

CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

Date: September 11, 2020

To: Joint Committee of the Planning Board and the Planning, Licenses and Development Committee

From: Tara Kessler, Senior Planner

Re: Summary of Written Public Comments Received Since July 13, 2020 on the Preliminary Draft Land Development Code

This document compiles all of the written and emailed comments that have been provided on the preliminary Draft Land Development Code since its release on July 13 of 2020. There is a letter included in this packet dated from December of 2019, as it is referred to in an email received on July 29, 2020. To respect the privacy of those that have submitted comments, email addresses and phone numbers have been redacted from these emails. Staff have provided responses to the authors of emails or letters that include questions or request clarification. These responses are not included in this document, but may be made available upon request.

Included below is a summary of the comments received, with a focus on the themes that appear most frequently.

- There is concern for the introduction of Group Home and Lodginghouse as permitted uses into the proposed Downtown-Transition District and the existing Office District, which are districts that serve as buffers/transitions between residential zoning districts and commercial zoning districts, as well as in the Medium Density District.
 - Currently, these uses are not permitted in these districts, with the exception of Group Home, which is allowed by Special Exception in the Medium Density District.
 - There is concern for the number of residents that are permitted to reside in a group home or lodginghouse, and the impact that increased density would have on these zoning districts.
 - The preliminary Draft does not include a maximum number of occupants of lodginghouse. A group home is limited to no more than 16 persons. More specific comments related to this concern are included below.
 - One letter suggests that Group Home and Lodginghouse uses should be capped at no more than 5 unrelated persons in these districts.
 - Other letters express interest in the removal of these uses from these districts.
 - Many letters reference concern for an array of negative impacts that uses such as Lodginghouse and Group Home might have on a neighborhood in the Medium Density District. These impacts include increased density/overcrowding, traffic, noise, overflow parking, public safety, reduced property standards, and the decrease of property values. One letter describes some of these concerns as related to the transient nature

of these uses, and the concern that renters and transient residents are not as likely to care for their property.

- Some letters reference the incompatibility of congregate living uses with the Medium Density District or any residential zoning district.
 - Concern about the inclusion of non-medical drug and alcohol rehabilitation within the definition of Group Home.
- There is concern for the introduction of Domestic Violence Shelter into the Medium Density District and the impact this use would have on property values and public safety.
 - Concern for potential public health impacts of congregate living uses, such as the spread of COVID 19.
 - Concern for allowing for Sexually Oriented Businesses anywhere in the City.
 - Concern about the removal of Institutional Use from the Office District / Proposed Downtown-Transition District, and how this might impact existing places of worship in these districts.
 - Concern for the proposed scale of solar energy system uses that would be allowed in the Medium Density District. There is interest in requiring a conditional use permit for small scale solar energy systems in this District.
 - Concern for the ratio of parking spaces to residents of multi-dwelling structures and the interest in more standards for screening multi-family dwelling parking lots.
 - Interest in a preamble to the Code that reminds the purpose of Zoning and the importance of honoring the regulatory process.
 - Objection to the use of remote meetings.
 - Interest in combining all information related to zoning district dimensional requirements in one place in the Land Development Code. Specifically, including the pavement setbacks in the zoning district dimensional tables.

December 30, 2019

Tom and Ann Savastano
75 Winter Street
Keene, NH 03431



City of Keene
Medard Kopczynski
Tara Kessler
Rhett Lamb

Dear Tara, Medard, and Rhett,

As you know, we have closely followed the proposed downtown zoning changes, and we want to share our perspective at this point of the planning, to you and other city staff and officials. Please share this letter with the City Council, Mayor and other relevant decision-makers as the process goes forward, and feel free to provide feedback to us as well.

Our purchase of 75 Winter Street in 2015 was done after due diligence to find out what uses were permitted in the office zoning. City staff encouraged us to do so and helped direct us to the relevant zoning guidelines. The office zoning, with its allowance for apartment rental in addition to primary residence, has enabled us to fulfill our business plan for owning and maintaining this architectural gem. Key to making this plan successful is having desirable rental space close to downtown, which is ensured by language in the current zoning code such as the following:

--Sec. 102-601: The intent of the office (O) district is to provide for noncommercial offices within walking distance to the downtown. The uses are intended to be low intensity such as professional offices. This zone is intended also to serve as a buffer between the intense uses such as those in the central business, central business limited, commerce zones, and residential areas.

--Sec. 102-602: Condition: All development, redevelopment, additions, and renovations in this zone are to maintain the look and feel of a residential zone or area . . .

The office zone in which we live fulfills the above conditions and adds to the charm and attractiveness of the city to its residents and visitors.

We have appreciated the city's outreach to its residents and business owners about the proposed downtown zoning changes, and understand the need for updates. After having attended multiple presentations and the neighborhood meeting on 12/4/19, and studied the changes extensively in "Keene, NH Unified Development Ordinance DRAFT November 2019," we have the following feedback:

1. The Downtown Transition (DT-T) district as outlined on the proposed zoning map is the closest appropriate designation for the current office zone.
2. Any allowed uses within the DT-T district should follow current office zoning guidelines for condition (see Sec. 102-602) so as to maintain the look and feel of a residential zone or area.

3. We agree with the proposed uses within the DT-T district, which generally follow the current office zoning, with the following exceptions which are newly proposed:

--Personal Service Establishment: As discussed at the neighborhood meeting on 12/4/19, the permitted uses under this designation are far too broad, encompassing ones that would clearly not maintain the residential look and feel of the neighborhood: for example, laundromats, dry cleaners, tattoo and body piercing parlors, nail salons, etc. Usages such as these are apropos to other areas of the city, such as other downtown districts and West Street, and longtime residents expressed that the office zoning was specifically enacted in part to preserve the residential character and charm of our neighborhood. Parking concerns were also raised. We agree with these concerns about not allowing personal service establishments within DT-T.

