



Joint Planning Board and Planning, Licenses & Development Committee

AGENDA

January 9, 2023

6:30 PM

City Hall, 2nd Floor Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – October 17, 2022
3. Public Workshop

Ordinance O-2022-19 – Relating to amendments to the City of Keene Land Development Code - Zoning Regulations & Application Procedures. 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 clarify language within the zoning regulations in Articles 9, 11, and 13 of the LDC; Amend Article 15 “Congregate Living & Social Service Conditional Use Permit” to add a new section entitled “Conditional Use Permit Waiver,” and; Amend Section 25.4.3 of Article 25 “Application Procedures” to modify the process for amending the sections of the LDC that are outside the zoning regulations.

4. Housing Needs Analysis Project
5. Rural District Discussion
6. New Business
7. Next Meeting – Monday, February 13, 2023
8. Adjourn

1 City of Keene
2 New Hampshire

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

Monday, October 17, 2022

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Pamela Russell-Slack, Chair
David Orgaz
Mayor George S. Hansel
Emily Lavigne-Bernier
Harold Farrington
Roberta Mastrogiovanni
Armando Rangel
Randyn Markelon, Alternate
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Philip M. Jones
Gladys Johnsen
Raleigh C. Ormerod

Planning, Licenses &

Development Committee

Members Not Present:

Michael Giacomo

Staff Present:

Jesse Rounds, Community
Development Director
Mari Brunner, Senior Planner
(Zoom/Conference Phone)
John Rogers, Building & Health
Official
Dan Langille, City Assessor
Evan Clements, Planner (Zoom)

Planning Board

Members Not Present:

Councilor Michael Remy
Gail Somers, Alternate
Tammy Adams, Alternate

9 **I) Roll Call**

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

13 **II) Approval of Meeting Minutes – September 12, 2022**

14
15 A motion was made by Mayor Hansel to approve the September 12, 2022 meeting minutes as
16 presented. The motion was seconded David Orgaz and was unanimously approved.
17

18 **III) Public Workshop**

19
20 **Ordinance O-2022-09-A – Relating to amendments to the City of Keene Land**
21 **Development Code.** Petitioner, City of Keene Community Development Department,
22 proposes to amend sections of Chapter 100 “Land Development Code” (LDC) of the City
23 Code of Ordinances to change the minimum lot size in the Rural District from 5 ac to 2 ac;
24 Display uses that are permitted within the Conservation Residential Development
25 subdivision (CRD) regulations in Table 8-1 and the “Permitted Uses” sections of the Rural,

26 Low Density, and Low Density-1 Districts in Article 3; Modify the density factor and
27 minimum lot size for the Rural District within the CRD regulations to 2 ac per unit and
28 32,000 sf, respectively; Add density incentive options to the CRD regulations, including
29 an open space density incentive, a solar incentive, and workforce housing incentive;
30 Modify the permitted uses within the CRD regulations for the Rural District and Low
31 Density-1 District to include multifamily dwelling with limitations; and, Remove the
32 requirement to submit a “Yield Analysis Plan” and add additional submittal and filing
33 requirements for CRD applications in Article 25.

34
35 Chair Bosley asked staff to present. Jesse Rounds, Community Development Director, addressed
36 the Committee. He said that this is the second time that staff has come before the Committee to
37 discuss this ordinance at a public workshop, and thanked everyone for coming. Tonight, staff will
38 go over the ordinance as it is written; however, staff are recommending that a segment of the
39 ordinance be split off, specifically, the change to the Rural District minimum lot size, and that the
40 ordinance move forward with just the changes to the Conservation Residential Development
41 Subdivision (CRD) regulations. He said that staff hopes the Committee will vote on the ordinance
42 with this change tonight.

43
44 Mari Brunner, Senior Planner, addressed the Committee next. She said that, to reiterate what Mr.
45 Rounds said, staff are recommending at this time the Committee separate out the Rural District
46 portion of the ordinance and put that on a separate track. She referred to a presentation, and said
47 that this presentation will focus on the proposed changes to the CRD regulations. However, if there
48 are any questions about the proposal to reduce the minimum lot size in the Rural District from five
49 to two acres, which again staff are recommending should be separated out from the ordinance at
50 this point, she is able to answer questions and has prepared slides.

51
52 Ms. Brunner said she will give an overview of the Rural District and the CRD Regulations, then
53 review the proposed changes to the CRD regulations. She started by reviewing the intent statement
54 for the Rural District, which states “*The Rural (R) District is intended to provide for areas of very
55 low density development, predominantly of a residential or agricultural nature. These areas are
56 generally outside of the valley floor, beyond where city water, sewer and other city services can
57 be readily supplied.*” Next, she reviewed the current dimensional standards, none of which are
58 proposed to change if the minimum lot size portion of the ordinance is separated out. She referred
59 to a map of the Rural District, and noted the location of points of interest to help people orient
60 themselves (Central Square, Goose Pond, Keene High School, Keene YMCA, and Langdon Place).
61 The areas shown in green are all zoned “Rural.” She said that these areas are generally out of the
62 valley floor, and showed a map that shows the extent of City sewer and water, which illustrates
63 the fact that there is not much overlap between City water and sewer service and the Rural District.

64
65 Ms. Brunner continued, saying that there are 1,121 parcels in the Rural District (this increased
66 slightly with the new data for this year). She referred to a pie chart that shows parcel counts by
67 size range and a pie chart that shows the percentage of parcels that are conforming with respect to
68 lot size (42%) and non-conforming with respect to lot size (58%). Chair Bosley asked for
69 clarification on what it means for a parcel to be non-conforming. Ms. Brunner said this chart is
70 showing parcels that are non-conforming specifically with respect to lot size, which means they
71 are less than five acres in size. These are the parcels that are non-conforming today. She noted that

72 staff felt this was an important statistic to know because having a non-conforming lot restricts what
73 a property owner can do with it.

74
75 Ms. Brunner discussed development constraints within the Rural District, and said that staff
76 attempted to map these constraints to the best of their ability, but she noted there are constraints
77 that they cannot map. The first constraint is parcel size – if a parcel is less than 10 acres in size, it
78 cannot be subdivided today without a variance because the minimum lot size is five acres. In
79 addition, a lot must have both frontage and access on a Class V road or better in order to be
80 developed, and conservation easements can also prevent any future development. A major
81 constraint is the presence of surface waters on a property – these include wetlands, rivers, streams,
82 lakes, ponds, vernal pools, etc. and property owners are required to maintain a 75 foot buffer
83 around all of these. Staff does not have all of these surface waters mapped, but the City does have
84 a wetlands map that is shown. Finally, steep slopes with greater than a 25% grade cannot be
85 developed, and precautionary slopes (between 15-25% grade) are limited in what can be impacted
86 (up to 20,000 square feet per parcel). The final map shows all of these features overlaid on the
87 Rural District map. Ms. Brunner said that everything shown in green is what is left over and can
88 theoretically be developed. Chair Bosley asked what the percentage of the map was grayed out.
89 Ms. Brunner said that staff were not able to do an analysis to calculate the area that was grayed
90 out, however it is a significant amount. She noted there are further constraints that are not shown,
91 so the point that she is trying to make is that development in the Rural District is very challenging.

92
93 Chair Russell-Slack asked Ms. Brunner to show the map of land-locked parcels, and asked for
94 confirmation that they are not developable. Ms. Brunner said that is correct; they need frontage to
95 be developed. Councilor Jones said that, to put the steep slope numbers into perspective,
96 Chesterfield Hill is a 9% slope, so the 15-25% slope areas are very steep. This is why they aren't
97 buildable. Chair Russell-Slack said another comparison is the property on Route 9, as you turn off
98 Winchester Street going toward Concord that land cannot be built upon due to steep slopes.

99
100 Ms. Brunner gave an overview of the CRD Subdivision regulations next. The purpose of these
101 regulations is to create an opportunity for development to occur in the Rural, Low Density, and
102 Low Density 1 districts in a way that will protect environmentally sensitive areas, such as wetlands
103 and steep slopes. It does this by allowing for greater flexibility and creativity in the design of the
104 development. She referred to a graphic that illustrates this concept. The image on the top is a piece
105 of land that was subdivided as a conventional subdivision, whereby the entire parcel of land is
106 divided up into individual lots and you are left with the entire parcel being developed into a certain
107 number of dwelling units. The bottom image shows the same parcel of land that is developed as a
108 CRD subdivision. In this case, the dwelling units are clustered closer together and a portion of the
109 land is conserved as green space. Overall, the developer gets the same number of units, but at least
110 50% of the land is put into conservation. This is the idea behind a CRD subdivision. Ms. Brunner
111 reviewed the terminology for CRDs, including tract (starting piece of land), lots (new parcels
112 created as part of the subdivision), open space (land permanently conserved), and primary
113 conservation areas (wetlands & surface waters, slopes greater than a 25% grade, floodways, &
114 springs).

