

PLANNING BOARD SITE PLAN AND SUBDIVISION REGULATIONS



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I. AUTHORITY

- A. In accordance with the authority vested in the Keene Planning Board by the Keene City Council and in accordance with the provisions of Chapter 674 of the New Hampshire Revised Statutes Annotated, the Keene Planning Board adopts the following regulations governing the review of applications for development and redevelopment in the City of Keene.

II. PURPOSE

- A. The Keene Planning Board recognizes that the subdivision and development of land can lead to significant social and economic benefits for the citizens of Keene. If done inappropriately, these actions can also result in adverse impacts upon the health, safety and general welfare of the community.
- B. Subdivision and development of land can adversely affect adjacent property owners, or negatively impact the quality and functioning of natural systems including, but not limited to groundwater, surface waters, floodplains, wetlands, drainage, wildlife, and wildlife habitat. Subdivision and development of land can also affect the capacity and safety of public roads, disrupt the orderly provision of City services, result in overcrowding of schools; conflict with the schedule of improvements contained in the Keene Capital Improvement Program or in other ways be inconsistent with the Keene Master Plan.
- C. It is the intent of these regulations to avoid such problems and to facilitate orderly development which will result in a strong viable economy, enhance the attractiveness of the community, preserve the quality and function of natural systems in the City and maintain and enhance the City's quality of life, while not imposing unreasonable costs upon the City.
- D. The Keene Planning Board recognizes that accurate project plans and documentation associated with subdivisions, site plans, and conditional use permits are essential for maintaining a comprehensive and accurate record of the City's development.

III. JURISDICTION

A. General Requirements

- 1. Unless otherwise indicated herein, all development and/or subdivision of land in the City of Keene, as defined herein, shall comply with the City's codes, these regulations and the Planning Board's Development Standards, which are incorporated into these regulations by reference.

2. Unless otherwise indicated herein, all proposals for new development, modifications or expansions of existing development, and or subdivision of land shall be reviewed and approved in accordance with these regulations to verify that the proposed project complies with the City's codes, these regulations and the Planning Board's Development Standards.
 - a) For the purpose of these regulations, "Development" shall mean any form of land improvement and/or construction involving land, structures, or infrastructure including but not limited to the following:
 - 1) The introduction of new primary or accessory uses as defined in the zoning ordinance, where no such use previously existed;
 - 2) The expansion or modification of existing primary or accessory uses as defined in the zoning ordinance;
 - 3) The introduction, expansion, modification, or relocation of structures, impervious surfaces, utilities, exterior lighting, waste handling facilities and other features or amenities required to meet City codes and the Planning Board's Development Standards;
 - 4) Site work associated with proposed development or subdivision of land including but not limited to:
 - (i) clearing of vegetation;
 - (ii) grading, filling, excavating, or recontouring of any portion of a site;
 - (iii) stock piling materials on the site;
 - (iv) Surcharging of soils on a site
 - (v) installation of erosion and sedimentation control measures;
 - (vi) construction of roads or driveways;
 - (vii) installation of utilities
 - (viii) Installation of site improvements or amenities.
 - 5) Noncommercial excavation and/or filling of land where the total volume of material to be excavated or to be placed as fill exceeds 1000 cubic yards.
3. Other than for site investigation, site work associated with a proposed development or subdivision of land shall not commence until the proposal has been approved by the Planning Board or its designee in accordance with these regulations, and approved plans have been signed by the Chair or Vice-Chair of the Planning Board as required.

B. Site Plan Review

1. Site plan review shall be completed by either the Planning Board during a duly noticed public hearing if the proposed project meets

