



Joint Planning Board and Planning, Licenses & Development Committee

AGENDA

August 8, 2022

6:30 PM

City Hall, 2nd Floor Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – June 13, 2022
3. Public Workshop

Ordinance O-2022-09 – **Relating to amendments to the City of Keene Land Development Code.** Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100 “Land Development Code” (LDC) of the City Code of Ordinances to change the minimum lot size in the Rural District from 5 ac to 2 ac; Display uses that are permitted within the Conservation Residential Development subdivision (CRD) regulations in Table 8-1 and the “Permitted Uses” sections of the Rural, Low Density, and Low Density-1 Districts in Article 3; Modify the density factor and minimum lot size for the Rural District within the CRD regulations to 2 ac per unit and 32,000 sf, respectively; Add density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and workforce housing incentive; Modify the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations; and, Remove the requirement to submit a “Yield Analysis Plan” and add additional submittal and filing requirements for CRD applications in Article 25.

4. New Business
5. Next Meeting – Monday, September 12, 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, June 13, 2022

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Pamela Russell Slack, Chair
David Orgaz
Roberta Mastrogiovanni
Harold Farrington
Armando Rangel

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Michael Giacomo
Philip M. Jones
Gladys Johnsen
Raleigh C. Ormerod (Zoom)

Staff Present:

John Rogers, Acting Community
Development Director
Mari Brunner, Senior Planner
Evan Clements, Planner
Med Kopczynski, Economic
Development Director

Planning Board

Members Not Present

Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Gail Somers, Alternate
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Not Present:

9 **I) Roll Call**

10
11 PLD Chair Bosley called the meeting to order at 6:30 pm and a roll call was taken.
12

13 **2) Approval of Meeting Minutes – May 9, 2022**

14 A motion was made by Pamela Russell Slack to approve the May 9, 2022 meeting minutes. The
15 motion was seconded Councilor Michael Giacomo and was unanimously approved by roll call
16 vote.
17

18 **3) Draft Proposed Changes to the Keene Land Development Code**

19 **a. Rural District**

20 **b. Conservation Residential Development Subdivision**
21

22 Senior Planner Mari Brunner addressed the Committee and began by giving some background
23 before jumping into the presentation. She stated that staff has been researching the Rural District,
24 and based on their research they think it would be a good idea to change the minimum lot size
25 from five acres to two acres, which is what the minimum lot size was historically. However,
26 changing the minimum lot size in the Rural District would also mean that the regulations for the

27 Conservation Residential District (CRD) needed to be addressed as well to be consistent with the
28 underlying zoning district. As staff reviewed the CRD regulations, a couple items were identified
29 that need to be fixed. In addition, staff took the opportunity to look at addressing some of the
30 other community goals such as land conservation, renewable energy and workforce housing.
31 Therefore, there are two parts to the proposed changes. The first is related to the lot size change
32 in the Rural District, and the second is related to those three community goals.

33
34 Ms. Brunner referred to the intent statement for the Rural District: *The Rural District is intended*
35 *to provide for areas of very low density development, predominantly of a residential or*
36 *agricultural nature. These areas are generally outside of the valley floor, beyond where city*
37 *water, sewer and other city services can be readily supplied.*

38
39 She referred to a map of the Rural District. The total land area is approximately 14,313 acres of
40 land. Most of the Rural District is beyond where City sewer and water is available. The Rural
41 District also is an area that has development constraints such as land-locked parcels. There are 38
42 parcels (7.7%) that cannot be developed at this time due to lack of frontage or access. The
43 dimensional requirements are to promote a low density of development. Minimum lot size is five
44 acres but if there is access to City water and sewer, the lot size is reduced to two acres. There are
45 about 50 parcels within 50 feet of a water or sewer main but that number is greatly reduced when
46 they are combined.

47
48 The minimum lot width at the building line is 200 feet, all other set backs are set at 50 feet at the
49 present time. The maximum building coverage is 10%, maximum impervious coverage is 20%,
50 and building height is limited to two stories or 35 feet.

51
52 Ms. Brunner went on to say there are 1,525 properties in the Rural District; however, some of
53 those are condos. An example is the manufactured housing park, Tanglewood, where each
54 manufactured home is its own "parcel." When staff subtracted those condos and only included
55 parcels of land, they were left with 1,118 parcels. Of those, 396 are less than two acres; 247 are
56 between two and five acres; 275 are between five and ten acres; 175 are between five and ten
57 acres; 189 are between ten and 30 acres; and 111 are greater than 30 acres.

58
59 Ms. Brunner stated the first recommendation staff has is to change the minimum lot size from 5
60 to 2 acres. One of the repercussions would be that it will reduce the number of non-conforming
61 lots from 643 to 396.

62
63 Councilor Ormerod asked how the City could know it would be alright to reduce the minimum
64 lot size with respect to the quality of wells that would need to be drilled. Ms. Brunner stated
65 there is a minimum distance that would need to be maintained between a well and a septic. Chair
66 Bosley noted two acres was the City's standard but this was changed in the 70's to five acres to
67 slow development not necessarily for water conservation. Ms. Brunner stated staff has spoken to
68 former Mayor Lane who had indicated he was with the City in the 70's when this requirement
69 was changed. Economic Development Director Med Kopczynski added he has spoken to former
70 Mayor Lane who has indicated he will be willing to address this Committee at a later time about
71 the history of this issue. There were planned unit developments that were occurring in the 70's
72 and there were regulations placed on such development. The Council and Planning Board

73 decided not to pursue planned unit developments anymore and changed the standard from two
74 acres to five acres to slow down growth.

75
76 Councilor Giacomo referred to the 396 lots that would remain under two acres and asked
77 whether the map Ms. Brunner referred to include the condos. Ms. Brunner stated it only includes
78 the land under the condos. The Councilor referred to American Avenue and clarified the
79 development that is shown in this area has to do with the development previously referred to
80 before the lot size was changed to five acres. Ms. Brunner agreed.

81
82 Chair Russell Slack stated what is important to keep in mind is the reason for this change – to
83 create affordable housing.

84
85 Ms. Brunner went on to say if this change was going to be made in the Rural District, the City
86 would have to amend its Conservation Residential Development (CRD) subdivision regulations
87 so they can be consistent with the Rural District. She referred to renderings which show land that
88 is developed under a conventional subdivision and a tract of land developed under the
89 conservation subdivision. She stated that *“the purpose of a conservation residential development
90 subdivision is to promote the conservation of natural resources while providing greater
91 flexibility and creativity in the design of residential development than would be possible using
92 conventional zoning and subdivision practices.”*

93
94 With a CRD, the developer starts with a tract of land and identifies primary conservation areas
95 (steep slopes, springs, wetlands) that are placed in conservation. In return, they get flexibility
96 with dimensional requirements. Councilor Giacomo asked whether the City has any CRD’s. Ms.
97 Brunner stated there is one at the Darling Court Extension and there is an application coming
98 before the Planning Board. She added the City recently as part of the Land Development Code
99 modified its regulations to make it more attractive for development.