115
116 Next, Ms. Brunner showed a table with the dimensional standards for CRD subdivisions. The table
117 is split into two sections – there are dimensional standards for the starting tract of land, and

118 standards for the new lots that are created. She noted the tract must be at least 10 acres to start in
119 the Rural District, or five acres in Low Density or Low Density 1. She also showed a table with
120 the CRD density factors, which are used to calculate the maximum number of allowed units for a
121 CRD subdivision development. She noted that the method for calculating the number of units used
122 to be done using a “yield analysis” method; however, this process is difficult and adds expense to
123 the process. The density factor method is simple and works well – to get the maximum number of
124 units, you divide the tract size by the density factor. Next, Ms. Brunner reviewed the permitted
125 uses within the CRD regulations, which allow for greater flexibility in housing type. She said that
126 in the underlying zoning districts for Rural, Low Density, and Low Density 1, only single family
127 homes are allowed. CRD allows two family, and in Low Density, multi-family with up to six units
128 are allowed. The open space uses are restricted to conservation, agriculture, forestry, or passive
129 recreation.

130
131 Ms. Brunner said that she is now going to talk about the changes that are proposed within the CRD
132 regulations. She said that staff are proposing to add what they are referring to as a “menu of
133 incentives” to the regulations. The intent of these incentives is to encourage developers to build
134 developments that provide a public benefit in return for an increase in the number of units they
135 can include in a development. There are three options proposed, and the total allowable density
136 bonus is proposed to be capped at 30%. The first density incentive option is for open space. The
137 starting tract must be at least 10 acres, if the developer conserves at least 65% of the area as open
138 space (up from 50%), they get a density bonus of 10% or one unit, whichever is greater.

139
140 The second density incentive option is the “solar friendly subdivision” option. The developer
141 would need to meet specific criteria, in return they would get a density bonus of 10% or one unit,
142 whichever is greater. The third option is for workforce housing. For this option, due to the
143 challenges with developing workforce housing, the developer would need to meet the workforce
144 housing criteria and in return they would get a density bonus of 20% or one unit, whichever is
145 greater. In addition, they could build triplexes (three-unit multifamily buildings).

146
147 Ms. Brunner said that the goal of option 2 (solar friendly subdivision) is to encourage the
148 installation of solar photovoltaic (PV) energy systems in new construction. It is based on the
149 premise that the ideal orientation to harvest solar energy is within 30 degrees of true south. The
150 proposed criteria for the solar friendly subdivision include:

- 151 • 50% of lots must be “solar oriented,” which is defined as having the longest lot line
152 dimension oriented within 30 degrees of a true east-west line.
- 153 • Dwelling units on solar oriented lots must be oriented so the long axis faces within 20
154 degrees of true south
- 155 • For each dwelling unit on a solar-oriented lot, 4 kW of solar PV must be installed. Ms.
156 Brunner noted that the solar PV must be installed within the development, but not
157 necessarily on the same lot at the dwelling unit, and it could be roof-mounted or ground-
158 mounted.
- 159 • Where practical, roads shall be oriented within 30 degrees of east-west orientation.

160
161 The submittal requirements for this option include a description of how the development meets the
162 criteria just reviewed as well as a solar access plan. The intent of the solar access plan is to

163 demonstrate that building areas or structures on solar-oriented lots would get enough sunlight for
164 solar PV to be feasible.

165
166 The third incentive option is for workforce housing. The goal of this incentive is to encourage new
167 developments that provide workforce housing as part of the mix, and to provide a diverse supply
168 of home ownership and rental opportunities to households that are low or moderate income. Within
169 this ordinance, “Workforce Housing” is proposed to be defined as for-sale housing that is
170 affordable to a household of four earning up to 80% of the HUD Area Median Income (AMI) or
171 rental housing that is affordable to a household of three earning up to 60% AMI. Ms. Brunner said
172 that these numbers for Cheshire County right now are a sale price of \$233,500 for a family with
173 an income of \$71,280, or a rental price of \$1,200 (including rent and utilities) for a family of three
174 with an income of \$48,110.

175 The proposed criteria for owner-occupied units includes the following:

- 176 • 20% of dwelling units must be Workforce.
- 177 • Units sold with deed restriction & recorded housing agreement that names an Income
178 Verification Agent to verify purchaser meets the income requirements.
- 179 • Resale value restricted to the affordable purchase price for a period of 30 years. In addition,
180 the resale value of the unit is not to be more than the original purchase price plus two times
181 the accumulated consumer price index.
- 182 • Workforce units must be approximately of the same size, character, quality, etc. and be
183 evenly distributed throughout the project.
- 184 • Affordability defined as housing that can be purchased under a conventional mortgage
185 whereby the combined annual expenses for principal, interest, property taxes,
186 homeowner’s insurance and condominium fees (if applicable) will not exceed 30% of
187 household income.

188
189 The proposed criterial for rental units includes the following:

- 190 • 20% of dwelling units must be Workforce.
- 191 • Units sold with deed restriction & recorded housing agreement that names an Income
192 Verification Agent to verify renter meets the income requirements.
- 193 • Rental value restricted to affordable rental price for a period of 30 years.
- 194 • Workforce units must be ~same size, character, quality, etc. and be evenly distributed
195 throughout the project.
- 196 • Affordability shall be defined as housing that can be rented whereby the combined annual
197 rental and utility expenses will not exceed 30% of household income.

198
199 Finally, the submittal requirements would include a written request for the density incentive that
200 includes a calculation of the number of units provided under this section and a description of each
201 unit’s size, type, number of bedrooms, estimated cost, location within the development, and other
202 relevant data, as well as a written statement describing how the proposed development will meet
203 the criteria described previously. In addition, the Planning Board can request additional
204 information if the Board deems it is necessary. Filing requirements would include written
205 documentation of any legal instruments required to demonstrate compliance with the criteria of
206 any and all optional density incentives granted by the Planning Board. Such documents shall be
207 submitted to the Community Development Department and are subject to the review and approval
208 by the City Attorney prior to signature.

209
210 Mayor Hansel asked what would happen in the case where a property owner has a deed restriction
211 on their property, then the City changes the code later on to be either less restrictive or more
212 restrictive. He asked whether the development would be under the code from when it was built
213 due to the deed restriction and how the owner would deal with that issue. Ms. Brunner said that
214 the owner would be beholden to the deed restriction and the rules that were in place when the
215 property was developed. Evan Clements, Planner, added that all projects are beholden to the zoning
216 under which they were approved, including any workforce housing developments. In addition, the
217 City itself is listed as party on the restrictive covenant and is able to amend it as needed. The owner
218 can work with the City to make changes to the deed restriction. The restrictive covenant is a legal
219 document where the City is a named party that is negotiable down the line. For example, if a
220 property owner moves and needs to rent out their property for a period of time, then that is
221 something they can work out with the City. Chair Russell-Slack asked who at the City the property
222 owner would work with. Ms. Brunner stated the property owner would reach out to the Community
223 Development Department in the first instance, then work with the City Attorney's Office to amend
224 the covenant. Chair Russell-Slack clarified it would not go back to City Council or the Planning
225 Board. Ms. Brunner said that is correct; however, any changes would need to be consistent with
226 the regulations on the books at the time.

227
228 Chair Bosley thanked staff and said that this Committee has heard this presentation before and has
229 had a lot of their questions answered already. She asked for public comment next. Councilor
230 Johnson stated that she would like to apologize for her comment at the public hearing, she realizes
231 that sometimes it is difficult for people to follow along and know what is going on.

232
233 Chair Bosley stated that there are two portions of the ordinance, the first issue is the five acres to
234 two acre lot size, which will most likely be removed tonight, and the second is the changes to the
235 CRD regulations which staff just reviewed. She asked that people identify which issue they are
236 referring to in their comments.

237
238 The first speaker was Tad Lacey of 241 Daniels Hill Road. Mr. Lacey stated he is on the fence
239 with respect to CRDs. He felt the City could accidentally approve something that technically meets
240 the requirements, but in the future may wish it didn't. He stated he didn't know whether a little
241 more investigation of what, exactly, it means to have a CRD in the rural zone should be pursued.
242 He stated he owns a piece of property at the end of a town-maintained road, which could potentially
243 be a CRD. He thinks it would be a bad idea to place a CRD at this location because, for example,
244 it would add significant costs to the City to maintain the road. With respect to workforce housing,
245 we are all hearing how bad the situation is worldwide. He noted that most communities have not
246 solved this problem. He personally thinks that workforce housing and affordable housing should
247 be within the City's existing infrastructure for two reasons. First, if people start having failures for
248 instance with well and septic – it would be better for them to be on City service. Secondly, he is
249 thinking of children in the neighborhood who would need access to City parks. Therefore, he
250 doesn't think the uses allowed for CRD make sense. Finally, he is aware the Governor approved
251 quite a bit of money for investigating this issue, and the City received some funding, and suggested
252 the City should wait until that investigation is done before moving forward with this proposal.

253

254 Chair Russell-Slack asked if Mr. Lacey was referring to Invest NH. Mr. Lacey replied he wasn't
255 sure. Chair Russell-Slack stated that the Invest NH program is federal funding the state received
256 which the Governor is using for housing, but it is only for projects that are ready to go. Mr. Rounds
257 added the City applied for and received funding for a Housing Needs Analysis (\$15,000) and
258 additional funding for regulatory development. This will be an ongoing project, it is part of a larger
259 effort to find solutions, and the discussion tonight is just one small part of this overall solution.
260 Mr. Lacey thanked staff for the information and stated that he felt workforce housing should be
261 within the City infrastructure. He also felt the other CRD uses should be investigated more because
262 they are going to cost more, especially with respect to road maintenance.