- any of the threshold criteria set forth below or Administratively by the Planning Director if the proposed project does not meet any of the threshold criteria set forth below.
2. Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:
 - a) Development that proposes the introduction of a new primary use as defined in the zoning ordinance, where no such use previously existed; or
 - b) Development that proposes to increase the total foot print of structures on the property by 1000 sqft or more; or
 - c) Expansion of use on a property that will, based on the most recent edition of the ITE manual, result in an increase in vehicular traffic entering or leaving the site by more than 50 vehicles during peak hour or 100 vehicles per day; or
 - d) A change in site configuration that generates or increases the potential for adverse impacts to drainage systems, surface waters, groundwater, wetlands, floodplains, pedestrian safety or vehicular safety; or
 - e) Development that proposes changes to the landscaping, screening, lighting, driveways, parking lots, architectural appearance or visual appearance of an existing structure or site, and that, in the judgment of the Planning Director, warrants review and approval by the Planning Board; or
 - f) Any development where the applicant or property owner specifically requests in writing review and approval by the Planning Board.
 3. Proposed projects that do not meet the above threshold criteria are considered to be minor projects that shall be reviewed by City Staff and if found in compliance with the City's codes, these regulations, and Planning Board standards, can be administratively approved by the Planning Director.
 - a) The Board relies upon the professional judgment of the Planning Director to determine whether a proposed project meets the threshold criteria set forth above and must therefore be reviewed by the Planning Board.
 - b) Any applicant who disagrees with the decision of the Planning Director with respect to an administrative review may appeal the decision by applying for site plan review and approval by the Planning Board following the submission procedures outlined in these regulations.
 4. Development on property located within the Downtown Historic Overlay District (City of Keene Zoning Ordinance [as described in Sections: 102-1381 through 102-1383]) shall not be subject to the requirements of Planning Board Development Standard 19 -- Architectural and Visual Appearance if such development is an

activity requiring the issuance of a Certificate of Appropriateness according to City Code Article V Historic Districts.

5. Exceptions: Site Plan Review shall not be required for the following, however all development shall comply with all applicable City codes and with the Planning Board's Development Standards:
 - a) Development of an individual one or two family dwelling on an existing parcel;
 - 1) Installation or modification of an accessory dwelling unit associated with a single family dwelling is subject to Planning Board review and issuance of a conditional use permit in accordance with the zoning ordinance and the conditional use permit section of these regulations
 - 2) Applicants for subdivisions of land for one and two family dwellings may be required to demonstrate that the proposed new parcels can be developed in a manner that avoids or mitigates the potential for adverse impacts in accordance with the Planning Board's Regulations
 - b) Timber harvesting to be done in accordance with State of New Hampshire administrative rules and best management practices, and for which an appropriate intent to cut notice has been provided;
 - c) Excavation and/or filling of land that is not associated with the following:
 - 1) Commercial sale of earth materials.
 - 2) Site work associated with proposed development or subdivision of land.
 - 3) The total volume of material to be excavated and/or fill to be placed exceeds 1000 cubic yards of material.
 - d) Temporary outdoor activities such as circuses, carnivals or promotional activities, although City and/or State permits may be required.

C. Subdivision Review

1. Subdivision Review before the Planning Board during a duly noticed public hearing shall be required for any division of a lot, tract or parcel of land into 2 or more lots, plats, sites, units or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium, conveyance or building development.
 - a) All subdivisions of land, including conventional subdivisions and conservation residential development subdivisions (hereinafter CRD), shall comply with the subdivision regulations set forth in RSA 674:36 paragraph II and the City's codes, these regulations and the Planning Board's Development Standards.

- 1) Subdivision review shall include an analysis of land characteristics and access potential to determine if each proposed new lot is of such character that it can be accessed in conformance with the Board's Development Standards and used for building in a manner that avoids or mitigates the potential for adverse impacts to health, safety, and welfare of the community and the environment.
 - 2) The criteria for this determination are established in the subdivision section of the Planning Board's Development Standards and include but are not limited to a consideration of slopes, soil characteristics, suitability for on-site septic, and the presence of surface waters, wetlands, and bedrock close to surface.
 - b) Regulations pertaining to subdivision review shall also apply to the re-combination of lots, plats, sites, units or other divisions of land, except as indicated below under Section III C.4. Voluntary Merger, and Section III C.5. Adjustment of Boundary Lines.
- 2) Applications for subdivision of land consisting of three (3) or more proposed lots and which propose the layout and construction of a new road or street where the existing parcel to be subdivided meets the minimum lot size requirements for a CRD subdivision shall follow the CRD process set forth in the City's zoning ordinance and the Planning Board's Development Standards.
- a) Applicants may request a waiver of the CRD requirement in accordance with the following provisions:
 - 1) A request for a waiver of the CRD requirement shall be made in writing.
 - 2) The Board shall grant a waiver of the CRD requirement upon reaching a finding that the applicant has demonstrated any of the following:
 - (a) Given the parcel configuration and site constraints, a conventional subdivision design provides the only reasonable alternative to developing the parcel to be subdivided; or
 - (b) A CRD design would significantly detract from the character of the surrounding neighborhood; or
 - (c) Conservation values on the property would be better protected by a conventional subdivision design.
- 3) Layout of a City Street: Approval by the Planning Board in accordance with all City codes and these regulations shall be required for any application that proposes the laying out of a new City street or the modification of the layout of an existing City street.
- 4) Voluntary Merger. Any owner of 2 or more contiguous pre-existing approved or subdivided lots or parcels who wishes to

