or immobilization of the motor vehicle as provided in section 94-183.
- (b) *Fine schedule and summons.*
  - (1) Within 30 days of the time when a notice of violation of parking regulations was attached to the vehicle, the registered owner of any vehicle parked in violation of this chapter, or the registered owner's designated agent, shall pay to the city by mail or by depositing in the appropriate receptacles a fine payment according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$10.00~~**15.00**.
    - b. For each fire lane parking violation of subsection 94-66(11), \$75.00
    - c. For each handicap parking violation of subsection 94-66(21), \$250.00.
    - d. For each violation of all other sections, ~~\$15.00~~ **20.00**
  - (2) If payment has not been made within 30 days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), \$30.00.
    - b. For each violation of all other sections, ~~\$35.00~~ **40.00**.
  - (3) If payment has not been made within 60 days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), \$60.00.
    - b. For each violation of all other sections, ~~\$75.00~~ **80.00**.
  - (4) If the registered owner of the vehicle fails to make payment within an additional five working days, a summons may be issued to the owner who shall be charged with a violation under RSA 625:9 and shall be subject to a fine of not more than \$100.00 plus court fees, costs and penalty assessment.
  - (5) Multiple violations. Any operator or registered owner who parks in violation of subsection 94-94(a) pertaining to two-hour zones in excess of six consecutive hours shall pay to the city a fine of \$25.00. This fine is in addition to the fine for the underlying violations.

PASSED

**Sec. 94-211. Meter rates.**

- (a) The meter rates set forth in this chapter pertain to all single space parking meters, multi-space meters and any other payment technologies.
- (b) Parking rates.
  - (1) On street parking is defined as any metered space directly accessed from the roadway, except for Roxbury Plaza **and Library Annex Lot**.
    - a. Rate of parking is ~~\$0.85 cents~~ **1.00** for one hour of time.
  - (2) Off street parking includes Elm Street, Commercial Street, Wells Street lot, Gilbo East and West parking lots, City Hall ~~and Wells Street Parking Garages~~ and any other assigned location.
    - b. Rate of parking is ~~\$0.35~~ **50** cents for one hour of time.

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George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 21, 2022

**To:** Mayor and Keene City Council

**From:** Planning, Licenses and Development Committee, Standing Committee

**Through:**

**Subject:** **Relating to Amendments to the Land Development Code - Multi-family Residential Dwellings Ordinance O-2022-04**

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**Recommendation:**

On a roll call vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2022-04.

**Attachments:**

1. Ordinance O-2022-04\_Referred

**Background:**

Chair Bosley requested staff comments from the Community Development Director, Jesse Rounds. Mr. Rounds said that this Ordinance covers two parts of the Land Development Code: (1) the allowance for multi-family residential development on the upper floors of commercial developments in the Commercial District, and (2) updates the code, aligning it with the Comprehensive Master Plan to allow for residential development on the upper floor of buildings in the downtown districts. Chair Bosley noted that this Committee had reviewed this several times and there had been a public hearing, so no public comments would be heard at this meeting. Vice Chair Giacomo thanked City Staff for their hard work on this. Chair Bosley echoed the Vice Chair, noting that more updates to parts of the Code would be forthcoming for discussion and the community should stay tuned.

Hearing no further comments, Chair Bosley entertained a motion from Councilor Johnsen, which was seconded by Vice Chair Giacomo. On a roll call vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2022-04.



# CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and .....

## Relating to Amendments to the Land Development Code

AN ORDINANCE .....

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That "Dwelling, Multi-family" be added as a permitted principal use with limitations to the Commerce District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" in Article 8 and Section 5.1.5 "Permitted Uses" in Article 5 to display "Dwelling, Multi-family" as a permitted use with limitations in the Commerce District under the category of Residential Uses.
3. That Section 8.3.1.C "Dwelling, Multi-family," use standard "b" in Article 8 be amended as follows:

"b. In the Downtown Core District, ~~Downtown Growth District, and Commerce District,~~ a minimum of 4 or more dwelling units is required if the units are not ~~shall be~~ located above the ground floor."

4. That Section 5.1.4 "Height" of Article 5 be amended as follows:

Max Stories Above Grade <sup>*a,b</sup>	2
<del>*With Special Exception</del> <u>*With an additional 10-foot front and side building setback, or a building height Stepback of at least 10 feet. Stepback must occur above the ground story.</u>	<del>3-5</del> <u>3</u>
<del>b</del> <u>b</u> <u>With an additional 20-foot front and side building setback, or a building height Stepback of at least 20-feet. Stepback must occur above the ground story and no higher than the 3<sup>rd</sup> story.</u>	<del>4</del> <u>4</u>
Max Building Height <sup>*a,b</sup>	35 ft
<del>*With Special Exception</del> <u>*With an additional 10-foot front and side building setback, or a building height Stepback of at least 10 feet. Stepback must occur above the ground story.</u>	<del>50</del> <u>42</u> ft
<del>b</del> <u>b</u> <u>With an additional 20-foot front and side building setback, or a building height Stepback of at least 20-feet. Stepback must occur above the ground story and no higher than the 3<sup>rd</sup> story.</u>	<del>56</del> <u>56</u> ft

In City Council April 21, 2022.

