



**Joint Planning Board and
Planning, Licenses & Development Committee**

AGENDA

June 13, 2022

6:30 PM

City Hall, 2nd Floor Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – May 9, 2022
3. Draft Proposed Changes to the Keene Land Development Code
 - a. Rural District
 - b. Conservation Residential Development Subdivision
4. New Business
 - a. Accessory Dwelling Units
5. Next Meeting – Monday, July 11, 2022
6. Adjourn

1 City of Keene
2 New Hampshire

3
4
5 JOINT PLANNING BOARD/
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
7 MEETING MINUTES
8

Monday, May 9, 2022

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Pamela Russell Slack, Chair
Mayor George S. Hansel
Councilor Michael Remy (joined
via zoom)
Roberta Mastrogiovanni
Tammy Adams, Alternate
Armando Rangel

Planning Board

Members Not Present:

David Orgaz
Harold Farrington
Gail Somers, Alternate
Emily Lavigne-Bernier

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Councilor Michael Giacomo
Councilor Gladys Johnsen

Planning, Licenses &

Development Committee

Members Not Present:

Councilor Philip M. Jones
Councilor Raleigh C. Ormerod

Staff Present:

Mari Brunner, Senior Planner
Rebecca Landry, IT Director/
Assistant City Manager
Med Kopczynski, Economic
Development Director

9

10 **I) Roll Call**

11 Chair Russell Slack called the meeting to order at 6:39 PM and roll call was taken.

12

13 **II) Approval of Meeting Minutes – March 14, 2022**

14 A motion was made by Mayor George Hansel to approve the March 14, meeting minutes. The
15 motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call
16 vote.

17

18 **III) Public Workshop**

19

20 Ordinance O-2022-04 – Relating to amendments to the City of Keene Land Development Code.
21 Petitioner, City of Keene Community Development Department, proposes to amend sections of
22 Chapter 100 of the City Code of Ordinances to add “Dwelling, Multi-family” as a permitted
23 principal use with limitations to the Commerce District; amend the height requirements in the
24 Commerce District to allow for additional stories or height – up to four stories or 56 ft. –
25 provided that additional building setback or building height stepback requirements are met; and,
26 amend the use standards for “Dwelling Unit, Multi-family” in Section 8.3.1.C of Article 8 to

27 require multi-family dwelling units in the Downtown Core, Downtown Growth, and Commerce
28 Districts to be located above the ground floor.

29
30 Senior Planner Mari Brunner addressed the Joint Committee and stated this proposal is coming
31 from the Community Development Department. It is a continuation of the Land Development
32 Code project where mostly the downtown was the focus for change but the rest of the City was
33 not changed as much. There were some changes made to permitted uses. Staff as a result has
34 been looking outside of the downtown to see where housing can be encouraged. The reasoning
35 behind this ordinance is to create housing opportunity in the Commerce District while being
36 sensitive to the context of the area.

37
38 Ms. Brunner explained the Commerce District encompasses about 220 parcels along major
39 corridors and are predominantly located in areas to the west and south of the downtown. This
40 area is pretty auto-centric. She read the intent statement for the district: *“The intent of this district*
41 *is to provide an area for intense commercial development that is accessed predominantly by*
42 *vehicles. Shopping plazas and multiple businesses in one building would be typical in this*
43 *district. All uses in this district shall have city water and sewer service.”* Ms. Brunner stated this
44 intent statement is right out of the Land Development Code.

45
46 Ms. Brunner stated there are a wide variety of uses permitted in this district but currently
47 residential uses are not permitted in this district. In addition, this district does allow for mixed
48 use as long as those principal uses are allowed in the district. Even though residential use is not
49 allowed, there are number of parcels in the Commerce District where multifamily uses are
50 occurring (stand alone or in a mixed used setting). Ms. Brunner noted these uses are listed on
51 page 11 of the packet and there are about 12 multi-family units that have been identified.

52
53 Dimensional Requirements in this District appear to promote a medium to high intensity of
54 development. Building heights are maxed at two stories or 35 feet by right or 3.5 stories or 50
55 feet with a Special Exception from the Zoning Board of Adjustment. The maximum impervious
56 coverage is 80% and the minimum lot size is 15,000 sf. Setbacks are 20 feet; however, the rear
57 setback is increased to 50 feet if the property abuts a residential district.