100
101 Ms. Brunner then referred to terminology:
102 Tract: starting parcel of land / parent parcel
103 Lots: new parcels created as a result of the CRD subdivision
104 Open space: land permanently reserved as open space. Includes all primary conservation areas.
105 Primary conservation areas: wetlands & surface waters, slopes >25% grade, floodways, &
106 springs

107
108 Ms. Brunner referred to a map and noted the area shown in orange is slopes greater than 25%
109 which are prohibited slopes. Wetlands are also prohibited area and there is a buffer around them.
110 The very large land areas that are remaining in the City, remain for a reason; they have steep
111 slopes, they are land locked parcels, they have wetlands and other development constraints. To
112 develop a parcel such as that, someone would have to use an option such as a CRD.

113
114 Ms. Brunner referred to the dimensional requirements for CRD: At the present for a CRD in the
115 Rural District, the tract has to be at least ten acres in size. The minimum lot size is one acre.

116
117 Ms. Brunner then addressed the current density and open space requirements. This is one of the
118 items that has been changed with LDC. She indicated developers previously had to go through an

119 arduous process to develop a yield analysis plan. This has been replaced with density factors, a
120 much simpler process. The density factor is currently equal to the underlying zoning district for
121 Low Density (LD) and Low Density 1 (LD-1), but there is a density bonus in the Rural District.
122 In the underlying zoning for the Rural District the minimum lot size is five acres, but the density
123 factor is four acres if you put 50% in open space and three acres if you put 60% in open space.
124

125 Ms. Brunner stated with the LDC update there was a little more flexibility built into the type
126 housing allowed: LD, LD-1 and Rural District – only a single family is permitted in the
127 underlying zoning; Under a CRD you are permitted single or two family and in the LD District
128 multifamily is permitted with a maximum of six units per structure. Open space uses are limited
129 to agriculture, conservation, forestry or passive recreation.
130

131 Staff's recommendation is to be consistent with the proposed change in lot size to match the
132 underlying zoning district.
133

134 Councilor Ormerod noted this presentation is very thorough but asked how this addresses the
135 land lock issue. Ms. Brunner stated that is a bigger issue that would not be solved with what is
136 being proposed. The Councilor asked whether merging the lots strategically would be an option.
137 Chair Bosley felt this would be up to the land owners. Acting Community Development Director
138 John Rogers felt these added incentives could encourage larger development.
139

140 Mr. Kopczyński stated the lot merger process is a simple process – addressed by the Planning
141 Board.
142

143 Councilor Giacomo asked how many of the land-locked parcels are currently in conservation and
144 are not going to be developed. Ms. Brunner stated most of the land the City owns in conservation
145 is in the Conservation District (a separate zoning district).
146

147 Ms. Brunner continued, stating that the other recommendation is to change the minimum lot area
148 for the Rural District within the CRD Regulations from one acre to 32,000 square feet. Staff is
149 also suggesting the tract size at ten acres. Chair Bosley asked whether Ms. Brunner would know
150 how many units you could locate on a ten acre lot versus perhaps a seven acre lot. On a ten acre
151 lot with the minimum lot size changed to two acres you would be able to locate five units with
152 conventional zoning, with seven acres it would be three units. With CRD it would be the same
153 number of units. There is a proposal to change the density bonus (to be discussed later in the
154 presentation) so there might be the possibility for additional units.
155

156 Councilor Jones referred to what the Master Plan requires, a document that was prepared 12
157 years ago which encourages more open space and asked whether what is being proposed tonight
158 would contradict that. Ms. Brunner said this is the reason this proposal is being tied to the CRD
159 Regulations which has an option to preserve conservation area. However, lowering the minimum
160 lot size is opening up more space for development in the Rural District, an area outside City
161 infrastructure. The Master Plan emphasis development should be concentrated where City
162 infrastructure exists. Ms. Brunner felt because the CRD option is available and it requires three
163 or more lots must abide by those regulations so that environmentally sensitive areas could be
164 protected, it does not contradict the Master Plan.

165
166 Councilor Johnson asked to address the homelessness issue and whether that can be an option in
167 these areas as long as they are properly managed. Ms. Brunner stated she did not feel this will
168 directly address the homelessness problem, because what is being proposed is for subdividing in
169 the Rural District. She added unless it is subsidized housing or there is some incentive,
170 developers won't construct housing that is affordable to low income populations. Chair Bosley
171 added what currently exists is a supply and demand issue where there could be families who live
172 in the center of town who don't have access to affordable housing and this will create
173 opportunities for them and shift the burden from downtown or provide opportunities for group
174 homes and shelters. Councilor Johnson asked how many people can potentially live on a two
175 acre lot versus a five acre lot. Ms. Brunner stated at the present time the density factor is per
176 dwelling unit so we are talking about one family per dwelling unit. In the Rural District, at the
177 present time you are permitted to have one dwelling unit on a five acre lot, the proposal is to
178 reduce that to two acres. With the CRD option, you are permitted to go up to a two family home
179 instead of a one family.

180
181 Ms. Brunner moved on with her presentation as it relates to community goals. Staff's
182 recommendation is to create a "Menu of Incentives", within the CRD Regulations that a
183 developer can choose from, in exchange for a density bonus. In return they will help the City
184 reach one of its community goals. Under this scenario the minimum lot size will be waived.
185 Overall maximum allowable density will be capped at 30%.

- 186 • The First Option under this Incentive would be referred to as Open Space Density
187 Incentive: If a developer agrees to place at least 65% of the tract in open space, they will
188 receive a density bonus of 10% or 1 unit (whichever is greater).

189
190 Chair Bosley asked if all three options could be combined. Ms. Brunner answered in the
191 affirmative but added they would not be able to exceed the 30% density cap.

- 192
193 • The Second Option would be the Solar Density Incentive: If a developer meets specific
194 criteria for solar, they will receive a density bonus of 10% or 1 unit (whichever is
195 greater).
- 196
197 • The Third Option would be Workforce Housing Density Incentive: If 20% of units are
198 workforce, they will receive a density bonus of 15% or 1 unit (whichever is greater).