--Group Home CUP: The definition currently considered under "Group Home" is far too broad. The main objection we have is that it stipulates that a group home is to have five or more unrelated people, and does not present any limitations. Preserving the residential look and feel of the DT-T district would require the opposite: that any group home permitted in the DT-T district should have five or less unrelated people. Otherwise, the population density could clearly rise beyond the look and feel of a residential zone, and current homes even within the historic district could become tear-down candidates, thereby destroying the character of the neighborhood. Also, "Group Home" should be allowed in other districts besides only DT-T (the current proposal has only listed it as allowable with a CUP in the DT-T district). A possible remedy to this objection, therefore, would be that group homes are allowed with a CUP with five or less people within the DT-T district, and allowed without limitation to number of residents in other districts.

We are also concerned about the inclusion of non-medical drug and alcohol rehabilitation within the category of group home allowed within the DT-T district. A way to allay this concern would be to require social service agencies to have yearly licensing/permitting reviews by the city with the ability for clients served and neighbors to provide input. We know that there are some agencies that object to yearly licensing/permitting, because of its inconvenience and possible vagaries. However, yearly licensing/permitting is ultimately in the best interest of all possible parties: clients who should have the protection of the city reviewing their providing agencies, tax-paying neighbors who can provide practical input on how agencies are running their homes, and responsible agencies themselves in that bad actors can be denied permits.

--Lodging House CUP: Our concern about the Lodging House CUP is similar to that of Group Homes. The definition of Lodging House specifies that it have more than four unrelated persons. We believe that such a usage in the DT-T zone should be limited to five or less people, with the same licensing/permitting requirements listed above. Lodging Houses of greater capacity could likewise instead be allowed in other districts.

We appreciate the opportunity to share this feedback with you and your attentiveness to our concerns. Its been a pleasure interacting with you along the way, and we look forward to continuing being part of the process.

Best Regards,
Tom and Ann Savastano

From:

Sent: Tuesday, July 14, 2020 10:20 AM

To: Tara Kessler <tkessler@ci.keene.nh.us>

Subject: RE: Preliminary Draft of Land Development Code Released for Public Review - July 2020

Hi Tara;

I am looking through the new standards and have a question, I see setbacks listed in the zones and the definitions in article 1 talk about "building or structure" setbacks but I don't see any separate pavements setbacks listed. So will a parking lot be a structure and have to meet the same setbacks as buildings or are parking lot setbacks gone?

Thanks

Dave

P.S. I guess another way to ask that is what is the definition of a building and what is the definition of a structure?

From: [REDACTED]
To: [Tara Kessler](#); [Medard Kopczynski](#)
Subject: Re: Draft Land Development Code Update / Tools for Review
Date: Wednesday, July 29, 2020 10:57:59 AM

Hello Tara, and Med,

Reviewing the documents you sent, I just want to clarify the following:

- 1) I see that the proposal does not mention "personal service establishments" as a possible use within the downtown transition district. Is that usage now ruled out? If so, that's a positive change and appreciated.
- 2) What guidelines would there be for number of people permitted in group homes or lodging houses? I didn't see anything yet listed in these documents, and as you know, I feel that there should be maximum numbers of five or less in those settings, so the downtown transition district continues to be a buffer between downtown and residential.
- 3) What is a "Solar Energy System, Medium Scale?"

Thanks,

Tom Savastano
75 Winter Street

From: Dave Curran <no-reply+ae6785438b31@crm.wix.com>
Sent: Thursday, July 30, 2020 11:28 AM
To: Tara Kessler <tkessler@ci.keene.nh.us>
Subject: [BBT Keene] Questions & Commets - new submission

Dave Curran just submitted your form: Questions & Commets
on [BBT Keene](#)

Message Details:

First Name: Dave

Last Name: Curran

[REDACTED]

[REDACTED]

Share your questions or comme: Great job! looks like the end is near. I can remember the 3 plus years, maybe more of discussions on the gilbo ave. overlay district.

Message Details

Your Name: Deb

Your Email: [REDACTED]

Your Phone No.:

Ask us anything...: Hi, I have read the Land Development Plan. I agree with all except, I don't believe sexually oriented businesses would be a positive to our city, they have operated here in the past and attracted people didn't want to make our city a better place. Also, limiting the number of bars and vaping stores would be a good thing. In general, businesses that don't promote good behavior should not be allowed. I live in the North Central Neighborhood and have many people who throw their trash and cigarette butts in the street and people's front yards, especially in the middle of the night.

From: John Walter <no-reply+667006067a25@crm.wix.com>
Sent: Friday, July 31, 2020 2:51 PM
To: Tara Kessler <tkessler@ci.keene.nh.us>
Subject: [BBT Keene] Questions & Commetsns - new submission

John Walter just submitted your form: Questions & Commetsns
on [BBT Keene](#)

Message Details:

First Name: John

Last Name: Walter

Email:

Phone (Optional): -

Address (Optional): -

Share your questions or comme: I am on the board of trustees at the Keene Unitarian Universalist Church, at 69 Washington St. It appears that our church is in the "downtown transitional" zone. If I am interpreting the matrix correctly, "places of worship" are not permissible in this zone. How can this be? Also, we currently rent space to a large daycare facility within our building, and have previously rented space to a Montessori school. It appears that daycare facilities are permitted by special exception, so I assume that this is not a problem. However, what if we wanted to rent space within our building to a private school (such as Montessori) instead? Would that option no longer be available to us? To survive, we need to be able to rent space within our building.