58
59 Ms. Brunner went on to say staff is proposing to add multi-family dwelling units as a permitted
60 use to this district, with the limitation that all residential units must be located above the ground
61 floor. She indicated this is to address a concern the Zoning Administrator had, in that this is a
62 commercial district and that the City needs to make sure it is promoting commercial
63 development in this district.

64
65 In addition, staff feels a requirement to obtain a Special Exception in order to increase the
66 number of stories or height would be an undue burden and hence propose that a developer be
67 allowed to go to three or four stories (maximum of 56 feet) as long as the above two stories are
68 set back an additional ten feet to fit in with the surrounding properties.

69
70 Ms. Brunner stated staff is also proposing to modify the use standards for multi-family dwellings
71 in the Downtown Core and Downtown Growth Districts. Multi-family dwellings are permitted in

72 these districts at the present time by right. In Downtown Core, if there are less than four units all
73 units have to be located above the ground floor.

74
75 With respect to consistency with the Master Plan – there is an entire chapter in the master plan
76 that talks about the downtown, recognizing that it is the heart of Keene’s overall identity. There
77 is a strategy within this chapter referred to as Downtown Vibrancy, which states “*As downtown*
78 *businesses come and go, it is important that the community encourage an array of businesses*
79 *that provide basic needs for the community and facilitate pedestrian activity, along with a*
80 *variety of residential uses. The placement of those uses on first, second or higher floors within a*
81 *building are also important to maintaining vibrancy. Retail and services businesses should*
82 *continue to be placed on the first floor, with office and residential on the upper floors, in order to*
83 *maintain walkability and support downtown as a destination.” Ms. Brunner stated staff was
84 looking at this section when proposing the limitation for multi family dwelling for Downtown
85 Core and extending it to Downtown Growth.*

86
87 Chair Bosley asked what the original setbacks that were set for Downtown Core and Downtown
88 Growth. Ms. Brunner stated it depends on street type but for Downtown Core it is a built to line
89 of zero if you are on a Type A Street and it is a Built to Zone of zero to five if you are on a Type
90 B Street. Chair Bosley clarified in the downtown district how many stories you are permitted to
91 go up and at what floor you have to step back – it is seven stories and step back is at five stories.
92 The Chair stated she was trying to visualize these buildings – in the Commerce District if you are
93 not mirroring what is set for downtown there could be these short four story buildings that are
94 stepped in 20 feet and questioned whether the area would end up with these odd looking
95 structures. Med Kopczynski, Economic Development Director stated his understanding is that in
96 the Commerce District for instance if you went too high the street scape would be dominated too
97 much. Chair Bosley felt it would not look attractive to have half the building stepped back and
98 half not.

99
100 Councilor Giacomo felt in the commerce district four stories would not be considered to be too
101 tall and if you looked closer you might already see this step back that exists.

102
103 Ms. Adams referred to the corner of Davis Street where the building was recently removed and
104 asked whether a four to six story building could be constructed here. She stated she likes the idea
105 of step back to avoid the high tunnel feeling.

106
107 Ms. Brunner indicated the idea for the building height setback was brought forward because this
108 already exists in other districts. Chair Bosley stated her concern is without a visual presentation
109 these could look like odd shaped buildings. Ms. Brunner clarified that the stepback option is
110 meant to provide flexibility for properties where there is an existing building built at the 20-ft
111 setback, and the developer wants to build an addition. However, the stepback is not required –
112 developers can choose either the stepback option or the building setback option.

113
114 With no other comments, the Chair asked for public comment, with no comments from the
115 public the Chair closed the public hearing.

116

117 Mayor Hansel felt staff has done a good job in trying to look at ways incentivize multi use
118 housing and encouraged staff to keep going as the City is in a desperate situation. The Chair
119 agreed and felt keeping the ground floors for businesses was a good option.

120
121 A motion was made by Chair Bosley that the Planning Licenses and Development Committee
122 request the Mayor set a public hearing on Ordinance O-2022-04. The motion was seconded by
123 Councilor Gladys Johnsen and was unanimously approved.