263
264 Bobby Williams, Ward II City Councilor and resident at 66 North Lincoln Street addressed the
265 Committee next. He noted to what the Town of Amherst is doing with density multipliers – they
266 have been recommended as one of the best examples in the state of what is already happening.
267 Amherst has quite a list of density multipliers, including workforce housing, having open space be
268 accessible to the public, etc. The Councilor stated the item he would like to see is for disability
269 access which says that, if the development meets ADA Standards, the developer could get a density
270 bonus of 15%. He felt this would fill a critical need; if someone is in a wheelchair, they are much
271 more limited in where they can live. He reiterated this is a density multiplier he would like to see.

272
273 Eloise Clark of 1185 Roxbury Road was the next speaker. Ms. Clark stated she is pleased that the
274 Committee is considering splitting off the five acre to two acre change. She said it is really
275 important to go slow. These are the types of areas that, if they get developed, you won't know
276 what you have lost until it is gone. She wanted to emphasize what others have said about staying
277 within the already built infrastructure. She would like to see the Committee focus on other districts,
278 wait five years and monitor the situation.

279
280 Derek Scalia of 16 Hillside Avenue began by thanking the Committee for their service to the
281 community, and said he was here as a person of faith and a member of the Monadnock Interfaith
282 Project (MIP). He stated he was speaking in support of the ordinance change, primarily for the
283 acreage change but also the changes presented this evening. For several years he has been studying
284 alongside MIP and others on the causes of housing insecurity and factors contributing to the
285 housing crisis. What he learned is that the issue is very complex – there is no one solution or
286 ordinance that will solve everything, it will take a lot of creativity and many changes to make that
287 impact. He also comes forward as a deep lover of the environment and this region. He stated he
288 recognizes that rural identity is something special. He added that he appreciates everyone who
289 advocates for green space and our environment. One of the benefits of the system that we have is
290 there are checks and balances inherently in our coding, regulations and ordinances that we have in
291 place to protect our wetlands and other development constraints, to preserve our environment and
292 the integrity of this region. Just because land may qualify due to its acreage, it doesn't mean that
293 it will actually go through because of the other ordinances in play. This ordinance, to him, opens
294 up possibilities to address housing needs while maintaining our rural identity and green space. Mr.
295 Scalia felt it would not be a cure-all, but it is a step forward. He added as we are debating these
296 issues, our region is suffering and more importantly, people are hurting and we have an obligation
297 to serve those individuals.

298

299 Ms. Janet Furcht of 614 Park Avenue addressed the Committee next stated that she has been on
300 the MIP Housing team for a few years and has been studying this issue for a while. She stated the
301 MIP Housing team is most concerned about people with less than 60% AMI and is happy to see
302 the focus on workforce housing and asked the Committee not lose sight of that. With respect to
303 CRD, she said that the City is putting in lots of protections for surface waters, steep slopes, etc. so
304 as housing is developed these environmental areas are protected. With respect to the comments
305 about only adding housing where infrastructure already exists, she questioned whether the existing
306 infrastructure has the capacity to support the significant increase to the volume of housing. Ms.
307 Furcht added the community is aware of the housing insecurity that exists. This is an issued raised
308 even by major employers in this region. She noted that a major employer in Peterborough is
309 purchasing land and constructing their own housing. This is also something that is happening in
310 Jaffrey.

311
312 Ms. Furcht felt the City needs to make it possible for people to come to this area and work in our
313 companies so they continue to exist and thrive. Lastly, she expressed support for the comments
314 regarding incentives for ADA. She noted that much of the older housing stock in Keene is not
315 accessible and is as far from ADA compliant. She noted individuals who are wheelchair bound
316 become isolated and housebound. Hence, providing more opportunities for our neighbors is
317 important to improve their mental state.

318
319 Mr. Cole Mills of 68 Langley Road felt workforce housing should be constructed in the City center
320 where there is access to infrastructure and walkability. Mr. Coles stated he chose to live in a rural
321 neighborhood so as to provide for space between him and his neighbors. With this ordinance, he
322 could be living next to a condominium with a tremendous amount of traffic. This will take a scenic
323 road in Keene and burden it with heavy traffic, which will also require upgrades. He also noted to
324 the issue of emergency services.

325
326 Mr. Mills went on to say it is very expensive to build right now. Hence, to construct workforce
327 housing you have to build multi-family or manufactured housing. Single family homes are not
328 feasible. He noted the increase in housing prices in Keene at the present time. He felt lack of
329 housing is not the issue, the issue is that Keene is geographically undesirable and there is lack of
330 convenience. He said that going from five acres to two acres won't solve anything. However, it
331 might take beautiful scenic neighborhoods and destroy them. He also noted that Keene has one of
332 the highest tax rates. If the lot size change goes through, that will split his land into two buildable
333 lots, which will add \$50,000 to his tax bill. He stated Keene has more housing than it has ever had
334 and has an aging population. The housing crisis is a temporary issue. He felt Keene will see a big
335 turnover in the next 10-15 years as the baby boomers age out, making housing available for the
336 next generation.

337
338 Mr. Mills said that he is disappointed that Ms. Brunner and other members of staff who worked
339 on this item are not large property owners who own property in the Rural District. He felt they
340 don't have any investment in the community; they are renters and don't understand what makes
341 the neighborhood or community special. The figures they are using are not updated and no one
342 can construct those properties unless they are condos. Mr. Mills added in addition, bringing kids
343 into the school system also places a burden on the rest of the tax payers. He also said that the
344 conversation on deed restrictions was enlightening and is a contract that can change. The CRDs

345 do protect areas, but they condense housing which changes the feel of the area. These uses should
346 be inside the infrastructure where they fit in with the neighborhood feel. He noted that he could
347 probably qualify for workforce housing because there is no asset test, so as a retiree he could
348 exploit that. In conclusion, he asked the Committee not to change the acreage from five acres to 2
349 acres and to think about workforce housing only in areas of the City that can afford it and to place
350 CRD in those in areas where they fit the neighborhood.

351
352 Ms. Laura Tobin of Center Street addressed the Committee next. She said she wanted to speak to
353 both issues, and specifically to the workforce housing issue. Ms. Tobin stated at the present time
354 it is not possible to accommodate everyone without a sacrifice and right now it is people that are
355 being sacrificed and pretty soon this will become apparent. She referred to conversations she
356 overheard regarding the price to rent and the income paid in the area which makes it difficult to
357 afford housing. She also noted to the lack of medical providers in this area and to the shortage of
358 police officers. Ms. Tobin stated she has lived in Keene since she graduated in 2006. She has come
359 to accept that even with a college degree, she will never be able to afford to purchase a property
360 and part of that comes back to rents being so high. She hears that there are homes available for
361 \$300,000, but those are not starter homes. When starter homes are not available, people are in
362 apartments longer.

363
364 Ms. Tobin stated she attended a meeting at the Savings Bank of Walpole recently and learned that
365 this issue isn't something new and it's been difficult to find an answer that works. It is true
366 communities everywhere are struggling but there needs to be a solution.

367
368 Ms. Matthew Hall of 431 Hurricane Road stated what is before the Committee is a complex
369 subject. He stated he understands the lack of affordable housing but questioned the real purpose of
370 this change; is it to increase the tax base. He questioned whether the workforce problem was the
371 same as affordable housing. At the same time, there are things that are influencing the problem
372 that we have no control over. One issue is individuals who own multiple single-family homes; it
373 is one of the hottest real estate investments. He did not feel the rural zone was holding the
374 community back when it comes to housing. He suggested placing taxes on properties that are not
375 primary occupancy. Mr. Hall felt when someone tries to purchase a home in this area they are
376 bidding against purchasers outside of New Hampshire and that is what is driving the cost of these
377 homes up.

378
379 Mr. Hall felt if the City wanted to maximize livable space, additional units should be added to
380 larger homes without changing the external structure. He felt this would cost a lot less if water and
381 sewer are available. He felt this would be a much better solution than building where you would
382 need a wetlands permit, septic, wells, etc. Mr. Hall stated affordable housing in the rural District
383 would be a challenge. He also referred to some of the elderly population who own homes in the
384 rural district and if their taxes are raised the City will be forcing them out of their homes.

385
386 Mr. Hall went on to say they have had issues with excess water on Hurricane Road to the point
387 where school buses couldn't get through and the excess water issue was partially due to new
388 development. He added the water issue is getting worse. Mr. Hall stated when variances are
389 approved and there is a clause added where no runoff would get on to an abutter's property – he
390 questioned if the City makes sure this standard is adhered to.