Referred to the Joint Planning Board and

Planning, Licenses and Development Committee. \_\_\_\_\_

PASSED

City Clerk

George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** July 21, 2022

**To:** Mayor and Keene City Council

**From:** Attorney Timothy Coughlin  
The Masiello Group

**Through:** Patricia Little, City Clerk

**Subject:** **Acceptance of Deed and Return of Layout - Magnolia Way  
Resolution R-2022-23  
Resolution R-2022-24**

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**Recommendation:**

**Attachments:**

1. Petition for Layout of Public Way
2. Resolution R-2022-23\_Acceptance of Deed
3. Warranty Deed
4. Resolution R-2022-24\_Return of Layout
5. Return of Layout\_Acceptance of Easement
6. Street Tree Easement

**Background:**

Attorney Timothy Coughlin, representing Nuevo Transfers LLC, is presenting a petition for the acceptance of a deed and the layout of Magnolia Way.

PETITION FOR LAYOUT OF PUBLIC WAY WEST  
OF WINCHESTER STREET AND ACCEPTANCE  
OF EASEMENT

TO the Honorable Mayor and City Council of the City of Keene:

Your Petitioner, Nuevo Transfers, LLC, of One Bedford Farms, Bedford, New Hampshire, 03110, respectfully represents as follows:

1. Public exigency and convenience require that a proposed road be laid out west of Winchester Street over land designated as "Proposed Road" and as shown on plan entitled "Tax Map 85 Lot 1-10 Subdivision Plan 515 Winchester Street Keene, New Hampshire, 03431 owned by Winn Johnson, Linn Bai Rossi and Sheree Johnson prepared for Hutter Construction Corporation scale 1" = 30' May 24, 2005" and in connection therewith that said public exigency and convenience require that a public way be laid out, taken and appropriated over a parcel of real estate situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a granite bound to be set in the Westerly line of Winchester Street, said point bears South 24° 29' 51" West 74.00 feet from a granite bound to be set at the Northeast corner of said Hutter Construction Corporation and the Southeast corner of the Rebecca Pearson 2002 Trust;

Thence Southwesterly along a curve having a radius of 17.00 feet a distance of 26.64 feet, said curve having a chord of South 69° 23' 09" West 23.99 feet, to a point;

Thence North 65° 43' 32" West 95.28 feet to a granite bound to be set;

Thence North 65° 43' 32" West 108.74 feet to a granite bound to be set;

Thence North 65° 43' 32" West 49.00 feet to a point;

Thence Westerly along a curve having a radius of 58.00 feet a distance of 21.38 feet, said curve having a chord of North 76° 17' 01" West 21.25 feet, to a granite bound to be set;

Thence Southwesterly along a curve having a radius of 58.00 feet a distance of 63.06 feet, said curve having a chord of South 62° 00' 40" West 60.00 feet, to a granite bound to be set;



Thence Southeasterly along a curve having a radius of 58.00 feet a distance of 63.49 feet, said curve having a chord of South 00° 29' 50" East 60.37 feet, to a granite bound to be set;

Thence Easterly along a curve having a radius of 58.00 feet a distance of 63.06 feet, said curve having a chord of South 63° 00' 20" East 60.00 feet, to a granite bound to be set;

Thence Northeasterly along a curve having a radius of 58.00 feet a distance of 55.35 feet, said curve having a chord of North 58° 30' 24" East 53.28 feet, to a point;

Thence Easterly along a curve having a radius of 17.00 feet a distance of 24.66 feet, said curve having a chord of North 72° 43' 14" East 22.55 feet, to a point;

Thence South 65° 43' 32" East 32.06 feet to a granite bound to be set;

Thence South 65° 43' 32" East 64.58 feet to a granite bound to be set;

Thence South 65° 43' 32" East 81.59 feet to a point;

Thence Southeasterly along a curve having a radius of 17.00 feet a distance of 26.77 feet, said curve having a chord of South 20° 36' 51" East 24.09 feet, to a granite bound to be set in the Westerly line of said Winchester Street;

Thence North 24° 29' 51" East along the Westerly line of said Winchester Street 84.00 feet to the point of beginning.

Containing 22,062 square feet or 0.5065 acres, more or less.