124
125 A motion was made by Mayor George Hansel that the Planning Board find Ordinance O-2022-
126 04 consistent with the City's Comprehensive Master Plan. The motion was seconded by
127 Armando Rangel and was unanimously approved by a roll call vote.

128
129 **IV) Discussion on the Rural District**

130 Mr. Kopczynski stated following up on the prior discussion, the City is going to need to look at
131 things like density and parking patterns to be able to change things to make housing possible. He
132 indicated there is an RFP to hire a consultant to work at these underlying patterns and make
133 some recommendations. At the same time staff is looking at existing properties to see how many
134 are out of sync with the underlying zoning code in all districts.

135
136 Mr. Kopczynski stated in the Rural District currently the minimum lot size is five acres which
137 was put in place in the 70's. This was supposed to have been a temporary solution and hence this
138 is something else staff will be looking at as well to see what other options are available.

139
140 Mayor Hansel asked what staff is hearing from developers; what is preventing them from
141 creating new development. Mr. Kopczynski stated for multi-family it is lack of available land.
142 When it comes to existing stock the two most common issues are the sprinkler requirement in the
143 third unit and, for Keene, it is also the availability of parking. Chair Russell Slack asked whether
144 there was anything in place for on street parking. Mr. Kopczynski stated there is a residential
145 parking district which requires residents in the district to petition the City Council to allow
146 parking. There is also a less than 90 day process for undesignated streets.

147
148 Chair Bosley stated parking is an issue that has been discussed at the PLD Committee level. She
149 indicated there has been a lot of discussion at Council level about creating affordable housing,
150 and work force housing. She noted at the last Joint Committee there was discussion about wells
151 and septic systems, and in the Rural District one of the limitations is to be able to safely locate a
152 well and septic system is the five acre limit and felt five acres was not necessary for that.

153
154 Chair Russell Slack referred to the first plan brought forward by the Governor which was denied
155 as it did not have any options for affordable housing. The second plan however, has this item
156 included in it and asked whether staff is aware of how communities can access funding for
157 affordable housing. Mr. Kopczynski stated there is no set plan in place yet but indicated he
158 would get information for the committee.

159
160 Ms. Brunner stated staff has begun its initial review of the conservation residential development
161 (CRD) regulations and the Rural District. There are 1,118 parcels in the Rural District of which
162 56% are non-conforming with respect to lot size. These parcels are all less than 5 acres in size.

163 She indicated one of the reasons for this is the fact that historically, the minimum lot size was
164 two acres. That was changed in the 70's due to the intense development that was seen in the City
165 at the time, much of which was done as "planned unit developments" (PUDs). Even if the lot
166 size in the Rural District were reduced to two acres, over 35% of the parcels would remain non-
167 conforming due to lot size. Staff is also looking at the land itself using GIS mapping as to where
168 steep slopes are, where wetlands are, the extent of City sewer and water and what opportunities
169 are available for development in the Rural District. Staff has also been looking at other
170 communities to see what they are doing to promote housing.

171
172 In New Hampshire, incentive zoning is an option. With the CRD subdivision option you receive
173 a density bonus in return for placing 50% of land in conservation and you also get greater
174 flexibility for housing options. Additional incentives can also be added such as added density if
175 workforce housing is added. Ms. Brunner stated this option is not as easy as it sounds – long
176 term tracking and enforcement can be an issue and this is something staff is looking into. Ms.
177 Brunner stated staff does not have concrete proposals as of yet but are looking at varying
178 options. Ms. Brunner added approximately 86.7% of properties in the Rural District are owner
179 occupied which she felt was a rather high number. This number is most likely an under-counting
180 of the number of owner-occupied properties due to the limitations in the data.

181
182 Chair Russell Slack thanked staff for getting this process started.

183
184 Chair Bosley stated she has heard Councilor Jones talk a lot about the City's dead end road
185 policy and stated she would like to see a copy of this policy. The Chair went on to note if
186 someone owned a 50 acre parcel of land with limited road frontage, what would the opportunities
187 be to develop housing for instance with a cul-de-sac and asked if the dead end policy would
188 prohibit such a development. Mr. Kopczynski stated staff will come back with information on
189 this for the committee. Chair Bosley also raised the issue about the requirement for sprinkler
190 system for a third unit.