199
200 Ms. Brunner explained the solar incentive. With this option, at least 50% of the lots need to be
201 solar-oriented. The premise of this is that the ideal orientation for a building to harvest solar
202 energy is within 5 degrees of true south, although placement within 30 degrees will still garner
203 considerable solar. Combined with design features such as thermal mass material and installation
204 of glazed southern facing windows, this can reduce heating cost by 25% - this is without
205 installing solar panels. If solar panels are installed and they are on an east or west roof, they will
206 return approximately 20% less energy than if they were on a south-facing roof. Therefore, the
207 longest dimension of the lot needs to be running east-west which would mean the house would
208 have a south facing roof on it. To the extent feasible, the building should not be shaded by other
209 structures and allow for owner control of shading. The long axis of all dwelling units on solar-
210 oriented lots shall be oriented so that the long axis faces within 20 degrees of true south. At least

211 four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar oriented lot. The
212 street, if feasible, should be oriented east west as well.

213
214 Councilor Johnson asked whether the solar panels should be on the roof or whether they could
215 ground mounted. Ms. Brunner stated it could be either/or – this would be up to the owner.

216
217 Councilor Ormerod asked where the 50% requirement came from. Ms. Brunner clarified this is
218 optional, it is not a requirement. If they does meet the criteria in this option, they get a density
219 bonus as they are helping the City meets its renewable energy goal.

220
221 The next option Ms. Brunner talked about is the Workforce Housing Density Incentive. She
222 indicated what she has included in the presentation is the State definition. It comes from NH
223 Workforce Housing Statute, RSA 674:58-61. What the Statute states is that for-sale housing is
224 considered affordable for a household of four earning up to 100% of the area median income.
225 Rental housing that is considered affordable is for a household of three earning up to 60% of the
226 area median income. For Cheshire County, workforce purchase and rent limits are \$303,000 for
227 purchase price and \$1,130 for rental (2 bedroom).

228
229 Councilor Giacomo stated according to his calculation at Keene's tax rate you would have to
230 make \$70,000 with nothing left for other expenses.

231
232 Chair Russell Slack referred to the first time home buyer program which is a 40 year mortgage
233 with an extremely low interest rate and affords a family like what is being discussed the capacity
234 to purchase a home. There are also other programs such as the housing vouchers programs which
235 can reduce the amount of rent one has to pay. Chair Russell Slack felt many of those who are
236 homeless are those with jobs and many are living from pay check to pay check. She felt the first
237 time home buyer program is great way for someone to purchase a home. Chair Bosley added
238 what she has seen is that many who have these vouchers are having a hard time accessing
239 housing. She also felt it is a good idea to give developers incentive ideas to be able to provide for
240 affordable housing.

241
242 Councilor Giacomo stated his concern is using the 100% of the median income value and noted
243 the first time home buyer program has a maximum house price of less than \$303,000 so if a
244 developer constructs a series of homes that are \$303,000 a first time home buyer won't be able to
245 purchase that home. He felt if the City is going to encourage work force housing we need to
246 make sure it is actually work force housing and using that 100% number is too high. Ms.
247 Brunner in response stated this is the type of feedback staff was looking for. She referred to the
248 next slide and explained this slide refers to 80%, 100% and 120% based on the 2021 HUD
249 Median Area Income affordable purchase price for Cheshire County. For a family of four, this is
250 the estimated maximum price using 30% of income, 5% down payment, 30 year mortgage at
251 2.88%, 0.7 points, PMI, estimated 2021 taxes for the area and hazard insurance. Interest rate is
252 the average of the 30 Year Freddie Mac interest rate for Jan-Mar 2021. She indicated these
253 numbers are not necessarily realistic. She felt affordable housing is when you are spending 30%
254 or less of your income on housing, but realistically getting a mortgage with 5% down, 30 year
255 mortgage at 2.88% is not something people can even get right now.

256

257 Ms. Brunner noted according to the HUD Median at 80% it is \$242,500, 100% is \$303,000 and
258 at 120% it is \$363,600.

259
260 Councilor Jones talked about the companies in Keene who are having a difficult time expanding
261 their companies because of not being able to attract employees due to the lack of housing. He
262 said there is a need for all types of housing, not just workforce housing. Planner Evan Clements
263 felt the solar oriented density bonus is most likely to generate higher quality dwelling units. The
264 solar units are likely going to cost nearly \$30,000, which will add to the cost of the home. He
265 noted on Zillow a three bedroom, two bath, two attached garage, 2,200 square feet new
266 construction are listed for nearly \$490,000. Mr. Clements felt trying to find this \$300,000
267 number is challenging; if the market is pushing for a \$500,000 house, you would need three
268 market rate houses to pay for one workforce housing unit which he felt was a difficult scenario.

269
270 Chair Russell Slack asked whether there could be an incentive included for a business to provide
271 for workforce housing. Mr. Kopczynski stated what Ms. Brunner is referring to is for the City to
272 create its own definition of workforce housing; come up with a reasonable number to make the
273 math work. Mr. Kopczynski stated he and the Mayor have had a discussion with Dartmouth
274 Hitchcock regarding their recent purchase of the former Liberty Mutual Insurance property and
275 the ability for them to add housing units. This employer seems to be warming up to this prospect
276 and added the City is looking at all options.

277
278 Councilor Giacomo felt this housing trend we are on these last 24 months might not continue as
279 it is not sustainable. Chair Bosley stated her request would be to increase the density bonus. Ms.
280 Brunner stated staff's proposal is 15% and to increase the number of permitted dwelling units to
281 three.

282
283 Councilor Ormerod stated he wanted to make sure we don't short sell the benefit of income
284 diversity. Ms. Brunner referred to review staff had done regarding workforce housing in other
285 communities. Exeter NH has a model where they require 20% of the units to be workforce
286 housing, 15% to be another level etc. and indicated this is another model Keene could also be
287 looking at. She indicated Dover, Hollis, Jaffrey also have workforce housing ordinances. Staff
288 agreed to reach out to these communities to see how successful their programs have been. Ms.
289 Brunner will send out a report that takes a look at the NH workforce housing statute as a 10-year
290 retrospective. Mr. Clements added some of the language staff has proposed for the workforce
291 housing portion is that workforce housing needs to be the same character and quality as the rest
292 of the units in the project and has to be evenly distributed throughout the project. Mr. Clements
293 recalled a project in Hollis NH and recalled opposition to the project but it did eventually come
294 to fruition. Chair Bosley reiterated that she would like to strike a balance and craft something
295 that would work for both the builders and members of the community that are looking for
296 housing.