29 Middle St.
Keene, NH 03431
August 4, 2020

The Honorable Mayor and City Council
City Hall
Keene, NH 03431

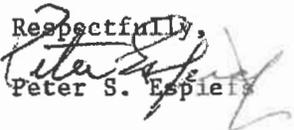
Re: Petition containg Objection and Motion to Postpone ZOOM Hearings
and Sessions relating to proposed chnges to the LAND DEVELOPMENT CODE

Honorable Ladies and Gentlemen:

Attached for your consideration and action is the above Petition
with separate copies of the same signed by local property owners who
support the Petition . Please reserve us a copy of deliberations on the petition.

Please notify us of your action and,if needed,any questions.

Respectfully,


Peter S. Espie

pse/sw

encl. - Attached Petition noted above

Petition TO The City Of Keene, New Hampshire

Objection to and Motion To Postpone Hearings on the Draft Land Development Code set for Hearings at City Hall via a ZOOM process on August 12 and August 13 at Keene City Hall

As a property owner in the sectors of the City that will probably be affected by Land Development Code, and as a citizen concerned about those vulnerable to the Covid 19 virus pandemic, I respectfully present my reasons for Objecting and Motion To Postpone:

The ZOOMed sessions being offered are not the equivalent of a "public" hearing for several reasons;

First, the public in general does not have access to the technology; second, the technology of Zoom has several limitations that prevent it from being a suitable substitute for a comprehensive "public" inquiry by those who have this technology; third, there is no law permitting the use of Zoom as and for the vehicle for a "public" inquiry. Finally, the ability to talk with City officials or representatives in person or by telephone, is not substitute.

The City's offer to conduct this proceeding through a ZOOM process shows it is aware of the possible public harm that would attend a conventional "Pre-Virus" hearing. However, a Zoom hearing is basically inadequate to fill the "public" requirement. No compelling urgency has been presented for this Draft Land Development Code process to proceed under the circumstances.

WHEREFORE, your petitioner moves that:

The said hearings on the Draft Land Development Code be postponed indefinitely until such time as the appropriate Government Authority decrees or rules that the public health and safety have been restored from the threats of the Covid 19 pandemic, and ~~municipal~~ business may return to normal.

Respectfully submitted,

Peter S. Espieis
Peter S. Espieis, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Theresa A. ... 75 Winter St., Keene

Dr. ... 75 Winter St., Keene

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Respectfully submitted,

Peter S. Espiets
Peter S. Espiets, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

REV. Stavros Ballas, an out-of-state resident and owner of 31 Summer St., Keene, by his brother and authorized agent, Chris Ballas;

Rev. Stavros Balla by Christopher Balla

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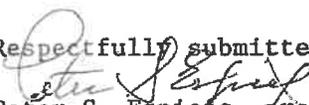
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Respectfully submitted,


Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Michael Zoll 18 Summer St

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Respectfully submitted,

Peter S. Espiers
Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Anthony M. Tremblay 67 Summer St, Keene
Barbara S. Tremblay 67 Summer St, Keene

Petition TO The City Of Keene, New Hampshire

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Respectfully submitted,

Peter S. Espiers
Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

J-R De Jonathan Patavin 61 Summer St.

Petition TO The City Of Keene, New Hampshire

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Peter S. Espiers
Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

David C. Bulger _____ 69 School St.
Sam M. Bulger _____

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Respectfully submitted,
Peter S. Espiers
Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Robert W. Jaraman 59 School St. Keene, NH
Maureen M. Jaraman 59 School St Keene NH

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Respectfully submitted,

Peter S. Espieff
Peter S. Espieff, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Paula Souza 22 Middle Street Keene, NH

From: [REDACTED]
To: [Tara Kessler](#)
Subject: Re- zoning
Date: Wednesday, August 5, 2020 5:22:49 PM

Hi Tara,

I have lived at 49 Prospect St since 1996. Our neighborhood has seen many changes. I am very concerned as to why the city would want to change the zoning in this area. For one thing we have 3 multi family homes on Prospect St alone! With the boarding on either side of Court St and Prospect, so that's 5 in a very condensed space! I already have to contend with a dumpster I don't like smelling or looking at from my deck and Fuller school is just around the corner. What does the city benefit from this change? I certainly don't want my home value to go down any further while my taxes continue to rise! In recent years we have seen crime go up in our area, we've had our cars broken into many times and I don't feel as safe as I once did!

Please reconsider this change and help keep our neighborhood just that, a neighborhood!

Thank you for the opportunity to share my concern. I would be happy to talk with you further if need be.

Sincerely

Yvette Axsom

Sent from my iPad

29 Middle St.
Keene, N.H. 03431
August 6, 2020

Ms. Tara Kessler, Senior Planner
City Hall
Keene, N.H. 03431

Dear Ms. Kessler,

I expect that you have the Petition I filed with the City on August 4, which was endorsed by many of the property owners in this neighborhood.

In addition to the obvious degradation of this area and its effect on the personal lives of the families residing here, there is presently the real threat to public health from the Corona Virus pandemic, which has apparently not been addressed by the draft of Keene Building Better.