2. Your Petitioner owns the parcel of real estate upon which the proposed road will be situated by virtue of Warranty Deed conveyed to the within named Petitioner, Nuevo Transfers, LLC via a deed dated June 2, 2022, and recorded in the Cheshire County Registry of Deeds at Book 3214, Page 1360, and, your Petitioner will convey a portion of said parcel as described above to the City of Keene at no cost to the City of Keene and will waive all damages for land taken in connection with the proposed layout.

3. Public exigency and convenience require that a Street Tree Easement for the benefit of the City of Keene for access and maintenance of trees to be planted or remaining within twenty (20') feet of the proposed road be laid out over Petitioner's land situated in Keene, County of Cheshire and State of New Hampshire, said easement to be described as follows:

BEGINNING AT A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF

WINCHESTER STREET, SAID POINT BEARS SOUTH 24°29'51" WEST 74.00 FEET FROM A GRANITE BOUND TO BE SET AT THE NORTHEAST CORNER OF SAID NUEVO TRANSFERS, LLC AND THE SOUTHEAST CORNER OF THE REBECCA PEARSON 2002 TRUST;

THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.64 FEET, SAID CURVE HAVING A CHORD OF SOUTH 69°23'09" WEST A DISTANCE OF 23.99 FEET, TO A GRANITE BOUND TO BE SET;

THENCE NORTH 65°43'32" WEST A DISTANCE OF 253.02 FEET ALONG THE NORTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;

THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 58.00 FEET A DISTANCE OF 266.34 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 17°16'46" EAST A DISTANCE OF 86.81 FEET, TO A GRANITE BOUND TO BE SET;

THENCE EASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 24.66 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF NORTH 72°43'14" EAST A DISTANCE OF 22.55 FEET, TO A GRANITE BOUND TO BE SET;

THENCE SOUTH 65°43'32" EAST A DISTANCE OF 178.23 FEET ALONG THE SOUTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;

THENCE SOUTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.77 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 20°36'51" EAST A DISTANCE OF 24.09 FEET, TO A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF SAID WINCHESTER STREET;

THENCE NORTH 65°30'09" WEST A DISTANCE OF 8.00 FEET TO A POINT;

THENCE NORTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.17 FEET, HAVING A CHORD OF NORTH 20°36'51" WEST A DISTANCE OF 12.75 FEET, TO A POINT;

THENCE NORTH 65°43'32" WEST A DISTANCE OF 178.23 FEET TO A POINT;

THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 13.05, HAVING A CHORD OF SOUTH 72°43'14" WEST A DISTANCE OF 11.94 FEET, TO A POINT;

THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 66.00 FEET A DISTANCE OF 303.08, HAVING A CHORD OF NORTH 17°16'46" WEST A DISTANCE OF 98.78 FEET, TO A POINT;

THENCE SOUTH 65°43'32" EAST A DISTANCE OF 253.02 FEET TO A POINT;

THENCE NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.10 FEET, SAID CURVE HAVING A CHORD OF NORTH 69°23'09" EAST A DISTANCE OF 12.70 FEET, TO A POINT;

THENCE SOUTH 65°30'09" EAST A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,205 SQ. FT. OR 0.1425 ACRES, MORE OR LESS.

4. Your Petitioner owns the parcel of real estate upon which the proposed road will be situated by virtue of Warranty Deed conveyed to the within named Petitioner, Nuevo Transfers, LLC via a deed dated June 2, 2022, and recorded in the Cheshire County Registry of Deeds at Book 3214, Page 1360 and, your Petitioner will convey a portion of said parcel as described above to the City of Keene at no cost to the City of Keene and will waive all damages for land taken in connection with the proposed layout.

5. These findings and orders shall be recorded in the City Clerk's office in City Hall, Keene, New Hampshire.

WHEREFORE, your Petitioner PRAYS:

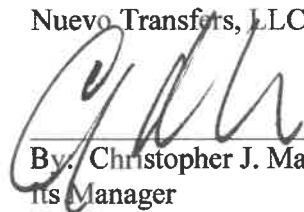
A. That upon approval by the City of Keene Planning Board, the City Council lay out, take and appropriate the parcel of land set forth above and described herein.

B. That the City of Keene accept a Warranty Deed on the parcel of land set forth above in paragraph 1.

C. That the City of Keene accept a Warranty Deed for the easement for access and maintenance of trees over the area described above in paragraph 3.