191
192 Mayor Hansel asked staff to keep in mind those items that would have the most immediate
193 impact. He referred to the CRD subdivision which has been an option in the City for many years,
194 but not one has been built so far. Ms. Brunner noted there is an application that has been brought
195 forward recently. He asked that changing the five acre zoning requirement be prioritized.

196
197 Councilor Remy agreed with what Mayor Hansel said. He indicated he loves the green space the
198 City owns and there is a lot of land already in conservation and would like to see some of the
199 larger land areas developed. He felt moving to the two acre zoning would be a step in the right
200 direction.

201
202 Councilor Johnsen clarified whether the proposal is to construct these newer additions on top of
203 the already existing two story buildings. She indicated her concern is that the existing two story
204 buildings would be structurally sound to be built on. Ms. Brunner noted this is in reference to the
205 proposed changes to the Commerce District, and stated that the developer would be required to
206 demonstrate the building is structurally sound and capable of supporting an addition during the
207 building permit process.

208

209 V) **Next Meeting – June 13, 2022**

210

211 **VI) Adjourn**

212 There being no further business, Chair Russell Slack adjourned the meeting at 7:39 PM.

213

214 Respectfully submitted by,

215 Krishni Pahl, Minute Taker

216

217 Reviewed and edited by,

218 Mari Brunner, Senior Planner

CITY OF KEENE
NEW HAMPSHIRE

M E M O R A N D U M

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

FROM: Mari Brunner, Senior Planner

DATE: June 7, 2022

SUBJECT: Draft Proposed Changes to the Rural District and the Conservation Residential Development Subdivision Regulations

Included below is a brief summary of draft proposed changes to the Rural District and the Conservation Residential Development (CRD) Subdivision Regulations. Staff will present these proposed changes in more detail at the June 13, 2022 joint meeting of the Planning Board and Planning, Licenses and Development Committee. The purpose of this meeting is to obtain feedback from the Committee prior to filing a formal proposal.

Rural District Overview & Recommendations:

- The Rural District is a residential zoning district that covers a land area of 14,313.5 acres (Figure 1).
- According to the intent statement, this 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.*”
- There are 1,118 parcels of land in this district that range in size from less than a quarter-acre up to 438.1 acres. The average size of a parcel in this district is 9.4 acres.
- The minimum lot size requirement for this district is 5 acres; however, with access to both City sewer and City water, the minimum lot size is reduced to 2 acres.
- Currently, 58% of the parcels (643 parcels) in this district are non-conforming with respect to the 5-acre minimum lot size.
- Much of the land within the Rural District has steep slopes, wetlands/surface waters, and other development constraints.

Recommendation #1: Change the minimum lot size in the Rural District from 5 acres to 2 acres. This change would reduce the number of lots that are nonconforming with respect to lot size from 643 to 396 (58% to 35%).