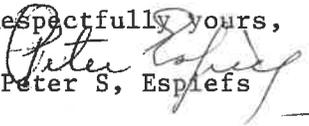
The proposed draft code continues to propose congregate living, and a multiplicity of social services and related living arrangements, in order to "update and modernize" the Downtown with a formidable "mix" of uses to promote greater "vibrancy".

In following the progression of the Virus pandemic around the country, it has been shown, clearly, that congregate living arrangements and greater density have produced increased numbers of virus victims.

This is a serious factor that can not be overlooked. We can not be supporting vibrancy, etc. at the expense of the public health. No one knows what the future permutations of the Virus may be, and most communities are modifying their plans and existing arrangements in the interest of public safety now and in the future.

Hopefully, we can obtain the assistance of the public health community, at all levels, to help our community make the proper decisions in the public interest and safety.

Respectfully yours,


Peter S. Espie

pse/sw

cc- copy to all property owners noted above

From: [REDACTED]
To: [Tara Kessler](#)
Subject: opposition to changes in medium density zones
Date: Friday, August 7, 2020 5:38:27 PM

Tara,

I'm a homeowner on Court St and I just left you a voice message. I wanted to express my opposition to proposed changes to medium density zones in the city. I am concerned that new rules would permit the development of boarding houses and domestic violence shelters that would negatively impact residential property values in our neighborhood. Hopefully there's a solution that works for everyone, but I wanted to express my opposition to the proposal as I understand it. I'll try to attend the upcoming meeting.

Kind regards,
T.J. Filip

Thomas J. Filip
327 Court St
Keene, NH 03431
[REDACTED]

From: [REDACTED]
To: [Tara Kessler](#)
Subject: opposing medium density zoning changes
Date: Friday, August 7, 2020 11:17:42 PM

Dear Ms. Kessler,

I am writing to express my opposition to changing certain rules around medium density residential areas in Keene. I'm particularly concerned with how some of the changes in the zoning could lead to more traffic, safety issues, crowding, and noise. We already deal with speeding cars on residential streets, loud swearing in the night, and car horns at all hours. The changes may also cause our property values to decrease.

All the best,

Michelle Green
36 Prospect Street
Keene, NH

From:

Subject:

Date:

Comments concerning the potential changes to the zoning laws

Monday, August 10, 2020 11:55:28 AM

My husband and I reside at 26 Prospect Street which is located in the medium density zone. We have lived here for more than forty-six years, and are very familiar with the traffic patterns, parking issues, and general flow to the neighborhood.

In the past two years there has been a wonderful influx of new neighbors on Prospect, Court, North, and Forest Streets. These residents have taken great pride in their properties, and many have already increased the value of their homes with improvements to landscaping, and renovations to the dwellings. Many new families also have children.

Some of the proposed changes to the code ordinances for the medium density district have the potential to create a negative impact on our neighborhood. The most problematic is the allowance of lodging houses in this zone.

We have a lot of experience observing the property at 347 Court Street, which for years operated as a boarding house. Among the nicknames which local residents have used in regard to this property are: the crack house, manure apartments, & the flop house. The list of issues was lengthy, the worst of which has been a high incidence of emergency vehicles being dispatched to that address.

Of immediate concern is the property at 361 Court Street which Bill Gately of Gabhaltais Teaghligh LLC purchased last August. For decades the property operated as an assisted living facility. Bill Gately expressed an interest in returning it to an assisted living facility or other type of group home.

In good faith, Bill had hired a person to live on site during the past year. Under this person's watch, a handful of people residing there set the yard on fire, necessitating a response from the fire department. Also, it was not unusual to be awakened at 2 or 3 a.m. due to loud chatter & other noises in the parking lot. Even with someone living on site, a small number of residents can be very disruptive to a neighborhood. Bill has let this person go, but it illustrates how a conscientious property owner can be a victim when trusting an employee to care appropriately for a property.

The status of this property is unclear, because we have been told that a prospective buyer plans to use 361 Court Street as a lodging house.

Regardless of the impending use of this property in the immediate future, the reality is that the revision of the zoning code would allow the property to become a lodging house at some point in the future.

By the very nature of a lodging house, most of the residents are transient and down on their luck. A history of criminal behavior, drug &/or alcohol abuse, smoking, and other behaviors are not uncommon. With the potential of having fifteen residents of this caliber, the quality and safety of our neighborhood is severely jeopardized. This is not appropriate for a family oriented neighborhood.

Property owners are much more likely to take care of their properties. A renter tends to be

less conscientious than an owner, and a transient or temporary guest is even less likely to be conscientious. In general, the less a person has invested in a residence, the less care is given to said property. If the property becomes run down by lodging house residents, there will be a loss of property values to the surrounding neighbors.

Once a lodging house is operational, it is much harder to backtrack if hazards, nuisances, and/or violations are reported. It is unrealistic for city inspectors to carefully monitor every property in Keene that is operating with a conditional use permit. It might take repeated complaints from neighbors, as well as a lengthy review process, to close down a problematic lodging house. There would be the additional burden of relocating fifteen people in residence.

With the proposed zoning changes, there are particular characteristics of our neighborhood that must be taken into consideration, including: density, physical issues, and parking. Of the fourteen dwellings that run from the corner of Court and Prospect Streets down the length of Prospect Street, eight are approved for multiple dwelling use: five buildings for double occupancy, one building for triple occupancy, one for ten bed occupancy, and one for fifteen bed occupancy. This is an extremely dense neighborhood with limited land. It is obvious that the type of resident occupying 361 Court Street would make a big difference in how much the neighborhood is impacted.