391
392 Mr. Hall stated the Committee should consider the Master Plan, Ordinance 2017-10 where it spells
393 out some of these concerns. Mr. Hall read a statement from the Master Plan regarding infill
394 development and how it should be consistent with existing development patterns. He noted the
395 state has a similar statement. He asked the Committee to consider existing structures within the
396 City where we can, for less money provide an incentive to construct an apartment, maybe lower
397 their taxes to add this apartment which will create more infill development.
398

399 Mr. Gary Warewine of 411 Hurricane Road was the next speaker. Mr. Warewine stated that we
400 are living in a crisis. He felt to make the changes the City would like to see, would require funding.
401

402 Ms. Pat Gutierrez of 467 Hurricane Road stated she lives in the rural district and has lived in her
403 property for about five years. She stated they have been through a flood, a bear breaking into their
404 garage twice, and speeders. She stated they moved to this neighborhood because of its beauty. She
405 agreed housing is a crisis around the world. She felt people are purchasing housing and turning it
406 into short-term rentals. She questioned what would preclude someone from doing a short-term
407 rental on their property, because this is what is ruining the housing market. Mr. Rounds in response
408 stated there will be a deed restriction on these CRD developments, which would mean these
409 workforce housing can only be owner occupied for the 30 years; workforce housing is part of the
410 property.
411

412 Ms. Gutierrez stated her other question is in relation to wetlands and noted staff had previously
413 stated that the City does not have complete wetlands maps. She noted there was development
414 planned for Hurricane Road and there is a wetland that abuts her property that flood all the time.
415 However, three years ago a development was approved in the area above her property. She stated
416 she had called the state about this wetland and was told the wetland it didn't qualify for protections.
417 She questioned how wetlands are ranked in New Hampshire. Mr. Rounds stated if a wetlands can
418 be delineated by a wetlands scientist that wetland is protected. However, if this property was
419 developed before that regulation was in place, that regulation would not apply. Ms. Gutierrez asked
420 when the regulations went into effect. Chair Bosley noted the committee was not here to debate a
421 specific project. Ms. Gutierrez thanked the Committee for their time.
422

423 With no further comment, Chair Bosley closed the public hearing.
424

425 Chair Bosley stated she is a landowner in the rural district and a majority of her land is in current
426 use but if it wasn't in current use even with the five acre minimum, her land could be developed.
427 She indicated she knows of others who have similar land and have discussed these topics keeping
428 the best interest of the City in mind. She also stated this committee, over the past several years,
429 has painstakingly worked on many areas of the Land Development Code and noted the rural area
430 is not being targeted specifically for housing. The committee has looked at downtown core,
431 downtown transition, institutional areas, industrial areas; this is a process where they are looking
432 at the entire city to provide housing opportunities. As opportunities are created in one area, people
433 will be moved from one area to another area. However, if you don't create opportunities for units
434 to be developed, none of that movement can happen. There are people who want to relocate to this
435 area, possibly remote workers, because this is a beautiful and desirable place to live. However, this
436 places a strain on the people who already live here. The Chair stated the City is trying to create

437 opportunities for housing stock in our community for police officers, nurses, firefighters, etc. not
438 just for homeless people. She stated there is a distinct line between affordable and workforce
439 housing. Workforce housing is for people who are working regular jobs, they are not individuals
440 who have housing vouchers but are first time homebuyers, possibly divorcees who want a stable
441 home for their children. She added the City is not solely targeting the rural district; there is a
442 proposal to increase height in the downtown, permitting apartments above commercial buildings
443 – the City is looking at this issue holistically.

444
445 Chair Bosley said that she appreciated the comments about accessibility. She asked Ms. Brunner
446 if staff discussed this item. Ms. Brunner said that staff did not discuss this; however, her
447 understanding is that the building code does require accessible units for multi-family units, but the
448 Code Enforcement Superintendent John Rogers who is present today may be able to provide more
449 information. Mr. Rogers addressed the committee and stated the building code does dictate which
450 unit must be accessible and multi families would require a certain percentage. Chair Bosley asked
451 whether there are any density bonuses or incentives for accessibility; Mr. Rogers stated there are
452 not, but this is a possibility, especially as the committee looks at other districts.

453
454 Chair Bosley asked if the committee is in favor of removing the five acres to two acres from this
455 ordinance. Councilor Jones asked if this would create two ordinances. Chair Bosley stated it would
456 move the CRD changes forward as part of this ordinance, and the committee would come back at
457 a later point for the five to two acres discussion. Chair Russell-Slack asked if this means that the
458 committee would be continuing the five to two acre discussion. She thought it was getting split
459 into two ordinances, and both would move forward as separate issues. Chair Bosley said the five
460 to two acres would need to be re-submitted as a formal ordinance and it would need to come back
461 to this Committee for another discussion and vote. Chair Russell-Slack stated she is not happy this
462 issue will come back again, as the Planning Board has already discussed this twice. Chair Bosley
463 in response stated that the City Council wanted to separate out these issues because there were
464 concerns from the community about the five to two acres, and any time we can be transparent and
465 do things in front of the public, it is better.

466
467 Chair Bosley asked Dan Langille, the City Assessor to discuss the land taxation issue. Mr. Langille
468 addressed the committee and stated the Assessing Department is guided by state statute and
469 assessing standards, it is based on state policy not City policy. They are required to follow what
470 the state requires. The next thing to understand is that taxes are based on market value. The
471 Assessing Department is not predicting what the value will be, they are merely reporting what the
472 market is dictating. Mr. Langille explained revaluation of properties happen every five years at a
473 minimum. When there is a zoning change, they have to take a look at how the zoning change
474 affects assessed values. If a lot becomes “subdividable,” they have to consider that, again based
475 on what the market dictates. Chair Bosley stated her concern is that, what the City is saying is for
476 example if someone has an eight acre lot which is currently only permitted to locate one home. If
477 the proposed zoning change is put in place, the minimum lot size will change and that lot could be
478 subdivided and the City could at that point would be looking to increase the tax portion for that
479 home owner based on a potential subdivision or for something that has not been planned for yet.

480
481 Mr. Langille stated the City has to tax a property based on its highest and best use. They look at a
482 property based on what the general market dictate. They don’t look at a property based on the

483 specific owner or property, it is what the market is generally doing. However, he noted that it
484 would not be taking the value and doubling or tripling that value, it is the rate that would increase.
485 Chair Bosley asks where this policy is coming from. Mr. Langille said it is a state policy.

486
487 Chair Bosley asked if the committee is comfortable with the separation and if the committee is
488 then it would be moving just the ordinance with the five to two acre portion stricken and will be
489 moving the CRD language forward to a new public hearing. Councilor Jones asked if this would
490 still be the A version. Mr. Rounds said, if the Committee removes the five to two acres, it would
491 be a “B” version. Councilor Johnsen asked for clarification about separating out the two issues.
492 Chair Bosley stated the CRD changes seem less controversial. However, five to two acres seems
493 to have a lot more controversy. She felt if the ordinance is not split, the entire issue would be
494 disregarded.

495
496 Chair Russell-Slack asked if this ordinance is split what happens to the CRD. She stated she would
497 like to understand the next steps. Mr. Rounds said that if the committee directs staff to create a
498 “B” version, staff can do that and remove the five to two acre change and preserve the CRD
499 language and submit a B version. The five to two acres could come back later.

500
501 Chair Russell-Slack stated that she wanted to address the five to two acres now. She stated did not
502 want it to start over and come back sometime later. She noted to comments she heard tonight and
503 added there is a housing crisis now and the City is trying to help resolve this issue and felt the five
504 to two acre change is one of the answers. The Chair went on to say if someone doesn’t want to sell
505 their land they will not be forced to do so.

506
507 The Chair noted to the new 100 Nights shelter being constructed. Chair Russell-Slack pointed out
508 that the City has seven shelters and are building a new one because the need exists. She stated the
509 housing crisis is not just about the homeless but it spans across the workforce in Keene. There is
510 a solution that is before us now but if others have solutions asked that they be brought forward.
511 She indicated the City has been trying to come up with a resolution but unfortunately the solution
512 is not going to make everyone happy. Chair Russell-Slack stated she is in favor of both of these
513 ordinances. Chair Bosley said she would be open to moving both forward as two separate
514 ordinances.

515
516 Ms. Brunner in response stated the committee could either move both of these issues forward
517 together as one ordinance, or they can modify the ordinance and create a B version, but they cannot
518 split it into two ordinances. Chair Bosley asked if that means the process would have to start over
519 from the beginning for the five to two acres, and have a first reading, public workshop, public
520 hearing, PLD vote, etc. Ms. Brunner answered in the affirmative. Chair Russell-Slack stated she
521 did not want this to be delayed much longer and asked that the five to two acres come back for the
522 November Joint Planning Board and PLD Committee meeting. Staff stated they will try to make
523 that happen.

524
525 Councilor Jones stated he has been opposed to this ordinance from the beginning. He read a section
526 of the Master Plan regarding the transfer of development rights and stated he thought this is what
527 people have been asking for. Chair Russell-Slack stated she has a difference of opinion. Councilor

528 Ormerod clarified that we will have one B version of an Ordinance coming back for CRD, and a
529 new ordinance for the five to two acres will be coming back. Chair Bosley agreed.

530
531 A motion was made by Mayor George Hansel to direct staff to create a B version of O-2022-09-A
532 removing the changes having to do with five acre zoning down to two acre zoning. The motion
533 was seconded by Councilor Ormerod and carried on a 10-1 vote with Councilor Jones voting in
534 opposition.