297
298 Chair Russell Slack asked whether any developer has reached out to the City about a project like
299 this. Ms. Brunner answered in the negative and stated this is the first time staff is bringing this
300 item forward but have heard interest regarding the CRD proposal and there is one coming before
301 the Planning Board. There is no proposal for workforce housing as this is not something Keene
302 has ever considered.

303 Chair Bosley stated she would like to get some consensus of what staff could work on and
304 possibly bring back an Ordinance for consideration. There is the sale price and the rental price.
305 She asked Councilor Giacomo if he was comfortable with the 80% - the Councilor stated he was
306 as he does see salaries rising and is hoping the median income will continue to rise faster than
307 housing prices.

308
309 Councilor Ormerod felt 80% was reasonable but wasn't sure if there was any merit to raising the
310 amount \$265,000 as has been mentioned by Councilor Giacomo or whether it was too small an
311 amount to make a difference. Chair Bosley asked what 90% would yield – it was indicated that
312 would be approximately \$275,000. Mr. Clements indicated when you refer to a price it is not an
313 arbitrary number it is what a family of four can afford based on 30% and certain mortgage
314 conditions. For 2022, the median income according to HUD for Cheshire County is 89% so for a
315 family of four 80% would be an income level of \$75,600.

316
317 Chair Bosley stated what needs to be identified are affordable purchase prices for Cheshire
318 County. She indicated according to 80% of HUD's median income a family of three to four can
319 afford a \$240,000 house. If that limit was to be placed for a developer to receive a density bonus
320 they would need to sell 20% of the units at that price. She asked if this was a reasonable
321 expectation that a developer would reduce their price to that amount or should it be at 90% or
322 100%. The Chair felt for a rental situation, this would need to be monitored regularly at least at
323 the onset of the rental application. She also asked whether this is something that can be modified
324 as the market shifts. Ms. Brunner agreed that staff can come back every five years to modify the
325 definition if market conditions have drastically changed. Mr. Kopczynski stated the proposed
326 number needs to be worthwhile for the developer at the first instance to develop the property and
327 sell the units or on an ongoing basis for rental units. If workforce housing is to be encouraged in
328 the City, it has to be beneficial for a developer. Chair Bosley agreed, the City has to give them a
329 reason to do this.

330
331 Mr. Farrington felt the best location for workforce housing would be closer to the City, closer to
332 the actual work places. He felt the Rural District would make the math difficult for developers.
333 He stated he would go with the higher number for sale price.

334
335 Councilor Giacomo stated his concern is if workforce housing is not built in the city, businesses
336 that exist are going to leave which he felt is very critical, especially with manufacturers who are
337 looking to hire. Businesses will not relocate to Keene and businesses who are in Keene will close
338 if affordable housing cannot be provided. He stated he understands incentives but asked that it be
339 done on the City side and increase the density bonus to whatever the value should be.

340
341 Chair Bosley asked whether staff will be comfortable with a 20% density increase and keeping
342 the number at 80%. Ms. Brunner stated they would like to keep the overall density cap at 30%
343 because of what the house prices stand at this time. She added this proposal is for CRD, Low
344 Density, Low Density 1 and the Rural District.

345
346 Councilor Jones noted what is before the Committee is a draft, when the Joint Committee finally
347 adopts the documents and it goes before Council, whether it would become a codified document
348 or would that also be a draft. Ms. Brunner stated the intention was to get feedback from this

349 Committee today and file an Ordinance for first reading before Council at its next meeting.
350 However, if this Committee feels more time is needed for the Ordinance that can be
351 accommodated as well. Councilor Jones asked to keep this as a draft for one more month. He
352 explained if it goes before Council as an ordinance every change proposed by members of the
353 Council would require an amendment for each change. Chair Bosley stated she would like to
354 move this item forward as soon as possible to open up development opportunities. She felt the
355 two questions are around percentages and added she has not heard any other concerns raised
356 regarding the rest of the proposal.

357
358 Councilor Giacomo stated he agrees with Councilor Jones, waiting for another month in order to
359 save the hassle of amending the document. Chair Bosley stated she would like to know what the
360 concerns are beside the issue with percentages. Councilor Johnson asked why staff could not
361 review this document and also asked whether another Joint Committee meeting could not be
362 scheduled for July. Ms. Brunner stated one of the constraints with timing is that the public
363 workshop requires a ten day notice and this does not include the day the notice is posted or the
364 day of the meeting. So if this item was to be pushed to the July Joint Committee meeting it will
365 need to go before Council this week, if it was for August it will need to go before Council at its
366 first meeting in August.

367
368 Councilor Ormerod felt numbers should be proposed and brought before the Council for their
369 reaction.

370
371 Chair Russell Slack stated she agrees with Chair Bosley that this item needs to be moved forward
372 and sees it going longer than a month or two. She indicated she has not heard too many concerns
373 raised. Planning Vice-Chair Orgaz agreed this item needs to be moved forward. Councilor
374 Giacomo stated he did not take into consideration Council break and hence was agreeable to
375 moving it forward. He asked if the percentages being required is before or after the incentives are
376 added. Ms. Brunner stated the 20% would include any units added after the incentive bonus.

377
378 Chair Bosley asked for consensus on the percentage. Chair Russell Slack asked for 80% - there
379 was no opposition expressed by the Committee to 80%.

380
381 With reference to rental – HUD Median income at 60%, a two bedroom unit would be capped at
382 \$1,130. If it went to 80% this same unit would be capped at \$1,510. Chair Bosley did not feel
383 \$1,500 was affordable for two bedrooms and felt 70% would be a better number. Ms. Brunner
384 stated 60% is what the State defines as workforce. 70% would place a two-bedroom at around
385 \$1,300. The Committee agreed to 60%.

386
387 **4. New Business**

388 **a. Accessory Dwelling Units**

389
390 Mr. Rogers addressed the Committee and stated the City currently has an Accessory Dwelling
391 Unit (ADU) allowance in any district that currently allows for single family homes. The City
392 permitted ADU's in the LD District in the mid-2000s. In 2017, the State changed its RSA to
393 allow ADU's in all districts that allow for single family homes and the City at that point opened
394 up all districts to ADU's. Some of the regulations for ADU's is that one unit needs to be owner

395 occupied, there is a deed restriction that needs to be put in place, only attached ADU's are
396 permitted, Agricultural and Rural Districts allow for detached ADU's, minimum size
397 requirement is 400 square feet with a maximum size of 800 square feet, in the Agricultural and
398 Rural Districts you can go up to 1,000 square feet or 50% of the main unit, whichever is greater.
399