Both Prospect and North Streets are narrow, but what makes driving on these especially challenging is the small hill in the middle of each. As a person approaches the crest of each of these hills, it is impossible to see the oncoming traffic coming up the other side of the crest. The routine existence of the city bus, delivery vehicles, landscaping vehicles with trailers, etc. force a driver to go blindly into the lane of oncoming traffic to get by. Additionally, the limited parking space length for the residents of 347 Court Street frequently results in the tail end of those vehicles jutting into the street--especially during the winter. Any parking on the street compounds the safety issue.

Prospect Street has a limited stretch of sidewalk from the corner of Court Street to the edge of the property at 361 Court Street. Pedestrians of all ages must walk in the street. This is an additional safety concern.

Keene school buses have bus stops in close proximity to 361 Court Street. It is important that the residents of this property do not pose a safety hazard to the children of our neighborhood. Please do not change the medium density zone ordinances to allow a lodging house in our neighborhood. The current residents wish to maintain the quality of their properties, and to keep the neighborhood safe for our families.

Thank you to your attention to this matter.

Sincerely,

Anne Knight

From: Janet Aug
Sent: Monday, August 10, 2020 8:39 PM
To: Tara Kessler <tkessler@ci.keene.nh.us>
Subject: Re: Follow up on Draft Land Development Code Conversation

Hi Tara-

I listened to the meeting tonight. Thank you for bringing up some of our concerns. I had a question about what Terry Clark had brought up as it relates to 347 and 361 Court Street. It sounds like even if someone else purchased these properties, they could still operate as group homes or lodging house as they have in the past due to being grandfathered? Is this true? If it is, what recourse do we have to change this? Nobody seemed to address that the grandfathering is attached to the property, not the ownership. For 361 Court we found out there was an exception made to create it as group home, is this exception ever going to expire?

I can't make either of the public meetings this week, but I know we as a neighborhood really want to meet with you to discuss our options. I know you are in touch with Anne Knight about this, and I look forward to that meeting.

Best,

Janet

From:

Subject:

Date:

Proposed zoning changes to Medium Density Neighborhoods

Monday, August 10, 2020 5:38:29 PM

Hi Tara,

I am writing to express my concern about the proposed zoning changes to medium density neighborhoods.

I am sure you have heard from many in the neighborhood surrounding 361 Court Street, and I want to add my voice to that list. My childhood home, the home my parents still reside in, is in that neighborhood. When I was severely ill with Lyme Disease I moved back in with my parents for a few years and saw how even though some of the faces had changed, the sense of community and helping one another out is very much still present. These homes are filled with families of all ages, some with unique needs, and some with overlapping needs, but all a community.

The proposed changes to the zoning do not seem to factor in the long term changes to not only this neighborhood, but others that fall into the medium density zoning. They seem to completely miss the potentially severe safety implications that some of the proposed changes could bring to these neighborhoods. Many of the proposed use changes include uses that could drive up the crime and violence in these neighborhoods, as well as adding the environmental implications of groups of people outside smoking, people tracking down those who are being sheltered from domestic violence, loud disruptive behavior and foul language, among other things.

I am sure you are aware of the concerns that have been brought forth by not only how these changes would impact the use and/or sale of 361 Court Street, but also the ongoing problems our neighborhood already has with the housing at 347 Court Street. The latter being a regular stop for the police for multiple reasons.

Our neighborhood is one where people move to and stay for long periods of time. My family's home at 26 Prospect Street has been in our family for well over a century, 5 generations have been raised there. I don't think those seeking to make these changes actually have a building next door to them that could flip the energy of the neighborhood in such a negative way. Ask them if they would like to have a group of cigarette smokers in the parking lot adjacent to their property while all of that smoke blows onto the screen porch that took them so long to build, thus making it a place you no longer spend time. I am not being dramatic here, but speaking to the truth of the way the winds blow through our neighborhood, and how they would indeed impact others. I have been highly sensitive to cigarette smoke since I was a child, it makes me nauseous and gives me headaches to be around it.

These proposed changes already will have a negative impact on property values. For some in our neighborhood, this is their only investment, and what they will fall back on if financial need arises, whether through a loan or a sale.

I would also like to address the fact that the decisions that have been made over the years to allow division of larger lots within our neighborhood has already reduced the privacy and increased the crowding. It is not the same as it was when I was a child, and as my parents are

in retirement these changes do impact their quality of life.

I thank you for taking the time to ready this and to take my concerns and that of my neighbors into account. I do hope they do not go through with the proposed zoning changes as it would be devastating to not only our neighborhood, but many others as well. We have already had a long battle with the planning board over a previous drug recovery house and pulled through that to preserve our neighborhood. Allow us to keep the calm and peace of mind we have worked so hard for.

Sincerely,

Jen Knight

--

Jen Knight*)

Owner and Founder of Spirit Light & Spirit Light Botanicals

Reawaken your inner sanctuary



www.spiritlightsanctuary.com

www.mydoterra.com/jennifermknight

From: [REDACTED]
To: [Tara Kessler](#)
Subject: MD Zoning Changes
Date: Monday, August 10, 2020 9:30:17 PM

Tara,

I am very concerned about the impact of allowing Domestic Violence Shelters, Drug Rehab, Group Homes &/ or Lodging homes in our medium density neighborhood. I live at 73 Woodburn St. with my high school aged daughter and I am very concerned of the potential impact of the safety in our neighborhood and the negative impact this would have on our property values. There are many families with young children and retired folks that live here and it would change the dynamic of this neighborhood negatively. Personally, it would be devastating to me to have my property value drop. I've only lived here 1 1/2 years and am a single mom and am counting on building equity. I've grown to love this neighborhood with the close proximity of downtown with a few exceptions. This would not be a good thing for us here. I hope these proposals are removed to preserve our neighborhood.