Dated: 15 July 22

Nuevo Transfers, LLC



By: Christopher J. Masiello  
Its Manager



# CITY OF KEENE

R-2022-23

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

A RESOLUTION Authorizing acceptance of a deed for a public way to be known as Magnolia Way

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

That the City Manager be and hereby is authorized to do all things necessary to accept the Warranty Deed described in the petition for the layout of a public way for the proposed road as described in plan above described and that the Easement as also described in the Petition of Layout be laid out as a public easement in the City of Keene, and that the Petitioner for such layout, being specially benefited by such layout, is charged with the construction of said public way in conformance with all applicable standards and safety requirements of the City of Keene.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
George S. Hansel, Mayor

PASSED

RETURN TO:  
Nuevo Transfers, LLC  
One Beford Farms  
Suite 202  
Bedford, NH 03110

### **WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS**, that **Nuevo Transfers, LLC**, a New Hampshire limited liability company, with an address of 1 Bedford Farms Road, Bedford, New Hampshire, **for consideration paid, GRANTS** to the **City of Keene**, a New Hampshire municipal corporation of Cheshire County, New Hampshire, with a mailing address of 3 Washington Street, Keene, County of Cheshire, State of New Hampshire 03431, with **WARRANTY COVENANTS**, a certain tract of land, situated in the City of Keene, County of Cheshire and State of New Hampshire, and bounded and described as follows:

A certain portion of Keene Tax Map 85 Section 2 Lot 3.01, beginning at a granite bound to be set in the Easterly line of Winchester Street, said point being North 24° 29' 51" East a distance of 118.67 feet from the Southwest corner of said Nuevo Transfers, LLC (Keene Tax Map 85 Section 2 Lot 3.01) and the Northwest corner of Tailwind Properties, LLC (Keene Tax Map 85 Section 2 Lot 3),

Thence North 24° 29' 51" East along the Easterly line of said Winchester Street a distance of 13.98 feet to a point;

Thence North 87° 07' 41" East a distance of 8.11 feet to a point in the Westerly line of Matthews Road;

Thence South 23° 13' 56" East along the Westerly line of said Matthews Road a distance of 74.68 feet to an iron pin to be set;

Thence North 41° 23' 56" West a distance of 28.56 feet to an iron pin to be set;

Thence North 35° 41' 18" West a distance of 41.94 feet to the point of beginning.

Containing 780 square feet or 0.0179 acres, more or less.

**MEANING AND INTENDING** to convey a portion of the same premises conveyed by Hutter Construction Corporation to the Grantor by Deed dated June 2, 2022 and recorded in the Cheshire County Registry of Deeds at Book 3214 Page 1360.

This is not homestead property.

DATED this 15 day of July, 2022.

Nuevo Transfers, LLC

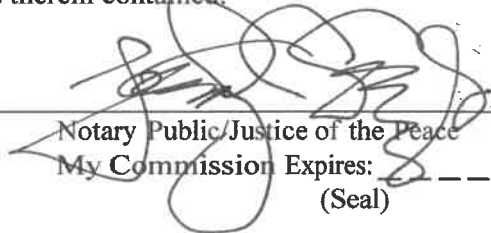


Christopher J. Masiello  
Manager  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF CHESHIRE, SS.

On this 15<sup>th</sup> day of July, 2022 before me, personally appeared Christopher J. Masiello, in his capacity as Manager of Nuevo Transfers, LLC, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of the corporation, being authorized so to do, for the purposes therein contained.

TIMOTHY C. COUGHLIN  
Notary Public-New Hampshire  
My Commission Expires  
March 07, 2023

  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  
(Seal)



# CITY OF KEENE

R-2022-24

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

A RESOLUTION For the layout of a public way for a Proposed Road, to be known as Magnolia Way, on the West side of Winchester Street and for layout of Street Tree Easement.  
*Resolved by the City Council of the City of Keene, as follows:*

That the Proposed Road on the West side of Winchester Street, as described in the Petition of Layout be laid out as a public way in the City of Keene in accordance with the provisions of NH R.S.A. 231.1, et seq. and the Street Tree Easement as described in the Petition of Layout therefor, be laid out as a public easement in the City of Keene and that Petitioner for such layout, being specially benefited by such layout, is charged with the construction of said public way in conformance with all applicable standards and safety requirements of the City of Keene to the satisfaction of the City Engineer. Said layout is also conditioned upon review and approval of all documentation by the City Attorney.

Said road is to be known as Magnolia Way.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
George S. Hansel, Mayor

PASSED

**RETURN OF LAYOUT OF PUBLIC WAY AND**  
**ACCEPTANCE OF EASEMENT**

A petition for layout of a proposed road over land to be conveyed by Nuevo Transfers, LLC to the City of Keene, having gone on for hearing before the Mayor and City Council, and they have considered same, it is hereby ordered and adjudged that;

1. Public exigency and convenience require that a proposed road be laid out west of Winchester Street over land designated as "Proposed Road" and as shown on plan entitled "Tax Map 85 Lot 1-10 Subdivision Plan 515 Winchester Street Keene, New Hampshire, 03431 owned by Winn Johnson, Linn Bai Rossi and Sheree Johnson prepared for Hutter Construction Corporation scale 1" = 30' May 24, 2005" and in connection therewith that said public exigency and convenience require that a public way be laid out, taken and appropriated over a parcel of real estate situated in Keene, Cheshire County, New Hampshire, bounded and escribed as follows:

Beginning at a granite bound to be set in the Westerly line of Winchester Street, said point bears South 24° 29' 51" West 74.00 feet from a granite bound to be set at the Northeast corner of said Hutter Construction Corporation and the Southeast corner of the Rebecca Pearson 2002 Trust;

Thence Southwesterly along a curve having a radius of 17.00 feet a distance of 26.64 feet, said curve having a chord of South 69° 23' 09" West 23.99 feet, to a point;

Thence North 65° 43' 32" West 95.28 feet to a granite bound to be set;

Thence North 65° 43' 32" West 108.74 feet to a granite bound to be set;

Thence North 65° 43' 32" West 49.00 feet to a point;

Thence Westerly along a curve having a radius of 58.00 feet a distance of 21.38 feet, said curve having a chord of North 76° 17' 01" West 21.25 feet, to a granite bound to be set;

Thence Southwesterly along a curve having a radius of 58.00 feet a distance of 63.06 feet, said curve having a chord of South 62° 00' 40" West 60.00 feet, to a granite bound to be set;

Thence Southeasterly along a curve having a radius of 58.00 feet a distance of 63.49 feet, said curve having a chord of South 00° 29' 50" East 60.37 feet, to a granite bound to be set;

Thence Easterly along a curve having a radius of 58.00 feet a distance of 63.06 feet, said curve having a chord of South 63° 00' 20" East 60.00 feet, to a granite bound to be set;



Thence Northeasterly along a curve having a radius of 58.00 feet a distance of 55.35 feet, said curve having a chord of North 58° 30' 24" East 53.28 feet, to a point;

Thence Easterly along a curve having a radius of 17.00 feet a distance of 24.66 feet, said curve having a chord of North 72° 43' 14" East 22.55 feet, to a point;

Thence South 65° 43' 32" East 32.06 feet to a granite bound to be set;

Thence South 65° 43' 32" East 64.58 feet to a granite bound to be set;

Thence South 65° 43' 32" East 81.59 feet to a point;

Thence Southeasterly along a curve having a radius of 17.00 feet a distance of 26.77 feet, said curve having a chord of South 20° 36' 51" East 24.09 feet, to a granite bound to be set in the Westerly line of said Winchester Street;

Thence North 24° 29' 51" East along the Westerly line of said Winchester Street 84.00 feet to the point of beginning.

Containing 22,062 square feet or 0.5065 acres, more or less.

2. Public exigency and convenience require that a proposed Street Tree Easement, for the benefit of the City of Keene for access and maintenance of trees to be planted or remaining within twenty (20') feet of the proposed road be laid out over Petitioner's land situated in Keene, County of Cheshire and State of New Hampshire, and in connection therewith that said public exigency and convenience require that a Street Tree Easement be laid out, taken and appropriated over a parcel of real estate situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

**METES AND BOUNDS DESCRIPTION FOR THE PROPOSED STREET TREE EASEMENT FOR THE PROPOSED SUBDIVISION, 515 WINCHESTER STREET;**

**BEGINNING AT A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF WINCHESTER STREET, SAID POINT BEARS SOUTH 24°29'51" WEST 74.00 FEET FROM A GRANITE BOUND TO BE SET AT THE NORTHEAST CORNER OF SAID HUTTER CONSTRUCTION CORPORATION AND THE SOUTHEAST CORNER OF THE REBECCA PEARSON 2002 TRUST;**

**THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.64 FEET, SAID CURVE HAVING A CHORD OF SOUTH 69°23'09" WEST A DISTANCE OF 23.99 FEET, TO A GRANITE BOUND TO BE SET;**

THENCE NORTH 65°43'32" WEST A DISTANCE OF 253.02 FEET ALONG THE NORTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;

THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 58.00 FEET A DISTANCE OF 266.34 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 17°16'46" EAST A DISTANCE OF 86.81 FEET, TO A GRANITE BOUND TO BE SET;

THENCE EASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 24.66 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF NORTH 72°43'14" EAST A DISTANCE OF 22.55 FEET, TO A GRANITE BOUND TO BE SET;

THENCE SOUTH 65°43'32" EAST A DISTANCE OF 178.23 FEET ALONG THE SOUTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;

THENCE SOUTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.77 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 20°36' 51" EAST A DISTANCE OF 24.09 FEET, TO A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF SAID WINCHESTER STREET;

THENCE NORTH 65°30'09" WEST A DISTANCE OF 8.00 FEET TO A POINT;