400 Chair Bosley stated the reason she proposed this item is because she thought this would be a
401 quick way to add housing density to the City. She indicated there are instances currently where
402 people are locating units perhaps over their garages for family members to move in and felt in
403 the current housing market this is something that the City is going to see more and more of. She
404 questioned why the City is strict with ADU's having to be attached. Mr. Rogers stated the only
405 thing he would caution is for instance in the Low Density District where a single family home is
406 located, with no restriction on density requirements, someone could construct a second unit on
407 that lot. This is the reason the City did not permit detached in the more dense districts. The Chair
408 asked whether a detached garage will be permitted. Mr. Rogers answered in the affirmative and
409 went on to say if it's a detached ADU then someone could have two detached units plus two
410 detached garages for a total of four units on a lot. He felt a detached garage versus a detached
411 dwelling unit is different. Chair Bosley asked whether in the High and Medium Density Districts
412 ADU's were capped at 650 square feet. Mr. Rogers stated it is 800 square feet for any district.
413

414 Councilor Jones thanked the Chair for bringing this item forward and felt this was one of the
415 quickest ways to address the housing issues in the City.
416

417 Councilor Giacomo asked whether a garage for instance could be turned into an ADU. The Chair
418 stated it could be with a Variance. He asked whether this could be codified.
419

420 Councilor Ormerod noted at-home services are becoming a necessity, especially after Covid, and
421 felt ADU's is something the City needs to make happen and work through issues.
422

423 Chair Russell Slack thanked everyone for bringing this item forward. She indicated she would
424 like to hear at a future hearing the difference between ADU's and tiny houses.
425

426 Chair Bosley invited Councilor Williams who is working on the homelessness issue and housing.
427 Councilor Williams stated the Ad Hoc Committee on Housing Stability is also looking into this
428 issue. The goal is to bring in units for the lower income level.
429

430 **5. Next Meeting – Monday, July 11, 2022**

431 432 **6. Adjourn**

433
434 There being no further business, Chair Bosley adjourned the meeting at 8:45 PM.
435

436 Respectfully submitted by,
437 Krishni Pahl, Minute Taker
438

439 Reviewed and edited by,
440 Mari Brunner, Senior Planner

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Mari Brunner, Senior Planner
Date: August 2, 2022
Subject: O-2022-09 Relating to Proposed Amendments to the Land Development Code

Overview

This Ordinance proposes the following amendments to the City of Keene Land Development Code:

- Reduce the minimum lot size for the Rural District from five acres to 2 acres.
- Change 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.
- Amend 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.
- Add three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modify 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.
- Remove the requirement to submit a “Yield Analysis Plan” as part of a CRD application.
- Add 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 the proposed changes to the Rural District is to expand opportunity for housing development while maintaining and protecting environmentally sensitive areas, such as steep slopes, wetlands, and other surface waters. The intent of the proposed density incentive options within the CRD regulations is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock. In addition, this ordinance would fix a couple of glitches that were recently identified by staff within the Zoning Ordinance and CRD Regulations.

Overview of Rural District & Proposed Changes

The Rural District is a residential zoning district that is generally located outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied. The intent of this district is “to provide for areas of very low density development, predominantly of a residential or agricultural nature.” Permitted residential uses within this district include “Dwelling, Single-Family,” “Dwelling, Two-Family/Duplex” (CRD Subdivision only), and “Dwelling, Manufactured Housing.” The full list of permitted uses within this district is included in Figure 1 on the right.

There are about 1,118 parcels of land (not including 407 condominiums) within the Rural District, covering a land area of 14,313.5 acres. Most of the land within the Rural District does not have access to city sewer or water service, as shown in Figure 2 on the next page. The minimum lot size for this district is 5 acres; however, the minimum lot area per dwelling unit is reduced to 2 acres if the lot has access to both city sewer and city water.

Table 1. Size ranges for parcels in the Rural District (in acres).

Size range	Parcel count	Percent
0 < 2 acres	396	35%
2 to < 5 acres	247	22%
5 to < 10 acres	175	16%
10+ acres	300	27%
	1,118	100%

Currently, there are 643 parcels (58%) that are less than five acres in size, as shown in Table 1. There are a couple possible reasons for the large number of lots that are non-conforming with respect to lot size. Historically, the area now zoned as “Rural” was mostly zoned as “Agricultural” as shown on the 1971 Zoning Map, depicted in Figure 3. The minimum lot size for the Agricultural District prior to 1970 was 10,000 sf, or 1 acre if the lot did not have access to city water and sewer. In 1970, the minimum lot size for the Agricultural District was increased to 2 acres. Then, in 1977, the Rural District was established and the minimum lot size was set at 5 acres, or 2 acres “if such lot contains an area not less than 33,000 adjoining square feet of soil which is either Charleton loam, Charleton very stony loam, Gloucester sandy loam, Gloucester very stony sandy loam.” These zoning changes most likely made lots which were conforming at the time into legally nonconforming lots.

In addition, under previous zoning ordinances, the Planning Board had the option to approve planned unit developments (PUDs) and could “vary the density, or intensity, of land use, otherwise applicable to the land within the planned unit residential development.” Therefore, the Planning Board had the ability to approve PUDs with lot sizes that were smaller than allowed within the underlying zoning district through the subdivision and site plan review process. The Planned Unit Development option was removed at some point prior to 1994.

3.1.5 Permitted Uses			
RESIDENTIAL USES		SECTION	
Dwelling, Manufactured Housing	P ¹		8.3.1.B
Dwelling, Single-Family	P		8.3.1.D
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 ¹		8.3.6.E
Gravel Pit	SE		8.3.6.F
INFRASTRUCTURE USES		SECTION	
Solar Energy System (Small-Scale)	P ¹		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 ¹		8.3.7.E

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

Figure 1. List of permitted principal uses within the Rural District.