Thank you,
Audrey Beyersdorfer
73 Woodburn St.

August 10, 2020

Tara Kessler
Senior Planner
Community Development Dept.
Keene, NH

Dear Ms. Kessler:

As homeowners on Prospect Street, in a medium density neighborhood, we would like to state our opposition to any zoning changes which would permit uses which are not typical within residential neighborhoods, and in many, if not most cases, have a negative impact on surrounding homes.

Our area has made progress in recent years regarding home maintenance and upkeep, has a diverse home ownership profile, with many with young children, and is essentially a good neighborhood in which to live and enjoy our property. To compromise what makes a neighborhood appealing by introducing non-typical uses which have known negatives is not right, and we oppose any zoning changes proposing to expand uses beyond what is regulated by our current zoning.

In the recent past, owners/prospective purchasers of largely abandoned properties wished to incorporate changes of use for those buildings, which would have increased the number of mostly transient residents with resulting increased traffic, parking, and pedestrian safety concerns. The City's Board of Adjustment properly recognized these concerns as legitimate and rejected using those properties for those purposes. For the City to propose permitting such high density uses such as Boarding Houses, with the same concerns unresolved, seems to us inappropriate and could easily transform good but fragile neighborhoods into problem areas. Some of these buildings earlier "enjoyed" grandfathered use status which most likely would have been disallowed when zoning was first introduced. They were abandoned by their owners for primarily economic benefit. It would seem to us that any proposed zoning changes should strive to strengthen the core residential neighborhoods by limiting increased density rather than encouraging it. Zoning tends to be permanent - once zoning standards are relaxed, it is nearly impossible to revisit them, and any enforcement of conditional provision violations is problematic at best.

As stated above, we oppose relaxing the zoning standards for medium density residential neighborhoods. Thank you.

Barbara and James Sovik
46 Prospect Street,
Keene, NH 03431
[REDACTED]

From: Terry Clark <no-reply+8ff46d24864d@crm.wix.com>
Sent: Thursday, August 20, 2020 6:28 PM
To: Community Development <communitydevelopment@ci.keene.nh.us>
Subject: [Keene Energy Plan] Footer: feedback - new submission

Terry Clark just submitted your form: Footer: feedback
on [Keene Energy Plan](#)

Message Details:

Full Name: Terry Clark

Email: tmclark@ci.keene.nh.us

Please send us your questions: I don't think it's a good idea to place high density uses like boarding houses in medium zones. Also, rehab centers should be in hospital or institutional zones. Etc. The idea that integrating these uses in medium density residential may work for the particular building, but not for the abutters.

Tara Kessler

From: anne knight <[REDACTED]>
Sent: Tuesday, September 8, 2020 3:26 PM
To: Tara Kessler
Subject: Addendum to Initial Comments

Hi Tara:

The following is an addendum to my initial comments about the proposed Land Development Code.

I would like to emphasize why I am adamantly opposed to making lodging houses and group homes as allowable uses in the medium density zone. In our neighborhood, there already exists a property that has approval for a group home via a special exception. This structure, in theory, could accommodate sixteen residents. In addition, our neighborhood also has another property which has essentially been operating as a poorly maintained lodging house for decades. We should not bear burden of additional group homes and lodging houses in our already densely populated area.

In terms of considering the needs of our community, there is a major need for affordable assisted living. Currently, only low income and wealthy residents can find assisted living facilities in Keene. Because 361 Court Street is already equipped for that use, it would solve two issues: finding an acceptable use for the property while filling a community need.

Historically there has been a lack of code enforcement in Keene. To create multiple allowable uses in the medium density zone is problematic because there is no guarantee to the neighboring homeowners that the guidelines contained in a conditional use permit will be honored. Once a new use is in place, it will be much more difficult to shut down a poorly orchestrated program.

I do like various types of solar energy. However, a 2,000 square foot solar energy structure would be too large for the medium density zone. If that use is still allowed in the proposed code, I request that conditional use permit be required for such a structure.

In terms of some of the parking allowances throughout the city, I do have concerns about the ratio of parking spaces to residents of certain types of multi-dwelling structures. It is important that the guidelines for parking areas--such as proper screening from adjacent properties and public rights of way--be strictly enforced.

I appreciate that a massive quantity of work has gone into the crafting of this draft of the proposed Land Development Code. However, I trust that the needs and rights of the existing property owners will take precedence over the wishes of various advocacy groups.

Thank you for your consideration of my concerns.

Sincerely,

Anne Knight

26 Prospect Street

**203 North Street
Keene, NH 03431**

September 9, 2020

Tara Kessler, Senior Planner
Community Development
Keene City Hall – 4th floor
3 Washington St.
Keene, NH 03431

RE: Preliminary Draft of the Land Development Code
--Medium Density – Proposed addition of Congregate Living and Lodging Houses

Dear Ms. Kessler:

I have resided at 203 North Street for 43 years.

My property is zoned Low Density, but it is only the width of North Street that separates my home from the Medium Density Zone. Because of this, I am deeply concerned about the addition of Congregate Living and Lodging Houses to the Medium Density Zone. I say this because directly across from me is the former Prospect Home, at #361 Court Street. It was run as a group home, a grandfathered non-confirming use and was enlarged in 1990.