535
536 A motion was made by Mayor George Hansel that the Planning Board find that Ordinance O-
537 2022-09-B is consistent with the Comprehensive Master Plan. The motion was seconded by David
538 Orgaz and carried on a unanimous vote.

539
540 A motion was made by Chair Bosley to request the Mayor to set a public hearing on Ordinance O-
541 2022-09-B. The motion was seconded Councilor Johnson and carried on a 3-1 vote with Councilor
542 Jones voting in opposition.

543
544 **IV) Staff Updates**

545
546 Mr. Rounds stated the City has received a grant for the Housing Needs Assessment and the City
547 Manager has begun negotiation with a consultant and the City should have a consultant on board
548 soon. Mr. Rounds stated staff expects this process to be complete by spring.

549
550 **V) New Business**

551
552 Councilor Johnson asked for clarification on community engagement. Ms. Brunner stated there is
553 a posting at City Hall, on the City's website as well as email alerts regarding the agenda. Chair
554 Bosley noted the City website has been updated which seems a lot better.

555
556
557 **VI) Next Meeting – Monday, November 14, 2022**

558
559 There being no further business, Chair Bosley adjourned the meeting at 8:55 PM.

560
561 Respectfully submitted by,
562 Krishni Pahl, Minute Taker

563
564 Reviewed and edited by,
565 Megan Fortson, Planning Technician

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Mari Brunner, Senior Planner

Date: January 3, 2023

Subject: O-2022-19 Relating to Proposed Amendments to the Land Development Code – Zoning Regulations and Application Procedures

Overview

Since the LDC went into effect in September 2021, City staff have identified several sections within the zoning regulations that could benefit from clarification. These include the following:

- Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot;
- Section 11.6.1.3 of Article 11 - Surface Water Protection, to eliminate redundant language;
- Section 13.1.3.C, “Exemptions” of Article 13 – Telecommunications Overlay District to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review; and
- Section 13.2.5 “Camouflaged Telecommunications Facilities” and Table 13-1 of Article 13 – “Telecommunications Overlay District” to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

This ordinance also proposes to amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver.” The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis. Currently, an applicant would need to obtain a variance from the Zoning Board of Adjustment in order to get relief from the review criteria in this section.

In addition, this ordinance proposes to amend Section 25.4.3 of Article 25 – Application Procedures to modify the process for amending the LDC. The intent of this proposed amendment is to clarify that Articles 19-28 of the LDC do not need to be amended through the Zoning Ordinance amendment process. Specifically, Article 19, 20, and specific sections of article 25 shall follow the Planning Board regulation amendment process and Article 21 and specific sections of Article 25 shall follow the Historic District Commission regulation amendment process. Finally, Articles 22-28 shall follow the standard City Council ordinance amendment process.

The materials attached to this memo include the full text of Ordinance O-2022-19 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-2022-19. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: 12/13/2022

Address: 3 Washington St. Keene

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

Existing Section Reference in Chapter 100, Land Development Code: Art. 9 Sec 9.3

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

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

Number of parcels in Zoning District*: N/A

Handwritten notes: Art. 13 Sec. 13.1+13.2, Art. 15 Sec. 15.5 TB 13-1, Art. 25 Sec. 25.4, Art. 11 Sec. 11.6

Petitioner's Signature (with handwritten signature)

Validation of Number of parcels by the Community Development Department

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, *and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

Relating to Amendments to the Land Development Code

AN ORDINANCE

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

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

1. That the City of Keene Land Development Code, Chapter 100, as amended, is further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

A. Amend Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot, as follows.

The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

B. Delete the stricken text in Section 11.6.1.3 of Article 11 - Surface Water Protection, as follows. This proposed change is to eliminate redundancy with Section 11.5.I.1 of Article 11.

Construction of new roads, driveways (~~excluding single and two family driveways~~), and parking lots.

C. Delete the stricken text and add the bolded underlined text to Section 13.1.3.C, "Exemptions" of Article 13 – Telecommunications Overlay District, as follows. The intent of this proposed change is to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review.

~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities, provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.

D. Add the bolded underlined text to Section 13.2.5 "Camouflaged Telecommunications Facilities" of Article 13 – Telecommunications Overlay District as follows, and update Table 13-1 to reflect this change. The intent of this proposed change is to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted (Mounted on an existing building or structure other than a tower)	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted (Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit "- " = Facility Not Permitted
 "CUP" = Requires Conditional Use Permit "SPR" = Requires Site Plan Review
 *Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

- E. Amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver” after Section 15.4, as follows. The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis.

15.5 Conditional Use Permit Waiver

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

- 1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**
- 2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.**
- 3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

- F. Amend the following sections of Section 25.4 “Land Development Code Amendments,” Sub-section 25.4.3 “Procedure,” and add a new section “D” for amendments to Articles 22-28.

25.4.3 Procedure

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

A. ~~Articles 1 through 18, and Articles 22 through 28.~~ For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

B. Articles 19, and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations," and "Site Development Standards," and Planning Board Application Procedures. For amendments proposed to Articles 19, ~~and 20,~~ and Sections 25.10 through 25.14 of Article 25 of this LDC, the following procedures shall apply.

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

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

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

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

C. Article 21 and Section 25.15 of Article 25 – “Historic District Regulations” and “Historic District Certificate of Appropriateness.” For amendments proposed to Article 21 and Section 25.15 of Article 25 of this LDC, the following procedures shall apply.

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

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

2. Introduction to and Review by Council. Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be

submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

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

D. Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.

- 1. Introduction to and Review by City Council. The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.**
- 2. Filing. Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.**

George S. Hansel, Mayor

9.3 DRIVEWAY DESIGN STANDARDS

9.3.1 Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in Section 22.5 of this LDC.

9.3.2 Driveway Dimensions

Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements, the following standards shall apply to driveways for single- and two-family dwellings.

1. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.
2. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

4. Any disturbance to the surrounding buffer area is repaired and restored upon completion of construction.
5. A minimum 30-ft buffer is maintained from surface waters in lots in the Rural, Conservation, and Agriculture Zoning Districts, and a 10-ft buffer is maintained from surface waters in all other zoning districts.
6. Any alteration to a surface water is made in accordance with all applicable state and federal laws, administrative rules, and regulations.

11.6 CONDITIONAL USE PERMIT

11.6.1 Activities Subject to Conditional Use Permit

- A. A surface water protection conditional use permit issued by the Planning Board shall be required for the following uses or structures when proposed to be located within the Surface Water Overlay Protection District.
 1. Construction of a new structure or expansion of an existing structure, with the exception of those structures specified in Section 11.5, which expands the footprint of such structure within the Surface Water Protection Overlay District
 2. Creation of new lots by subdivision that would require the disturbance or crossing of lands within the Surface Water Protection Overlay District.
 3. Construction of new roads, driveways ~~(excluding single and two-family driveways)~~, and parking lots.
 4. Construction of new stormwater management facilities and structures or improvements, including but not limited to, sedimentation/detention/retention ponds, drainage swales, and erosion control devices.
 5. Construction of compensatory flood storage excavation under Article 23 that requires the issuance of a wetland permit.
- B. A surface water protection conditional use permit shall not be required for impacts to areas within the Surface Water Protection Overlay District that are under the jurisdiction of the NH Department of Environmental Services and when the state has issued a wetlands permit or shoreland permit.

11.6.2 Conditional Use Permit Standards

The Planning Board shall issue a surface water protection conditional use permit for the activities described in Section 11.6.1, if it finds that all of the following criteria have been met.

- A. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District.
- B. Encroachment into the buffer area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.
- C. The nature, design, siting, and scale of the proposed use and the characteristics of the site, including but not limited to topography, soils, vegetation, and habitat, are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource.
- D. The surface water buffer area shall be left in a natural state to the maximum extent possible. The Planning Board may establish conditions of approval regarding the preservation of the buffer, including the extent to which trees, saplings and ground cover shall be preserved.
 1. Dead, diseased, unsafe, fallen or invasive trees, saplings, shrubs, or ground cover may be removed from the surface water buffer area.
 2. Tree stumps and their root systems shall be left intact in the ground, unless removal is specifically approved in conjunction with a surface water protection conditional use permit granted by the Planning Board. The stumps and root balls of exotic, invasive

13.1 GENERAL

13.1.1 Purpose

The purpose of the Telecommunications Overlay District is to establish general guidelines for the siting of telecommunications towers and antennas, and the removal or upgrade of abandoned or outdated facilities, in order to reduce adverse impacts such facilities may create, including impacts on aesthetics, environmentally sensitive areas, flight corridors, historically significant areas, health and safety of persons and property, and economic prosperity through protection of property values.

13.1.2 Applicability

- A. This Article shall apply to all telecommunications facilities within the City, with the exception of those facilities listed in Section 13.1.3.
- B. The Telecommunications Overlay District includes Zone 1, Zone 2, and Zone 3, which are displayed on the View Preservation Overlay Map dated March 2019 (see Figure 13-1). This map is adopted as an overlay to the official Zoning Map, as may be amended.
- C. Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in this LDC or the City's ordinances and regulations.