THENCE NORTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.17 FEET, HAVING A CHORD OF NORTH 20°36'51" WEST A DISTANCE OF 12.75 FEET, TO A POINT;

THENCE NORTH 65°43'32" WEST A DISTANCE OF 178.23 FEET TO A POINT;

THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 13.05, HAVING A CHORD OF SOUTH 72°43'14" WEST A DISTANCE OF 11.94 FEET, TO A POINT;

THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 66.00 FEET A DISTANCE OF 303.08, HAVING A CHORD OF NORTH 17°16'46" WEST A DISTANCE OF 98.78 FEET, TO A POINT;

THENCE SOUTH 65°43'32" EAST A DISTANCE OF 253.02 FEET TO A POINT;

THENCE NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.10 FEET, SAID CURVE HAVING A CHORD OF NORTH 69°23'09" EAST A DISTANCE OF 12.70 FEET, TO A POINT;

THENCE SOUTH 65°30'09" EAST A DISTANCE OF 8.00  
FEET TO THE POINT OF BEGINNING.

CONTAINING 6,205 SQ. FT. OR 0.1425 ACRES, MORE OR LESS.

There is occasion and necessity for such layout and easement.

These findings and orders shall be recorded in the City Clerk's office in City Hall,  
Keene, New Hampshire.

Dated:....., 2022.

\_\_\_\_\_  
George Hansel, Mayor

Approved as to description:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

RETURN TO:  
Nuevo Transfers, LLC  
One Bedford Farms  
Suite 202  
Bedford, NH 03110

**DEED OF EASEMENT  
STREET TREE EASEMENT**

**Nuevo Transfers, LLC** with a mailing address of One Bedford Farms, Suite 202, Bedford, New Hampshire 03110 ("Grantor"), for consideration paid, grants to the **City of Keene**, a New Hampshire municipal corporation of Hillsborough County, New Hampshire, with a mailing address of 3 Washington Street, Keene, New Hampshire ("Grantee"), with Warranty Covenants, a permanent easement over and on a certain tracts or parcels of land situated in Keene, County of Cheshire, State of New Hampshire as described and more particularly described as follows:

A strip of land eight feet (8') in width abutting the public highway known as Magnolia Way in said Keene, passing over Lots 1 through 9 as depicted on a plan entitled "Tax Map 85 Lot 1-10, Subdivision Plan, 515 Winchester Street Keene, NH, 03431 owned by Winn Johnson, Linn Bai Rossi and Sheree Johnson, prepared for Hutter Construction Corporation, Scale 1" = 30', May 24, 2005", revised April 24, 2006, to be recorded with the Cheshire County Registry of Deeds.

Said Street Tree Easement is depicted on a sheet entitled "Tax Map 85 Lot 1-10, Landscaping Plan, 515 Winchester Street Keene, New Hampshire, 03431 owned by Winn Johnson, Linn Bai Rossi and Sheree Johnson prepared for Hutter Const. Corp., Scale 1" = 30', May 24, 2005, Sheet 13 of 13", revised April 24, 2006, on file with the City of Keene, Engineering Division as Plan Set No. 59-04

Containing 6,205 square feet, more or less.

Grantee shall have the right to enter on to the easement area to plant, replace, maintain and otherwise care for all trees that may be, or in the future may be situated in the area of this easement.

The terms and conditions of this Street Tree Easement shall be binding upon and inure to the benefit of the parties and their respective successors-in-title, successors and assigns.

Being a portion of the premises conveyed to Grantor by Warranty Deed of Hutter Construction Corporation dated June 2, 2022 and recorded in the Cheshire County Registry of Deeds at Book 3214 Page 1360.

IN WITNESS WHEREOF, the grantor has caused this instrument to be duly executed

PAGE20F 2

this 15<sup>th</sup> day of July, 2022.

Nuevo Transfers, LLC

[Signature]  
By: Christopher J. Masiello  
Its: Manager  
Duly Authorized

**STATE OF NEW HAMPSHIRE  
COUNTY OF CHESIRE SS.**

On this 15<sup>th</sup> day of July, 2022, before me, personally appeared Christopher J. Masiello, in his capacity as Manager of Nuevo Transfers, LLC, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of the corporation, being authorized so to do, for the purposes therein contained.