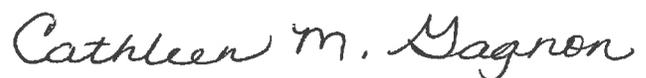
Since the Prospect Home vacated the building in 2016, there have been at least two proposals for drug and alcohol rehab centers as well as a school for troubled girls. According to my understanding of the zoning laws, those types of uses were not permitted in the Medium Density Zone, yet, one applicant made a request to the Zoning Board of Adjustment to increase the number of beds allowed at #361 for its proposed rehab center. This, to me, was like placing the cart before the horse. It certainly was unfortunate that time and great expense (including legal counsel) were incurred by the applicant, the neighborhood, and the City, when the property wasn't even zoned for those uses in the first place. So, it makes sense that the City wishes to have "everything in one place" to make the system easier to navigate, so this type of situation does not occur in the future.

I am opposed to the proposed addition of Congregate Living and Lodging Houses to the Medium Density Zone, as I've already had a lodging house experience last year regarding #361 Court Street. Soon after a new property owner filled the rooms with tenants, turning the property into an unapproved lodging house, my unpleasant experience was just after midnight on October 3, 2019. Tenants partying outside #361 Court Street on the North Street side of the property woke up a number of neighbors. There was yelling and loud music playing and a bonfire with about 6-8 ft. flames shooting up. PD was on the scene immediately and the flames were extinguished. Later, I learned there was no permit for the fire and it wasn't contained. It had been built on top of an old tree stump and near propane lines. (ATTACHED is a Copy of KPD Report, Call No. 19-22791 regarding this matter.)

On a ZBA application, to request a change of use, it states that evidence is to be provided to support statements that there would be no adverse effect to the neighborhood that would be injurious, obnoxious or offensive and to "prove" that property values will not be affected. Under the proposed Land Development Code, adding Congregate Living uses and Lodging Houses would be a change of use. I have already experienced issues regarding the unapproved Lodging House at #361 Court St. that was obnoxious, and could have been injurious if there had been a propane event as a result of the unpermitted fire. Most certainly, property values would be affected.

I respectfully request that the addition of "Congregate Living and Lodging Houses" to the Medium Density Zone, be removed.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen M. Gagnon".

Cathleen M. Gagnon

Attachment

For Date: 10/03/2019 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
19-22791	0018	Phone - NOISE COMPLAINT	Summons Issued	3	
Call Taker:		198 - Ainsworth, Lesley			
Location/Address:		[KEE 1598] PROSPECT PLACE - 361 COURT ST			
ID:		226 - Richmond, Timothy			
		Disp-00:19:03	Arvd-00:22:29		Clrd-00:39:37
ID:		215 - Baca, Kevin			
		Disp-00:19:07	Arvd-00:23:55		Clrd-00:39:39
Narrative:		10/03/2019 0018 Ainsworth, Lesley			
		disturbance in the street			
Narrative:		10/03/2019 0021 Ainsworth, Lesley			
		bonfire and people partying			
Narrative:		10/03/2019 0021 Ainsworth, Lesley			
		2nd call reporting party			
Narrative:		10/03/2019 0039 Ainsworth, Lesley			
		city ordinance summons issued for noise			

Multiple reports of a loud party and campfire.
It was reported to be on Court St and in
the area of North St.

Upon arrival to the area I could hear the
music on Court St and on North St. I
then located a group of people in the
yard of 361 Court St. They were sitting
around a campfire playing loud music.

The music had already disturbed multiple
neighbors and I could hear it clearly
from the road.

The tenant did not have a burn permit
either.

HR 11/05/19

Docket #

Docket # 19-22791
Call Number 19-2957-2N

You are not required to come to court but must answer the complaint listed below by: 11/24/2019 at 08:30 AM
OR
 You MUST come to court at o'clock AM/PM on yr. to answer this complaint.

STATE OF NEW HAMPSHIRE, CHESHIRE COUNTY
8th CIRCUIT COURT - DISTRICT DIVISION
33 WINTER STREET
KEENE, NH 03431

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (please print)
Crackley Stephen

COURT	DAY	YR	DATE	STATE	CLASS
M	W	5:10	11:18	MA	B
		From	Weight		
		361 Court St. Keene, NH 03431	81.0		B
			Color Eyes		

ON THE 03 DAY OF October YR 2019 AT 12:15 AM P.M.

- on/let in said county and state, did commit the offense of:
 - EFFLUENCE - PROHIBITIONS, to wit the defendant did, (urinate/defecate) in a (public/private) place other than in a toilet facility provided for such use, contrary to KCO 66-131.
 - (urinate/defecate) in such manner as to expose (his/her) genitals to another while in a public place, contrary to KCO 66-131.
- OPEN CONTAINER OF ALCOHOL ON PUBLIC PROPERTY, to wit the defendant did possess an open container, containing an alcoholic beverage, to wit _____ while in public on _____ within the City of Keene, contrary to KCO 66-28.
- POSSESSION OF DRUG PARAPHERNALIA, to wit the defendant did possess with the intent to use, drug paraphernalia, as defined under Keene City Ordinances K66-28, to wit _____ contrary to KCO 66-28.
- NOISE DISTURBANCES DURING PROHIBITED TIMES, to wit the defendant did cause a noise disturbance at 12:15 AM by playing music through _____ within the City of Keene, contrary to KCO 66-124.
- UNNECESSARY NOISE FROM MOTOR VEHICLE, to wit the defendant did,
 - While in control of a (parked/moving) vehicle, to wit a _____ bearing registration _____ (operated/permited the operation of) an electronically amplified sound system in or on the motor vehicle so as to produce sound that was clearly audible in a public right-of-way or public space, to wit _____ more than 50 feet from the motor vehicle, contrary to KCO 66-123
 - Operates a motor vehicle, to wit a _____ bearing registration _____ in a manner as to make loud, unusual, or unnecessary noise by,
 - (Exceeding fire traction limits in acceleration/Excessive Acceleration), contrary to KCO 66-123
 - Exceeding fire traction limits in deceleration, contrary to KCO 66-123
 - Racing engine by manipulation of accelerator, gas pedal, or gear selection while the vehicle was (in motion/standing still), contrary to KCO 66-123