13.1.3 Exemptions

The following shall be exempt from the requirements of the Telecommunications Overlay District.

- A. Concealed or camouflaged facilities located on property owned, leased, or otherwise controlled by the City, not including the public right-of-way. This infrastructure shall only be permitted in locations of the City delineated in Figure 13-1 View Preservation Overlay Map. For this exemption to apply, a license or lease approved by City Council authorizing such antenna or tower shall be required.

- B. Private use residential satellite dishes, antennas for wireless internet access, private wireless ham communication antennas, or the installation of any tower or antenna less than 70-ft in height that is owned and operated by a federally licensed amateur radio station operator.
- C. ~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.
- D. Concealed Facilities that are located inside a building or structure and are concealed entirely from view.

13.1.4 Conformity

- A. All telecommunications facilities shall be constructed, installed, and maintained in compliance with local building codes, city ordinances, as well as all applicable state and federal regulations, including the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- B. If federal standards or regulations applying to towers and antennas are amended, the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with the revised standards or regulations within 6-months of their effective date, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 - 1. Failure to bring towers and antennas into compliance with revised federal standards or regulations shall constitute grounds for their removal at the owner's expense through execution of the posted security.

13.2.5 Camouflaged telecommunication facilities

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

13.2.6 Ground-Mounted Towers & Antennas

The installation of new ground-mounted towers and antennas which are not camouflaged, or a substantial modification to an existing tower or mount that is not camouflaged, is not allowed in Zone 1 or Zone 2 of the View Preservation Overlay (Figure 13-1), or in a designated historic district and shall require the issuance of a building permit, telecommunications conditional use permit, and major site plan review.

13.3 DIMENSIONAL REQUIREMENTS

The dimensional requirements for telecommunications facilities subject to this Article shall be as stated in Table 13-2.

13.4 DESIGN STANDARDS

13.4.1 Aesthetic Standards

With the exception of those that are concealed entirely from public view, telecommunication facilities shall not stand out in terms of color and materials, scale, height, mass or proportion against a contrasting background. Specifically, telecommunication facilities shall comply with the following.

- A. The relative height, mass or proportion of telecommunications facilities shall be compatible with the building or structure it is located on or the immediate surroundings.
- B. If installed on a historic structure, telecommunications facilities shall not alter character defining features, distinctive construction methods, or original historic materials of the structure and shall be fully reversible.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted <i>(Mounted on an existing building or structure other than a tower)</i>	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted <i>(Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)</i>	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

indoor and/or outdoor waiting or intake areas, if applicable.

6. An analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.
 7. The estimated parking demand for the proposed use and the number of parking spaces to be provided on-site.
 8. A description of the staffing of the facility, including the number of on-site managers, if any.
 9. The proximity of the facility to other known congregate living and social service uses within 750-ft (measured from the property line).
 10. For congregate living uses, the average length of stay for residents/occupants of the facility.
 11. A description of the services provided to the clients or residents of the facility, including any support or personal care services provided on- or off-site.
- B. Documentation of all required state or federal licenses, permits, and certifications.

15.5 CONDITIONAL USE PERMIT WAIVER

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.

3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

25.4 LAND DEVELOPMENT CODE AMENDMENTS

25.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 18 of this LDC, shall be as described in Section 25.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 19, 20 and Sections 25.10 through 25.14 of Article 25, and from the Historic District Commission with respect to amendments to Article 21 and Section 25.15 of Article 25, shall take action on proposed amendments to this LDC.

25.4.3 Procedure

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

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~ For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 19 and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations" and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ **and Sections 25.10 through 25.14 of Article 25** of this LDC, the following procedures shall apply.

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

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

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

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

- C. **Article 21 and Section 25.15 of Article 25 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 21 of this LDC, the following procedures shall apply.

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

District Commission denies the proposed amendments, the process shall come to an end.

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

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the **Planning and Development (OPD)** ~~NH Office of Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD** ~~OSI~~ shall not affect their validity.

D. **Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.**

1. **Introduction to and Review by City Council.** The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
2. **Filing.** Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.

9.3 DRIVEWAY DESIGN STANDARDS

9.3.1 Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in Section 22.5 of this LDC.

9.3.2 Driveway Dimensions

Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements, the following standards shall apply to driveways for single- and two-family dwellings.

1. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.
2. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

4. Any disturbance to the surrounding buffer area is repaired and restored upon completion of construction.
5. A minimum 30-ft buffer is maintained from surface waters in lots in the Rural, Conservation, and Agriculture Zoning Districts, and a 10-ft buffer is maintained from surface waters in all other zoning districts.
6. Any alteration to a surface water is made in accordance with all applicable state and federal laws, administrative rules, and regulations.

11.6 CONDITIONAL USE PERMIT

11.6.1 Activities Subject to Conditional Use Permit

- A. A surface water protection conditional use permit issued by the Planning Board shall be required for the following uses or structures when proposed to be located within the Surface Water Overlay Protection District.
 1. Construction of a new structure or expansion of an existing structure, with the exception of those structures specified in Section 11.5, which expands the footprint of such structure within the Surface Water Protection Overlay District
 2. Creation of new lots by subdivision that would require the disturbance or crossing of lands within the Surface Water Protection Overlay District.
 3. Construction of new roads, driveways ~~(excluding single and two-family driveways)~~, and parking lots.
 4. Construction of new stormwater management facilities and structures or improvements, including but not limited to, sedimentation/detention/retention ponds, drainage swales, and erosion control devices.
 5. Construction of compensatory flood storage excavation under Article 23 that requires the issuance of a wetland permit.
- B. A surface water protection conditional use permit shall not be required for impacts to areas within the Surface Water Protection Overlay District that are under the jurisdiction of the NH Department of Environmental Services and when the state has issued a wetlands permit or shoreland permit.

11.6.2 Conditional Use Permit Standards

The Planning Board shall issue a surface water protection conditional use permit for the activities described in Section 11.6.1, if it finds that all of the following criteria have been met.

- A. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District.
- B. Encroachment into the buffer area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.
- C. The nature, design, siting, and scale of the proposed use and the characteristics of the site, including but not limited to topography, soils, vegetation, and habitat, are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource.
- D. The surface water buffer area shall be left in a natural state to the maximum extent possible. The Planning Board may establish conditions of approval regarding the preservation of the buffer, including the extent to which trees, saplings and ground cover shall be preserved.
 1. Dead, diseased, unsafe, fallen or invasive trees, saplings, shrubs, or ground cover may be removed from the surface water buffer area.
 2. Tree stumps and their root systems shall be left intact in the ground, unless removal is specifically approved in conjunction with a surface water protection conditional use permit granted by the Planning Board. The stumps and root balls of exotic, invasive

13.1 GENERAL

13.1.1 Purpose

The purpose of the Telecommunications Overlay District is to establish general guidelines for the siting of telecommunications towers and antennas, and the removal or upgrade of abandoned or outdated facilities, in order to reduce adverse impacts such facilities may create, including impacts on aesthetics, environmentally sensitive areas, flight corridors, historically significant areas, health and safety of persons and property, and economic prosperity through protection of property values.

13.1.2 Applicability

- A. This Article shall apply to all telecommunications facilities within the City, with the exception of those facilities listed in Section 13.1.3.
- B. The Telecommunications Overlay District includes Zone 1, Zone 2, and Zone 3, which are displayed on the View Preservation Overlay Map dated March 2019 (see Figure 13-1). This map is adopted as an overlay to the official Zoning Map, as may be amended.
- C. Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in this LDC or the City's ordinances and regulations.

13.1.3 Exemptions

The following shall be exempt from the requirements of the Telecommunications Overlay District.

- A. Concealed or camouflaged facilities located on property owned, leased, or otherwise controlled by the City, not including the public right-of-way. This infrastructure shall only be permitted in locations of the City delineated in Figure 13-1 View Preservation Overlay Map. For this exemption to apply, a license or lease approved by City Council authorizing such antenna or tower shall be required.

- B. Private use residential satellite dishes, antennas for wireless internet access, private wireless ham communication antennas, or the installation of any tower or antenna less than 70-ft in height that is owned and operated by a federally licensed amateur radio station operator.
- C. ~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.
- D. Concealed Facilities that are located inside a building or structure and are concealed entirely from view.

13.1.4 Conformity

- A. All telecommunications facilities shall be constructed, installed, and maintained in compliance with local building codes, city ordinances, as well as all applicable state and federal regulations, including the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- B. If federal standards or regulations applying to towers and antennas are amended, the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with the revised standards or regulations within 6-months of their effective date, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 - 1. Failure to bring towers and antennas into compliance with revised federal standards or regulations shall constitute grounds for their removal at the owner's expense through execution of the posted security.

13.2.5 Camouflaged telecommunication facilities

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

13.2.6 Ground-Mounted Towers & Antennas

The installation of new ground-mounted towers and antennas which are not camouflaged, or a substantial modification to an existing tower or mount that is not camouflaged, is not allowed in Zone 1 or Zone 2 of the View Preservation Overlay (Figure 13-1), or in a designated historic district and shall require the issuance of a building permit, telecommunications conditional use permit, and major site plan review.