**TIMOTHY C. COUGHLIN**  
Notary Public-New Hampshire  
My Commission Expires  
March 07, 2023

[Signature]  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  
(Seal)

**EXHIBIT A**

**METES AND BOUNDS DESCRIPTION FOR THE PROPOSED STREET TREE EASEMENT FOR THE PROPOSED SUBDIVISION, 515 WINCHESTER STREET;**

**BEGINNING AT A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF WINCHESTER STREET, SAID POINT BEARS SOUTH 24°29'51" WEST 74.00 FEET FROM A GRANITE BOUND TO BE SET AT THE NORTHEAST CORNER OF SAID HUTTER CONSTRUCTION CORPORATION AND THE SOUTHEAST CORNER OF THE REBECCA PEARSON 2002 TRUST;**

**THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.64 FEET, SAID CURVE HAVING A CHORD OF SOUTH 69°23'09" WEST A DISTANCE OF 23.99 FEET, TO A GRANITE BOUND TO BE SET;**

**THENCE NORTH 65°43'32" WEST A DISTANCE OF 253.02 FEET ALONG THE NORTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;**

**THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 58.00 FEET A DISTANCE OF 266.34 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 17°16'46" EAST A DISTANCE OF 86.81 FEET, TO A GRANITE BOUND TO BE SET;**

**THENCE EASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 24.66 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF NORTH 72°43'14" EAST A DISTANCE OF 22.55 FEET, TO A GRANITE BOUND TO BE SET;**

**THENCE SOUTH 65°43'32" EAST A DISTANCE OF 178.23 FEET ALONG THE SOUTHERLY LINE OF SAID PROPOSED ROAD TO A GRANITE BOUND TO BE SET;**

**THENCE SOUTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 17.00 FEET A DISTANCE OF 26.77 FEET IN SAID PROPOSED ROAD, HAVING A CHORD OF SOUTH 20°36'51" EAST A DISTANCE OF 24.09 FEET, TO A GRANITE BOUND TO BE SET IN THE WESTERLY LINE OF SAID WINCHESTER STREET;**

**THENCE NORTH 65°30'09" WEST A DISTANCE OF 8.00 FEET TO A POINT;**

**THENCE NORTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.17 FEET, HAVING A CHORD OF NORTH 20°36'51" WEST A DISTANCE OF 12.75 FEET, TO A POINT;**

**THENCE NORTH 65°43'32" WEST A DISTANCE OF 178.23 FEET TO A POINT;**

THENCE SOUTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 13.05, HAVING A CHORD OF SOUTH 72°43'14" WEST A DISTANCE OF 11.94 FEET, TO A POINT;

THENCE SOUTHWESTERLY AND NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 66.00 FEET A DISTANCE OF 303.08, HAVING A CHORD OF NORTH 17°16'46" WEST A DISTANCE OF 98.78 FEET, TO A POINT;

THENCE SOUTH 65°43'32" EAST A DISTANCE OF 253.02 FEET TO A POINT;

THENCE NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 9.00 FEET A DISTANCE OF 14.10 FEET, SAID CURVE HAVING A CHORD OF NORTH 69°23'09" EAST A DISTANCE OF 12.70 FEET, TO A POINT;

THENCE SOUTH 65°30'09" EAST A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,205 SQ. FT. OR 0.1425 ACRES, MORE OR LESS.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** July 21, 2022

**To:** Mayor and Keene City Council

**From:** Timothy Coughlin  
The Masiello Group

**Through:**

**Subject:** **Acceptance of Deed and Return of Layout - Intersection Improvements -  
Matthews Road and Winchester Street  
Resolution R-2022-25  
Resolution R-2022-26**

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**Recommendation:**

**Attachments:**

1. Petition for Layout of Intersection Improvements
2. Resolution R-2022-25\_Acceptance of Deed
3. Resolution R-2022-26\_Return of Layout\_Intersection

**Background:**

Attorney Timothy Coughlin representing Nuevo Transfers LLC is presenting a petition for the layout of intersection improvements to the Matthews Road Right-of-Way at Matthews Road and Winchester Street.



**PETITION FOR LAYOUT OF PUBLIC WAY  
FOR INTERSECTION IMPROVEMENTS TO MATTHEWS ROAD  
RIGHT-OF-WAY AT MATTHEWS ROAD AND WINCHESTER STREET**

TO the Honorable Mayor and City Council of the City of Keene:

Your Petitioner, Nuevo Transfers, LLC of 1 Bedford Farms Road, Bedford, New Hampshire, 03110, respectfully represents as follows:

1. Public exigency and convenience require that modifications be made to the Matthews Road Right-of-Way as it intersects with Winchester Street and in connection therewith that said public exigency and convenience require that a public way be laid out, taken and appropriated over a parcel of real estate situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

A certain portion of Keene Tax Map 85 Section 2 Lot 3.01, beginning at a granite bound to be set in the Easterly line of Winchester Street, said point being North 24° 29' 51" East a distance of 118.67 feet from the Southwest corner of said Hutter Construction Corporation (Keene Tax Map 85 Section 2 Lot 3.01) and the Northwest corner of Tailwind Properties, LLC (Keene Tax Map 85 Section 2 Lot 3),

Thence North 24° 29' 51" East along the Easterly line of said Winchester Street a distance of 13.98 feet to a point;

Thence North 87° 07' 41" East a distance of 8.11 feet to a point in the Westerly line of Matthews Road;

Thence South 23° 13' 56" East along the Westerly line of said Matthews Road a distance of 74.68 feet to an iron pin to be set;

Thence North 41° 23' 56" West a distance of 28.56 feet to an iron pin to be set;

Thence North 35° 41' 18" West a distance of 41.94 feet to the point of beginning.