contrary to KCO 66-123
to wit the defendant did
Keene
contrary to KCO

Tara Kessler

From: Paul Bilgen <[REDACTED]>
Sent: Wednesday, September 9, 2020 4:34 PM
To: Tara Kessler
Subject: Draft Proposal- Zoning Ordinance

Hi Tara,

The following are my thoughts about the proposed zoning ordinance. For the sake of clarity I am laying them out here as personal assertions, though I know they are all subjects for discussion.

I appreciate the efforts by you and others to produce a new and improved Zoning Ordinance. As Senior Planner I'm sure you have felt,..." in the crosshairs of criticism" many times in this process so far. You've instigated public awareness and involvement and that is all good. Zoning is being undone all over the country as the nation grows, always aiming at accommodation of the latest new thing, and an enlargement of the grand list.

1. Over the years most of my clients for architectural work have had to navigate through planning and zoning requirements laid down by local, state and federal governments. I have noticed that some believe that developmental laws can be bent to their needs by obtaining variances, especially to local ordinances. I believe that the preamble to the new ordinance should include a reminder that the Zoning Ordinance of the City of Keene is a law and needs to be honored accordingly. There are mechanisms for accommodation to unusual situations, but the spirit of the ordinance and the wishes of the majority should always be uppermost.

3. Any ordinance is a key expression of a community's values. The community spirit of it comes from the sense that local government is protecting its citizens, preserving the character of the physical setting and advocating real improvement in citizen's lives. These are high ideals, but so is any planning document which sets out to guide its vision for the future.

4. I'm sure we can all agree, City government is the Servant to its citizens; who are the Served. Citizens need assistance visualizing the future of a community. In New England we have a built environment, which is visually very rich.. We have trees and foliage which create protection and calm. We have expressive single family homes as well as brick industrial buildings, some of which have fallen into disuse. The spectrum all of these existing buildings, street patterns and proximities add up to a recognizable character and establishes a sense of place in a locality. Zoning was invented to protect the character of human settlements, while allowing for growth. This can be accomplished by preventing nullifying contrasts from dominating and diluting the nature of existing zones. The new ordinance should prevent so-called "Spot Zoning".

5. There is a hierarchy of land use which we all understand at a gut level. It is based on the notion that, though cities were invented to make money via commerce and industry, there are parts of any city that must be devoted to families and the raising of children in comfortable and stimulating environments. These resources are of immense value to a town. This simple fact describes the highest level of human endeavor. It is not scientific, religious or political. It is simply human. And an evolved culture should always foster that endeavor.

Lands used for housing should not be regarded like any other zone. Low-density housing zones are the most highly-evolved land uses in any town. They provide protection, privacy, freedom and space. More importantly, the motive behind land ownership by families is uniquely important, as opposed to any land use with a profit motive. Families make improvement decisions for themselves, and by extension their neighbors, at no charge to the community. For-profit businesses have a different motive. They must look to the bottom line. The

healthy and successful nurturing of family life and the well-being of children is of utter importance now and in the future. Lands must be preserved for this purpose and any changes in use must be compatible with it and in the public interest.

6. The potential approval of several socially desirable uses in the Medium-Density zone such as Group Homes, Lodging Houses, Domestic Violence Shelters and Congregate Living Facilities should be struck from the Draft ordinance. My objection is not about the nature of these uses, but rather the inclusion of them in a residential zone. They are all in stark contrast to a residential setting. They all contribute to added density and an increase in vehicular traffic. Moreover, the superficial compatibility of these uses with residential use comes from literally appropriating the best qualities of existing neighborhoods at the expense of land-owners. Past & present land owners improved the mood and sense of place for other reasons; namely their families. So these places become highly desirable for special facilities since they remind us all of home.

I am personally in favor of all these specialized facilities and believe they are socially desirable and sorely needed. The current Draft Proposal qualifies the size, etc. to make them seem innocuous in a residential zone like MD. These limits would be subject to a Conditional Use Permit, in hopes of keeping them corralled in size and seemingly impact free. Of course they are not. Ironically, the limitations stipulated in the Draft would probably limit each function too much, in my experience. Economies of scale always come into play with For-Profit endeavors.

My view is that Keene has a good deal of developable land in its environs and yet is bounded and compact. Many design possibilities can be imagined and I am confident that special facilities can be built that will elevate people. They could also be done in a way that does not look skimpy or forced if more land is utilized.

7. Enforcement of the new ordinance is the weakest link in the chain at this stage of ordinance writing. This needs attention as has been made very clear in recent public meetings via resident's anecdotes. Without consequences, violation of city laws by some is inevitable. We even levy fines for violations as minor as overtime parking. So if the city is toothless and does not deal with violations accordingly, eventually the ordinance will be hollow and the precision you have been striving for in land use planning will have proven to be unattainable. I hope that is not the case.

Thank you,

Paul R Bilgen, Architect
391 Court Street
Keene, NH 03431

WEB: paulrbilgenarchitect.com