13.3 DIMENSIONAL REQUIREMENTS

The dimensional requirements for telecommunications facilities subject to this Article shall be as stated in Table 13-2.

13.4 DESIGN STANDARDS

13.4.1 Aesthetic Standards

With the exception of those that are concealed entirely from public view, telecommunication facilities shall not stand out in terms of color and materials, scale, height, mass or proportion against a contrasting background. Specifically, telecommunication facilities shall comply with the following.

- A. The relative height, mass or proportion of telecommunications facilities shall be compatible with the building or structure it is located on or the immediate surroundings.
- B. If installed on a historic structure, telecommunications facilities shall not alter character defining features, distinctive construction methods, or original historic materials of the structure and shall be fully reversible.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted <i>(Mounted on an existing building or structure other than a tower)</i>	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted <i>(Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)</i>	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

indoor and/or outdoor waiting or intake areas, if applicable.

6. An analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.
 7. The estimated parking demand for the proposed use and the number of parking spaces to be provided on-site.
 8. A description of the staffing of the facility, including the number of on-site managers, if any.
 9. The proximity of the facility to other known congregate living and social service uses within 750-ft (measured from the property line).
 10. For congregate living uses, the average length of stay for residents/occupants of the facility.
 11. A description of the services provided to the clients or residents of the facility, including any support or personal care services provided on- or off-site.
- B. Documentation of all required state or federal licenses, permits, and certifications.

15.5 CONDITIONAL USE PERMIT WAIVER

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.

3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

25.4 LAND DEVELOPMENT CODE AMENDMENTS

25.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 18 of this LDC, shall be as described in Section 25.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 19, 20 and Sections 25.10 through 25.14 of Article 25, and from the Historic District Commission with respect to amendments to Article 21 and Section 25.15 of Article 25, shall take action on proposed amendments to this LDC.

25.4.3 Procedure

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

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~ For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 19 and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations" and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ **and Sections 25.10 through 25.14 of Article 25** of this LDC, the following procedures shall apply.

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

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

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

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

- C. **Article 21 and Section 25.15 of Article 25 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 21 of this LDC, the following procedures shall apply.

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

District Commission denies the proposed amendments, the process shall come to an end.

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

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the **Planning and Development (OPD)** ~~NH Office of Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD** ~~OSI~~ shall not affect their validity.

D. **Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.**

1. **Introduction to and Review by City Council.** The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
2. **Filing.** Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.

APPROACH

1. Project Start-Up

TASK 1A. KICKOFF MEETING

Our work will begin with a kickoff meeting between the Camoin team and representatives from the City of Keene. During this initial meeting, we will discuss the project approach and make any modifications needed. We will also discuss information needs, timeline, and process.

This meeting will establish the working relationship we will have with your team. Camoin will hold bi-weekly project management calls with your team's point person throughout the engagement to help maintain the project schedule, address information and other needs, and share emerging findings. We have found these project management calls are vital to ensure you are up to date on the project's progress. Additionally, we encourage you to reach out to us with any questions or updates throughout the project between these calls.

TASK 1B. REVIEW OF EXISTING STUDIES, INITIATIVES, AND PLANS

We recognize that there have been numerous previous initiatives, plans, and research reports, which is why we will inventory and examine these existing resources at the outset of this initiative. This information will provide a foundational understanding of previously identified housing issues that will help guide our research and focus moving forward. For each resource, we will summarize the key findings that are relevant to the Project and utilize these findings to inform our research, analysis, and recommendations development to ensure we are building off previous efforts.

TASK 1C. DATA COLLECTION

As part of the Project's initial kickoff phase, we will collect housing, demographic, and economic data from a variety of public and proprietary sources. Camoin subscribes to CoStar, the national leader in real estate market data. CoStar provides up-to-date information on multifamily properties throughout the City and aggregates market data, including vacancy rates, rental rates, market absorption, deliveries, and other key market metrics.

2. Stakeholder and Public Engagement

TASK 2A: PUBLIC ENGAGEMENT PLAN

We will work with your team to create a public engagement plan at the outset of the process. The plan will be formed with an understanding of the most effective outreach methods specific to the City and its unique population groups. As part of our fee proposal, we have set aside a dedicated portion of the budget for public engagement (see fee proposal section). The activities described under Task 2 represent a potential range of activities that can be accomplished with that budget set aside; however, we will work with you to discuss, refine, and finalize this approach as part of the public engagement plan.

TASK 2B: STAKEHOLDER INTERVIEWS

Camoin will conduct stakeholder interviews over the phone, via video conference, or in-person as appropriate with up to ten (10) individuals or groups of local real estate/housing experts, major employers, community/nonprofit groups, municipal leaders, housing developers, and others. We will work with you to determine the most appropriate individuals and groups to reach out to as part of the public engagement plan.

TASK 2C: COMMUNITY HOUSING NEEDS SURVEY

With input from the City's project team, we will develop an online community survey aimed at understanding the most pressing housing issues and how these issues impact the City. The survey will explore issues including affordability of housing, housing types needed, quality of housing, potential solutions to housing issues, and other topics that will provide

information that supplements the data analysis and stakeholder interview findings and focus strategy development to target the most urgent housing needs in Keene. To make efficient use of the City’s budget for this project, Camoin will create the survey and set it up in an easy to use online format. The City’s project team will be responsible for the distribution and promotion of the survey throughout the community via appropriate channels. Camoin will then analyze and integrate the results into the Needs Assessment.

TASK 2D: COMMUNITY HOUSING WORKSHOP

An in-person community housing workshop will be held during the course of the project to collect input on housing issues in the City as well as to gain feedback on potential strategies and ideas to address housing needs. We will work with you as part of the public engagement plan to determine the timing and format of this meeting. Based on our work on previous similar studies, we recommend that this meeting take place once the majority of the research and analysis has been completed and prior to the creation of goals, strategies, and action steps. Potential formats include an “open house” style event with informal drop-in hours and interactive stations (with or without a formal presentation), or a more traditional workshop with a presentation and audience participation and/or small group breakout sessions.

3. Economic and Demographic Context

TASK 3A. DEMOGRAPHIC TRENDS

To help set the framework for the housing analysis, we will develop a demographic and socioeconomic profile of the city that will be used for reference throughout the study. We will document key demographic trends to provide a detailed assessment of where and what specific types of population changes will impact housing needs and market demand. The demographic profile will provide data points on existing and projected trends such as: population distribution by age and income, number of households, household composition, median age, and others. This information helps set the foundation for identifying how these trends may impact future housing needs.

TASK 3B. ECONOMIC, OCCUPATION, WAGE, AND WORKFORCE CHARACTERISTICS AND TRENDS

In this task, we will compile information on labor market size and trends along with commuter trends, including typical commute distances, patterns (inflow and outflow), location of residence for workers, and other detailed commuting data. We will also provide a detailed breakdown of the major employers, jobs, and wages in the city and region to understand the housing price points needed for workers in the city now and into the future.

4. Housing Inventory and Analysis

TASK 4A. EXISTING HOUSING INVENTORY

The Housing Inventory and Analysis task will document the current housing supply and how that supply has changed over the past five and ten years. Inventory data will primarily be collected from CoStar, Esri, U.S. Census Bureau, and property tax records. The inventory will look at the type of housing, quality, cost and affordability, vacancy, seasonality, and other key attributes. The inventory will specifically include (but is not limited to) the following:

- ◆ Owner- vs. renter-occupied housing supply
- ◆ Affordable housing supply
- ◆ Age of housing stock
- ◆ Single-family vs. multifamily housing
- ◆ Home values, rental rates, and affordability
- ◆ Local vs. nonlocal housing ownership
- ◆ Housing for special population groups
- ◆ Vacant and obsolete housing
- ◆ Year-round vs. seasonal housing
- ◆ Home-sharing and short-term rental analysis (e.g., Airbnb and VRBO)
- ◆ Senior housing
- ◆ Student housing
- ◆ Transitional housing

TASK 4B. HOUSING AFFORDABILITY

Using previously collected data on income and wage levels of households and workers in the city, we will compare and contrast the housing price points needed relative to the housing price points available. This analysis will highlight the gap between what is needed in the region versus the housing sale prices and rental rates. The gap analysis will help inform the quantification of housing needs. An example of an affordability gap analysis is provided below from the Town of North Elba Housing Needs Assessment report.

Home Affordability Gap: Median Home Price vs. Median Household Income, Town of North Elba (2019)				
	Median Value		Median Sale Price	
	All Single-Family Homes	Non-Waterfront Single-Family Homes	All Single-Family Homes	Non-Waterfront Single-Family Home
Median Home Value/Price	\$ 299,700	\$ 285,000	\$ 400,000	\$ 343,500
Down Payment of 10%	\$ 29,970	\$ 28,500	\$ 40,000	\$ 34,350
Loan Amount	\$ 269,730	\$ 256,500	\$ 360,000	\$ 309,150
Average Mtg Payment, 30 Years at 4%	\$ 1,288	\$ 1,268	\$ 1,719	\$ 1,476
Estimated Additional Costs per Mortgage Payment	\$ 528	\$ 502	\$ 705	\$ 605
Average Mtg Payment, 30 Years at 4% with Additional Costs	\$ 1,816	\$ 1,770	\$ 2,424	\$ 2,081
Household Income Threshold	\$ 72,640	\$ 70,804	\$ 96,948	\$ 83,247
Median Household Income	\$ 54,200	\$ 54,200	\$ 54,200	\$ 54,200
Income Gap	\$ (18,440)	\$ (16,604)	\$ (42,748)	\$ (29,047)

Note: Estimated additional costs include private mortgage insurance, taxes, and insurance, for comparable priced houses within each region.