Containing 780 square feet or 0.0179 acres, more or less.

2. Your Petitioner owns a parcel of real estate upon which a portion of the proposed intended improvements will be situated by virtue of deed conveyed to the within named Petitioner, Nuevo Transfers, LLC, by Hutter Construction Corporation, dated June 2, 2022 and recorded in Book 3214, Page 1360 of the Cheshire County Registry of Deeds, and, your Petitioner will convey the parcel as described above to the City of Keene at no cost to the City of Keene and will waive all damages for land taken in connection with the proposed layout.

3. These findings and orders shall be recorded in the City Clerk's office in City Hall, Keene, New Hampshire.


WHEREFORE, your Petitioner PRAYS:

A. That upon approval by the City of Keene Planning Board, the City Council lay out, take and appropriate the parcel of land set forth above and described herein.

B. That the City of Keene accept a Warranty Deed for the parcel of land set forth above.

RESPECTFULLY  
SUBMITTED

Nuevo Transfers LLC



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By Christopher J. Masiello  
Its Manager

Dated:

15 / 04 / 22



# CITY OF KEENE

R-2022-25

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

A RESOLUTION Authorizing acceptance of a warranty deed of certain real property - Boundary  
Line Adjustment Plan Winchester Street & Matthews Road Keene .....

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

That the City Manager be and hereby is authorized to do all things necessary to accept the Warranty Deed described in the Petition for the Layout of a public way to be used in connection with intersection improvements to the Matthews Road Right-of-Way at Matthews Road and Winchester Street as described in plan above described and that the Highway Easement as also described in the Petition for Layout be laid out as a public easement in the City of Keene, and that the Petitioner for such layout, being specially benefited by such layout, is charged with the construction of said public way and related intersection improvements in conformance with all applicable standards and safety requirements of the City of Keene.

\_\_\_\_\_  
George S. Hansel, Mayor

PASSED



# CITY OF KEENE

R-2022-26

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

A RESOLUTION ..... For the layout of a public way for intersection improvements to the  
~~Matthews Road Right-of-Way at Matthews Road and Winchester~~ .....  
Street and for layout of a Highway Easement.  
*Resolved by the City Council of the City of Keene, as follows:*

That real property, as described in the Petition of Layout be laid out as a public way in the City of Keene in accordance with the provisions of NH R.S.A. 231.1, et seq. and the Highway Easement as described in the Petition of Layout therefor, be laid out as a public easement in the City of Keene and that Petitioner for such layout, being specially benefited by such layout, is charged with the construction of said public way in conformance with all applicable standards and safety requirements of the City of Keene to the satisfaction of the City Engineer. Said layout is also conditioned upon review and approval of all documentation by the City Attorney.

\_\_\_\_\_  
George S. Hansel, Mayor

PASSED



# CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

**Meeting Date:** July 21, 2022  
**To:** Mayor and Keene City Council  
**From:** Councilor Mitchell H. Greenwald  
**Through:** Patricia Little, City Clerk  
**Subject:** **Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access**

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**Council Action:**  
In City Council July 7, 2022.  
Tabled until the next regular meeting.

**Recommendation:**

**Attachments:**

1. Communcation\_Greenwald

**Background:**

Councilor Greenwald is requesting a further amendment to the Rules of Order that would provide that a member could be allowed to participate remotely for personal reasons up to two meetings per year. This maximum of meetings would not apply to being remote for serious health issues, disability, or out-of-town employment responsibilities.



Mitchell Greenwald  
Chairman, Municipal Services, Facilities & Infrastructure Committee  
Ward 2, City Councilor

July 5, 2022

To: Mayor and Council

Re: Amendment to Rules of Order

Prior to the last Council meeting, I requested to be allowed to participate by "Zoom".

Permission was not granted, I assume because according to our recently adopted "Rule", Zoom may be allowed by the presiding chair (Mayor) if the reason is health, or business travel.

I was away on a previously planned vacation.

As a result, I was unable to participate and vote on the Budget, and also a matter that I had significant interest in. The residents of Ward 2 were deprived of representation.

My requested amendment to the rules of order would allow a member to participate remotely, for a personal reason, up to a maximum of 2 meetings with or without permission from the chair. The maximum of 2 meetings would not apply to serious medical issues, disability or out of town responsibilities.

I wish to discuss this at the next PLD meeting.

Thank you,

Mitchell Greenwald