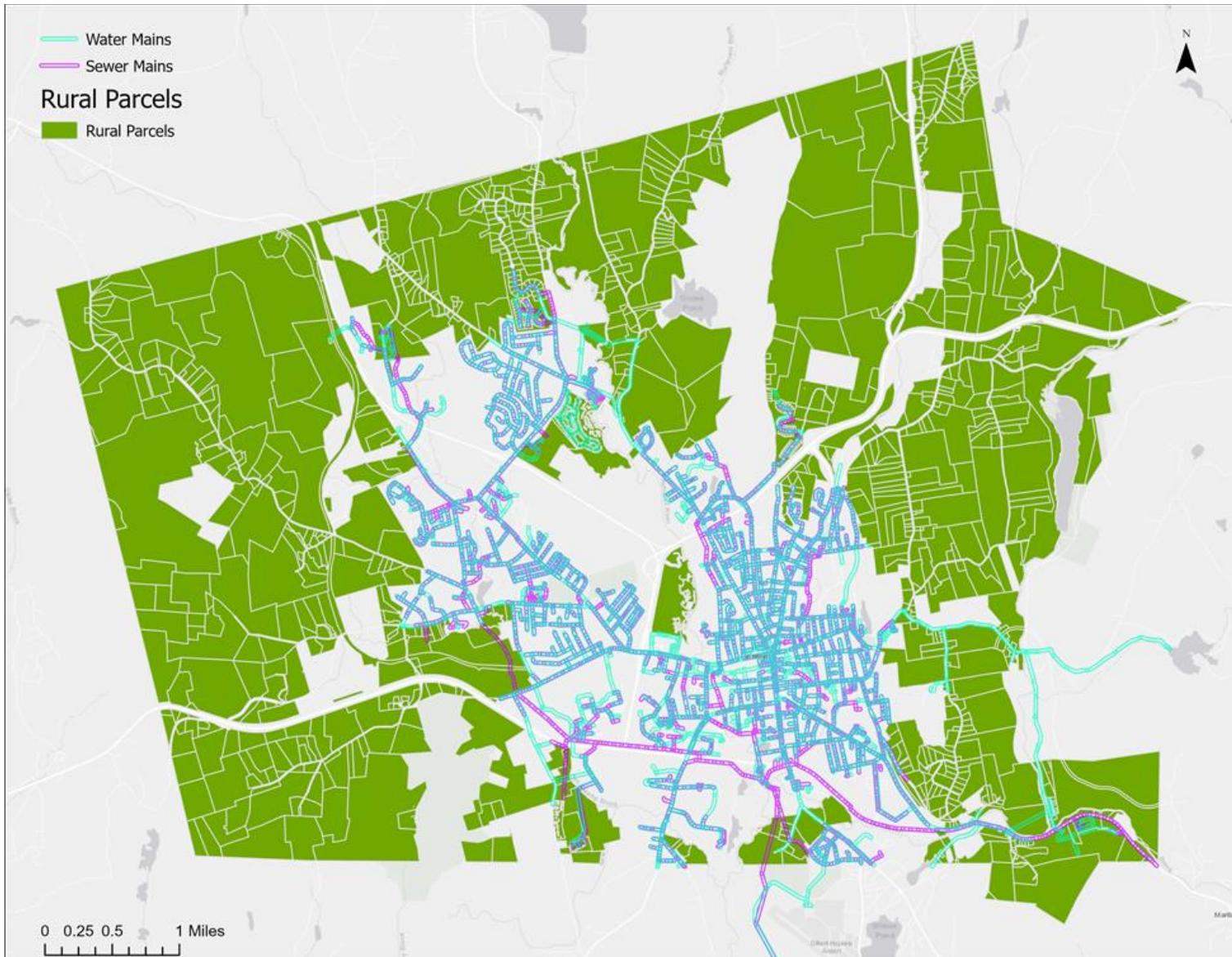


Figure 2. Map displaying parcels located in the Rural District (shown in green), the location of City sewer infrastructure (shown in purple), and the extent of the City water infrastructure (shown in light blue). Areas City sewer and City water overlap are shown in the darker blue color.

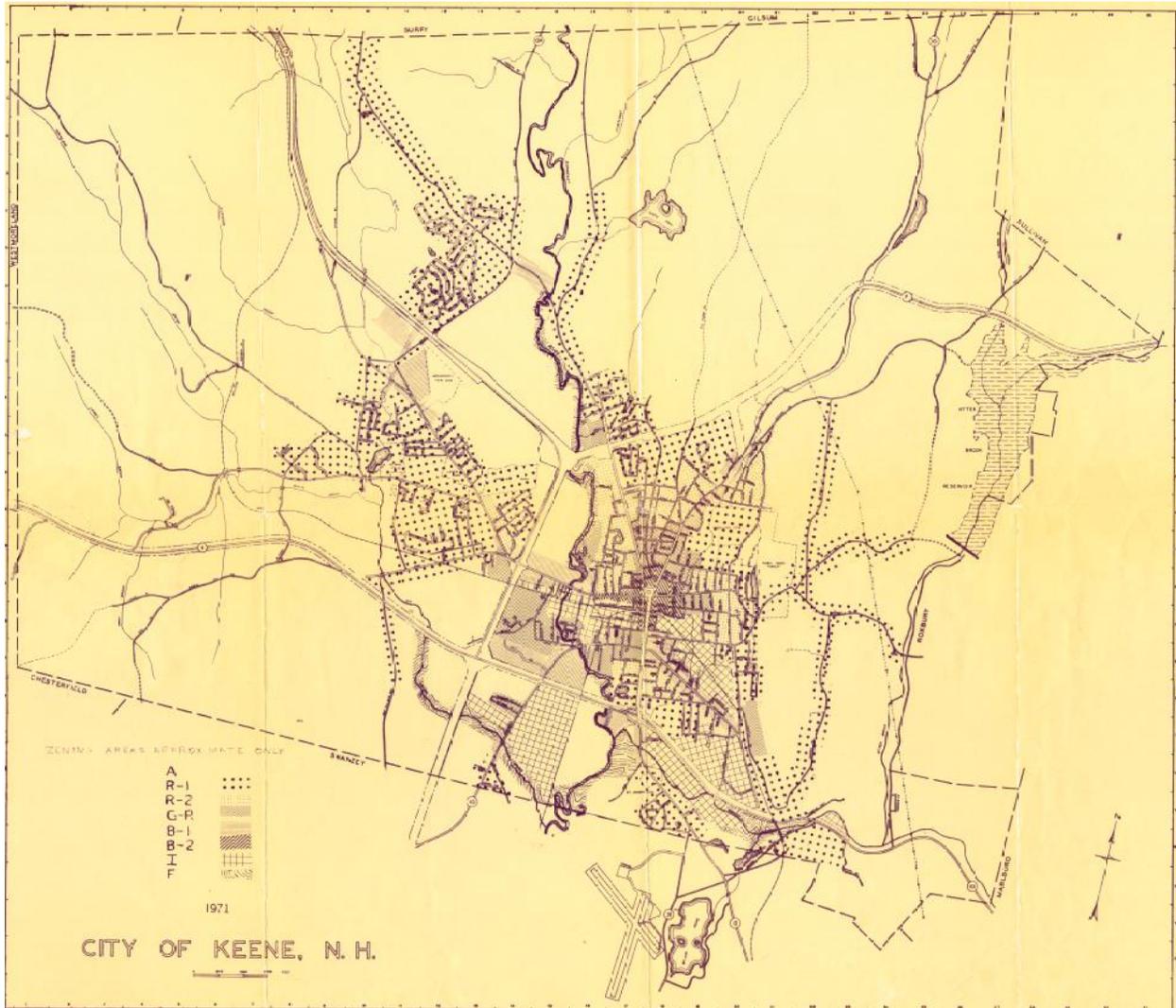


Figure 3. Scanned image of the 1971 Zoning Map for the City of Keene, NH. The legend key is as follows: A = Agricultural (areas shown in solid white), R-1 = Single Residence, R-2 = Single-Two Family Residence, G-R = General Residence, B-1 = Roadside Business, B-2 = Central Business, I = Industrial, and F = Floodplain.