Source: HUD Income Limits, Property Tax Records, MLS, Zillow, Camoin 310

This analysis will also examine cost burdened households by housing type, including AMI bracket, families, seniors, minority households, and other key household types.

5. Market Conditions Assessment

TASK 5A. HOUSING DEVELOPMENT TRENDS

This task will examine key recent trends in housing development in the city to understand what types of housing projects are attracting private developer interest and investment and to help gauge the types of housing products in the greatest demand. The analysis will specifically include the following:

- ◆ Key trends in the how the City's housing inventory has been changing
- ◆ Inventory of major current, recent, and proposed housing projects in the city and surrounding market area
- ◆ Future housing development (supply) projections based on recent trends, anticipated demographic and economic changes, the state and national housing market outlook, etc.

We will use this information to summarize key development trends that will help identify future opportunities and help identify future potential gaps in the city's housing supply.

TASK 5B. RENTAL MARKET TRENDS

We will examine the rental housing market throughout the city, and within individual neighborhoods. Primarily utilizing best-in-class CoStar data, the analysis will include trends in rental rates, vacancy, net absorption, deliveries, demolitions/conversions, and other key market metrics. We will breakdown this market analysis by class of property (e.g., A,

B, C) to understand the performance of properties of different quality levels. We will also assess rental market trends by type of housing product (e.g., affordable vs. market rate, garden apartments vs. mid-rise buildings, etc.)

Interviews will also be utilized to supplement our understanding of the types of rental units in the greatest demand, availability of rental units, most desirable neighborhoods and locations, and additional nuanced qualitative information on the city's current and future rental market dynamics.

TASK 5C. FOR-SALE MARKET TRENDS

A detailed analysis of current and recent home sale market trends will be provided, including trends in home sale prices, number of home sales, time on the market, available inventory, changes in characteristics of homes being sold (size, number of bedrooms, etc.), single-family vs. condo, and other pertinent housing market data related to for-sale homes. Home sale data will primarily be collected from the Multiple Listing Service (MLS) and available data from the City of Keene and Cheshire County.

Qualitative market trend information will also be gathered from interviews with housing experts, including local realtors as identified in the public engagement plan (see Task 2A). These interviews will provide additional information on the types of housing in demand, desirable price points, market segments, and other valuable insights.

TASK 5D. SUMMARY OF HOUSING MARKET OPPORTUNITIES AND CHALLENGES

This task will summarize the housing market opportunities as well as the challenges of housing development in the city. A city's development environment is multi-faceted, including land use regulations, approvals processes, incentives and public private partnership opportunities, infrastructure, safety issues, community support (or resistance) and other perceptions (real and perceived). This task will examine these characteristics to understand what elements of the development environment are conducive to supporting housing development and what challenges/barriers exist to development projects. This task will specifically address the following questions:

- ◆ Are there existing zoning/land use controls that are preventing the city from realizing housing development opportunities?
- ◆ Is the City's approvals process more burdensome than similar peer communities?
- ◆ Is the City offering appropriate incentives and engaging in public-partnership opportunities?
- ◆ What are the most common challenges faced by housing developers (e.g., construction costs, labor availability, availability of building sites, permitting and approvals, etc.)?
- ◆ What is the perception of the Keene market from developers throughout the region?
- ◆ What are the opportunities for the City to reduce barriers and/or induce development?

6. Housing Resilience

Camoin's in-house GIS team will identify and analyze the residential properties falling within high-risk areas, including in and around floodplain areas. We will rely on GIS files provided by the City for this task, including property tax parcel GIS data. This task will also incorporate any readily available information on climate change and flooding risks in the city from other reports and studies. The task will include a static (e.g., PDF) map of at-risk housing and a summary table of these properties (e.g., number of homes/units, type of housing, square feet, value of property). This task will also include identifying areas of the city well-suited for sustainable development patterns.

7. Housing Needs Analysis (Gap Analysis)

This task will examine the sources of current and future housing demand in the City of Keene with a focus on specific market segments. Examples of market segments include (but are not limited to):

- ◆ **Underhoused Individuals:** This includes people that are living with parents, family members, or other roommates because they cannot find suitable housing to meet their needs.

- ◆ **Population Growth:** New households through household formation or net positive in-migration, including from attracting remote workers, is a potential driver of housing demand in the city.
- ◆ **Economic (Job Growth):** New jobs in and around the city would attract new workers in need of housing.
- ◆ **Cost-Burdened Households:** These households are currently spending more than 30% of their income on housing expenses, the key threshold set by the U.S. Department of Housing and Urban Development (HUD). These households are further broken into cost-burdened vs. severely cost-burdened (spend more than 50% of income on housing).
- ◆ **Displaced Commuters:** These are workers that have jobs in the city but are commuting from further away than they would prefer because they cannot find suitable local housing to meet their needs.
- ◆ **Mismatched Households:** These households may have housing they can afford and in the location they prefer, but it doesn't align with their needs for other reasons such as the type of housing (e.g., renting when prefer to own).
- ◆ **Households Living in Substandard Housing:** These households live in units that may be lacking full kitchen facilities, plumbing, etc. or are otherwise substandard or obsolete.
- ◆ **Empty Nester and Senior Households:** Often a source of housing demand for downsized units and housing offering care and services.

The analysis will provide both a quantitative and qualitative determination of the current projected future housing needs in the city. The quantitative analysis will provide a detailed breakdown of current and future housing need by type of housing (e.g., renter vs. owner occupied) and income level (price point). Demand projections will be provided for a 5- and 10-year horizon.

Income Brackets and Housing Affordability					
Income Bracket	Under 50% AMI	50-80% AMI	80-120% AMI	120-200% AMI	
Income Range	Under \$35,150	\$35,150-\$56,240	\$56,240-\$84,360	\$84,360-\$140,600	
Affordable Rent Range	Under \$879	\$879-1,460	\$1,400-\$2,100	\$2,100-\$3,500	
Affordable Home Value	Under \$123,000	\$123,000-\$196,000	\$196,000-\$300,000	\$300,000-\$490,000	
Housing Needs by Income Bracket (# of Units)					
Income Bracket	Under 50% AMI	50-80% AMI	80-120% AMI	120-200% AMI	Total
Rental	769	122	32	6	929
Owner-Occupied	244	184	126	51	605
Total	1,013	306	158	57	1,534

Example Summary of Housing Needs by Income Level and Housing Type (North Elba, NY Housing Study)

For each category of housing need, we will characterize the community impacts that are being generated as a result of that gap. These may include homelessness, poverty and social service needs, adverse impacts to childcare and education, senior isolation and lack of access to services, and others.

8. Housing Strategy

Camoin will create draft strategies that will outline a strategic focus and demonstrate how regional partners can leverage opportunities that show the greatest potential and work to address the most critical issues. To the extent available and applicable, we will include related partners, priority level, and resources for assistance with implementation.

Developing housing strategies requires a holistic approach encompassing not only building and site availability and private sector investments, but also the quality-of-life amenities and sustainable business practices (among other considerations). Using the information collected in the preceding steps, Camoin will begin to populate a list of housing strategies to accommodate existing and future housing need. Recognizing local and regional constraints to achieving housing goals, we will recommend concrete action steps and a framework with which staff at various levels of government can make decisions.

Based on all work completed, we will provide recommendations for addressing current housing gaps and ensuring that future housing needs are met. Recommendations will be tied to specific findings of the previous steps and will incorporate lessons learned from work completed and research conducted in comparable communities. Recommendations may cover strategies such as:

- ◆ Framework(s) for regional collaboration;
- ◆ Public-private partnerships;
- ◆ Public-nonprofit partnerships;
- ◆ Zoning and regulatory strategies;
- ◆ Funding/financing programs;
- ◆ Developer incentives;
- ◆ Homeownership incentives;
- ◆ Infrastructure and streetscape projects; and
- ◆ Programs for maintenance of older housing.

An outline of draft recommendations will be provided for review and comment. Camoin will incorporate feedback on the draft outline to complete the strategy component of the report.

9. Final Report and Presentation

Camoin will compile the results of all work completed into a Draft Report. The body of the report will include the results of the housing needs assessment, constraints, analysis, and recommendations for action steps. Appended to the report will be supporting data analysis, public engagement input, and other supporting technical analysis and information. The Draft Report will include a graphically designed executive summary written for a non-technical audience, which can be used as a standalone document for media and/or informational purposes. We will present the draft report to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee. Camoin will address comments from this meeting and any written comments and issue a Final Report. We will then present the final report to the Joint Committee and to the City Council.

SCHEDULE

We propose to complete the housing needs analysis within a six-month period in accordance with the schedule below.