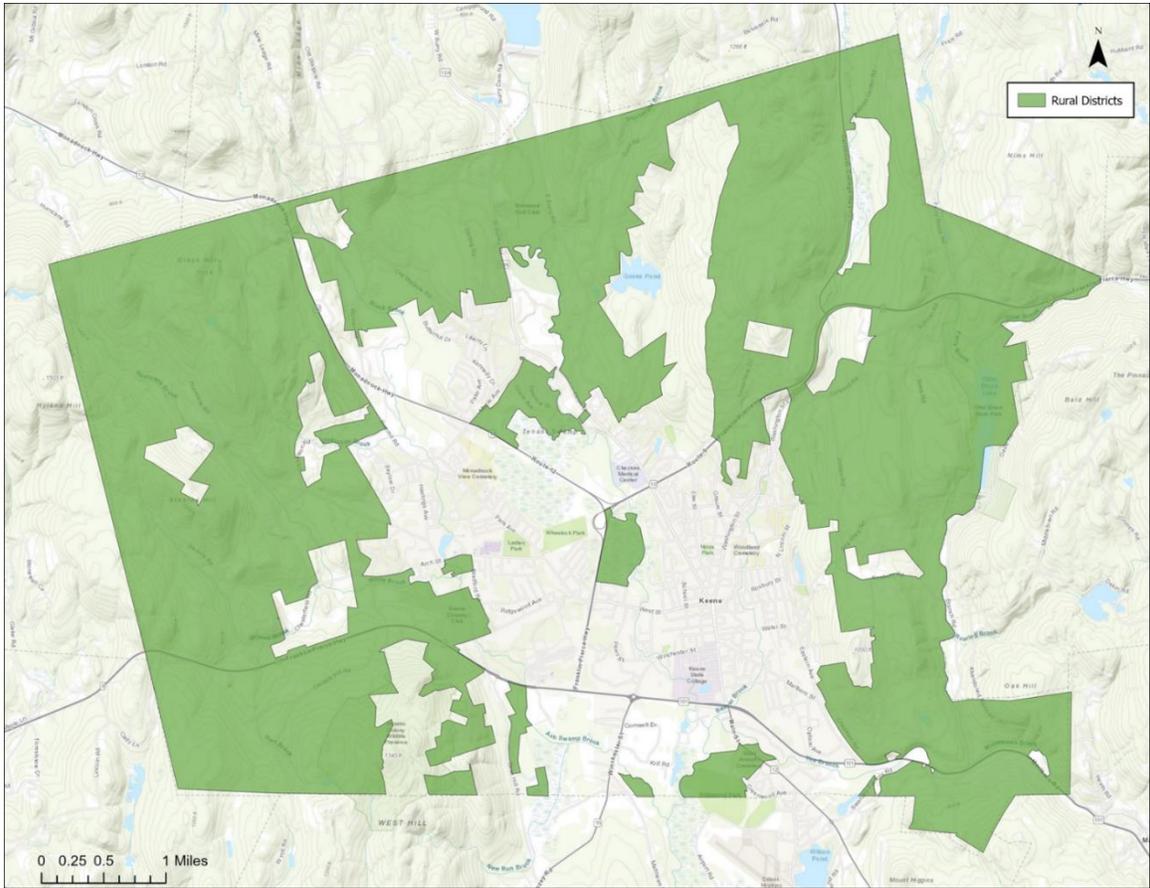


Figure 1. The Rural District, shown in green.

CRD Subdivision Overview & Recommendations:

- The purpose of a CRD 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 that 50% or more of the existing tract of land to be subdivided is permanently designated as open space.
- In general, with a CRD Subdivision, a developer should be able to build the same number of dwelling units (or more) as they could with a conventional subdivision.
- This option is required for subdivision applications consisting of three 3 or more proposed lots and the layout and construction of a new road in the Rural, Low Density, or Low Density-1 zoning districts.
- The maximum number of dwelling units that are allowed on a tract of land is determined by dividing the tract size by a density factor.

Recommendation #2: Change the density factor for the Rural District to 2 acres per unit to be consistent with the proposed two-acre minimum lot size in the Rural District. In addition, change the minimum lot size for a CRD development in the Rural District from 1 acre to 32,000 sf.

Recommendation #3: Create a “menu of incentives” within the CRD regulations that developers may elect to pursue for an additional density bonus in order to promote community goals related to workforce housing, renewable energy, and land conservation. The total density bonus that any one development could receive is capped at 30%. In addition, there is no minimum lot size for a CRD subdivision that satisfies the requirements for any of the following options:

- **Option 1:** CRD subdivisions that permanently reserve 65% of the existing tract area or greater as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.
- **Option 2:** CRD 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.
- Option 3: CRD subdivisions that guarantee at least 20% of the total number of dwelling units proposed within the development (including all units allowed by a density bonus) will be workforce housing* shall be eligible for a density bonus of 15% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section shall include “multifamily dwelling” (max of 3 (4?) units per structure).

**Note:* NH Workforce Housing Statute, RSA 674:58-61 defines “workforce housing” as for-sale housing that is affordable to a household of four earning up to 100% of the Area Median Income (AMI), and rental housing that is affordable to a household of three earning up to 60% AMI. These values for Cheshire County are included in the table below:

	Ownership (purchase price)	Rental (gross monthly rent)
Cheshire County Workforce Housing Purchase and Rent Limits	100% of the 2021 HUD Median Area Income for a family of four: <u>\$303,000</u>	60% of the 2021 HUD Median Area Income adjusted for a family of three: <u>\$1,130</u>