The proposed changes to the Rural District include changing the minimum lot size from 5 acres to 2 acres. This change would make approximately 247 parcels that are currently nonconforming with respect to lot size into conforming lots, and would reduce the percentage that are nonconforming from 58% to 35%. The intent of this proposed change is to create more opportunity for low density residential development within the Rural District. No other changes to the dimensional standards (minimum lot width, setbacks, coverage, maximum height, etc.) are proposed within the zoning ordinance. However, changes are proposed to the dimensional standards and permitted uses within the Conservation Residential Development Subdivision (CRD) Regulations, which are discussed further on in this memo.

Overview of Conservation Residential Development Subdivision & Proposed Changes

A Conservation Residential Development Subdivision (CRD) is a subdivision in which at least 50% of the land is permanently conserved as open space while the homes are located on the remaining portion of the site. This approach allows the same number of residential units as could be built with a conventional subdivision; however, it allows for more flexibility in the placement of those units in order to maximize protection of important natural and cultural amenities on the site and maintain the character of the community.

In order to utilize the CRD option, the land must be located in the Low Density, Low Density-1, or Rural Zoning Districts and it must meet the minimum lot size requirements listed in Table 19-1 of the Land Development Code (10 acres for Rural, 5 acres for Low Density and Low Density-1). A CRD is required for subdivisions proposing the creation of 3 or more lots and the layout and construction of a new road, where the parcel to be subdivided is located in either the Rural, Low Density, or Low Density-1 zoning district and meets the minimum lot size requirements listed above.

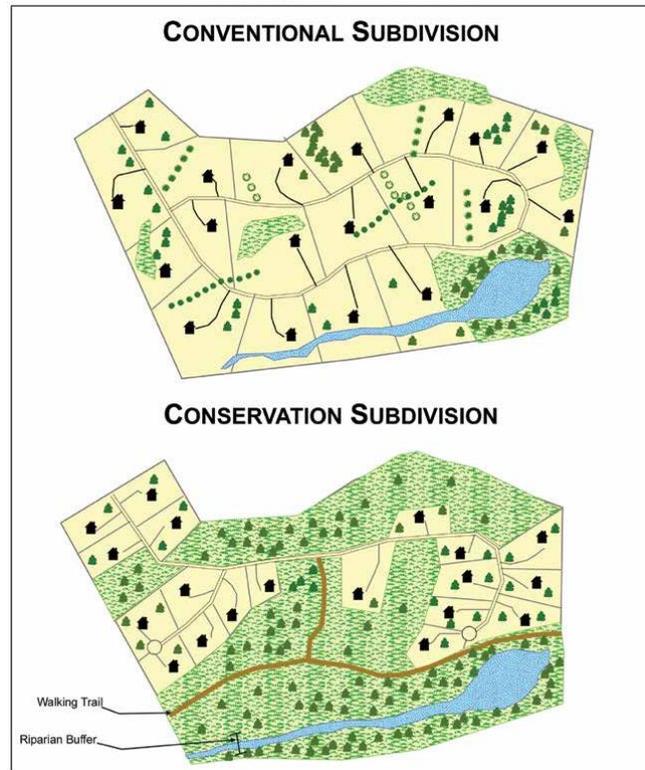


Figure 4. Comparison of conventional and conservation subdivision. Image source: Lehigh Valley Planning Commission Model Ordinance for Conservation Subdivisions (Dec. 2015).

Proposed changes to CRD Dimensional Standards

The CRD Regulations include less restrictive lot dimensional requirements than the underlying zoning district in order to accomplish the objectives stated above. Currently, the minimum lot size for the Rural District is 1 acre and the density factor is 4 acres per unit (50% open space) or 3 acres per unit (60% open space). In order to be consistent with the proposal to change the minimum lot size for the underlying zoning district from 5 acres to 2 acres, this Ordinance proposes to change the minimum lot size for the Rural District within the CRD Regulations to 32,000 sf and the density factor to 2 acres per unit. No other changes to the dimensional standards within the CRD Regulations are proposed.

Proposed Density Incentive Options

In order to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock, this Ordinance proposes to create three density incentive options whereby a developer could receive a density bonus above the standard allowable density if certain performance criteria are met. The maximum density bonus that any one development may receive is proposed to be capped at 30% (this cap cannot be waived).

Open Space Density Incentive:

The intent of this option is to encourage development that reserves at least 65% of the existing land area as open space. The land preserved as open space cannot be further subdivided and must remain as open space in perpetuity. In return, the developer shall be eligible for a density bonus of 10% or 1 dwelling unit, whichever is greater. In order to qualify for this incentive, the existing tract of land must be at least 10 acres in size.

Solar Density Incentive:

The intent of this incentive is to encourage the installation of solar photovoltaic (PV) energy systems in new construction. It is based on the premise that the ideal orientation for buildings to harvest solar energy is within 30 degrees of true south. In order to receive this incentive, at least 50% of the lots within the subdivision must be “solar oriented” (i.e. have the longest lot line dimension oriented within thirty degrees of a true east-west line). All dwelling units on solar-oriented lots must be oriented so that the long axis faces within 20 degrees of true south, and at least 4 kilowatts of solar PV must be installed for each dwelling unit on a solar-oriented lot. In addition, where practical, this option requires that the predominant street pattern shall be oriented within 30 degrees of east-west orientation. In return for meeting this criteria, the developer shall be eligible for a density bonus of 10% or 1 dwelling unit, whichever is greater.

Any applications for the Solar Density Incentive would need to include a written request that describes how the development meets the criteria for this incentive as well as a solar access plan that demonstrates it would be possible to site building areas or structures on solar-oriented lots that are not obscured for a minimum of four hours between 9:00 am and 3:00 pm on any day of the year.

Workforce Housing Density Incentive:

The intent of this incentive is to encourage developments that provide affordable workforce housing. “Workforce Housing” is proposed to be defined as housing that is 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 (owner-occupied) or 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 (rental). In order to be eligible for this incentive, a development must guarantee that at least 20% of the total number of units (including any units allowed by a density bonus) will be workforce housing.

In order to ensure that any residential units that are designated as “workforce housing” remain affordable, this Ordinance proposes that units shall either be sold or rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser or renter meets the income requirements. The resale value or rental value shall be restricted to the affordable purchase or rental price for a period of 30 years. In addition, the workforce housing units must be of the same approximate size, character, quality, and construction as the market rate units, and they must be distributed evenly throughout the project.

In return for meeting the workforce housing criteria, a developer shall be eligible for a density bonus of 20% or 1 dwelling unit, whichever is greater. As an additional incentive, the ordinance proposes to allow triplexes (3-unit multifamily dwellings) in the Low Density-1 and Rural Districts for developments that meet the workforce housing criteria. These incentives are proposed to help offset financial losses on the part of the developer associated with building units that are sold or rented below market rate.

Any applications for the Workforce Housing Density Incentive would need to include the following submittal items: A written request that includes a calculation of the number of workforce housing units provided, a description of each unit’s size, type, number of bedrooms, estimated cost, and location within the development; A written statement explaining how the dwelling units will remain affordable for a period of 30 years (i.e. deed restriction, restrictive covenant, etc.); and any additional information the Planning Board may request in order to determine whether the requirements of the Workforce Housing Density Incentive have been met.

Other Proposed Changes

City staff recently identified two errors/glitches that were made when the Land Development Code was adopted and which need to be fixed. The first glitch relates to the change in application type for the CRD Regulations. Prior to the Land Development Code, the CRD Subdivision was a Conditional Use Permit application. All conditional use permits (CUPs) are authorized within the zoning ordinance; however, the specific regulations pertaining to the CRD Subdivision CUP were located within the Planning Board Regulations. When the Land Development Code was adopted, the CRD Subdivision was switched from a CUP application to a regular subdivision application. As such, it was no longer located within the zoning ordinance. When this switch occurred, there was no longer any reference to the CRD Regulations – or the uses permitted within the CRD Regulations – in the zoning ordinance. Staff propose to fix this oversight by displaying the uses permitted within the CRD Regulations in the “Permitted Uses” section of the Low Density, Low Density-1, and Rural Zoning Districts in Article 3 as well as in Table 8-1, “Permitted Principal Uses by Zoning District.”

The second error identified by staff is the requirement for applicants to submit a “Yield Analysis Plan” as part of a CRD Subdivision application. Prior to the adoption of the Land Development Code, the maximum allowed density was calculated using a Yield Analysis Plan. Under this approach, an applicant was required to create a conventional subdivision plan to determine the number of allowable units, which was an expensive and time-consuming process that discouraged the use of the CRD subdivision option. When the Land Development Code was adopted, the Yield Analysis approach was replaced with a formula-based approach, where the number of units allowed is based on the underlying zoning or density requirements. However, the submittal requirements for CRD applications still lists a “Yield Analysis Plan” as a required submittal item. Staff propose to fix this error by removing the requirement to submit a Yield Analysis Plan.



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: mbrunnere@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 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.



APPLICATION TO AMEND THE ZONING ORDINANCE

Date Received by City Clerk: _____ Ordinance Number: _____

On City Council agenda: _____ Workshop to be held: _____

Public Hearing to be held _____

APPLICABLE FEES:

Application Fee @ \$100.00 \$ _____

Publication of Notice in The Keene Sentinel @ \$90.00 \$ _____

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

Total Fees submitted to City Clerk \$ _____

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.

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	5 acres <u>2 acres</u>
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
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 ¹	Min Open Space
Rural	4 acres 2 acres	50%
	3 acres	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%

¹ 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 ¹ (max of 3 dwelling units per structure)	P ¹ (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

ARTICLE 3. RESIDENTIAL ZONING DISTRICTS

3.1 RURAL (R)	3-2
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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

Min Lot Area	2 acres
	5 acres
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
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

3.1.3 Buildout

Max Building Coverage	10%
Max Impervious Coverage	20%

3.1.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.1.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Manufactured Housing	P ¹	8.3.1.B
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
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 ¹	8.3.6.E
Gravel Pit	SE	8.3.6.F
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	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 ¹	8.3.7.E

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

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

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

3.2.3 Buildout

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

3.2.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.2.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
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 ¹	8.3.7.E

P = Permitted
P¹ = 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
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
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 ¹	8.3.7.E

P = Permitted
P¹ = 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

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

Lots With City Water Service

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

3.4.3 Buildout

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

3.4.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
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 ¹	8.3.7.E

P = Permitted

P¹ = 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

Use Definition & Standard Section

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	
Dwelling, Above Ground Floor	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.1
Dwelling, Manufactured Housing	P ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1
Dwelling, Multifamily	CRD	-	CRD	CRD	P ¹	P	P	P ¹	P	P	P	P	-	-	-	P	P	P	-	-	-	-	-	-	8.3.1
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P	-	-	-	-	P	-	8.3.1
Dwelling, Two-Family / Duplex	CRD	-	CRD	CRD	P	P	P	-	-	P	P	P	-	-	-	-	P	P	-	-	-	-	SE	-	8.3.1
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1
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	
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	-	8.3.2
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	-	-	-	-	P	-	8.3.2
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	P	-	-	-	-	8.3.2
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	-	-	-	8.3.2
Bar	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	P ¹	-	-	-	P ¹	SE	P ¹	-	-	-	-	SE	-	8.3.2
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2
Day Care Center	-	-	-	-	-	-	-	P	P	P	SE	SE	P	P	P	P	SE	SE	P	SE	P	P	-	-	8.3.2
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.R
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2
Neighborhood Grocery Store	-	-	-	-	-	SE	-	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P ¹	P ¹	P	P ¹	SE	SE	P	-	-	8.3.2.M
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	P	-	-	8.3.2
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	8.3.2
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.A
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.A
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P ¹	P ¹	-	-	-	-	-	-	-	8.3.2.A
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.A
Retail Establishment, Light	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P ¹	-	-	-	-	P	-	-	8.3.2.A
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.A
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.A
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	-	-	-	-	-	-	-	-	-	-	8.3.2.A
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.A
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	P ¹	-	-	-	-	-	-	-	-	-	8.3.2.A

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	
TRACT	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		1 acre 32,000 SF	16,000 sf	8,000 sf	6,000 sf	
LOT	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 ¹	Min Open Space
Rural	4 acres 2 acres	50%
	3 acres	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%

¹Density 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	P 1 (max of 3 dwelling units per structure)	P 1 (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

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