- merge them shall do so by applying to the Planning Board or its designee.
- a) Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved administratively, and no public hearing or notice shall be required.
 - b) No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials.
 - c) No such merged parcel shall thereafter be separately transferred without subdivision approval.
 - d) Planning Board designates the Zoning Administrator as their designee for the approval of Voluntary Mergers, and in his/her absence, the Planning Director.
- 5) Adjustment of Boundary Lines. Landowners of 2 or more contiguous preexisting approved or subdivided lots or parcels, who wish to adjust the boundary lines between one or more of said lots or parcels, may do so by applying to the Planning Board.
- a) All such requests shall be reviewed by the Planning Board without public hearing. Notice to abutters is still required.
 - b) An updated survey showing the Boundary Line Adjustment(s), and all metes and bounds of the revised parcels shall be prepared and the resulting survey plats shall be filed for recording in the registry of deeds.
- 6) Hillside Protection. Subdivision of land that includes prohibitive and precautionary slopes as defined in Chapter 102-1401 of the Keene Code of Ordinances shall be subject to the following provisions:
- a) Any new lot or parcel created after the adoption Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances shall comply with all aspects of Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances.
 - b) Any new parcel created after the adoption Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances.
 - 1) Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, land areas meeting the definition of a prohibitive slope shall be excluded in the calculation of minimum lot size for each new lot.
 - 2) Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, fifty (50) percent of land areas meeting the definition of a precautionary slope

shall be excluded in the calculation of minimum lot size for each new lot.

3) A lot located in the Rural zoning district, conforming to the zoning ordinance in all respects at the time of the adoption of Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances and that is at least ten (10) acres and less than fifteen (15) acres in size, shall be exempt from the above exclusions.

c) For all proposed subdivisions using the City's Conservation Residential Development (CRD) rules, land areas defined in Chapter 102-1401 of the Keene Code of Ordinances as prohibitive or precautionary slopes may be included in the area calculation of the Yield Plan as long as the following conditions can be demonstrated to the satisfaction of the Planning Board:

1) Access to each parcel shown on the yield plan and the proposed CRD plan can be gained without entering on and/or crossing a prohibitive slope;

2) Each parcel shown on the yield plan and on the proposed CRD plan shall have a suitable building envelop that consists of the following;

(a) A contiguous area of land of 20,000 square feet or more that in its predevelopment condition is free of characteristics that would constrain development including, but not limited to, prohibitive slope areas, surface waters, wetlands, or vernal pools;

(b) A regular shape with dimensions which provide sufficient width and depth to site permitted structures, accessory uses, and if necessary on-site water and waste water systems.

D. Conditional Use Permit Review.

1. Approval by the Planning Board following a duly noticed public hearing shall be required for all applications requesting the issuance of a Conditional Use Permit. The following uses require issuance of a conditional use permit:
 - a) Telecommunication Facilities: Conditional Use Permit approved by the Planning Board is required for the siting of telecommunication facilities, in accordance with the City of Keene's Zoning Ordinance, Article VII Telecommunications Towers and Antennas as amended, and these regulations.
 - b) Accessory Dwelling Unit: A Conditional Use Permit approved by the Planning Board is required for Accessory Dwelling Units as noted within the City of Keene Zoning Ordinance, Sections 102-332, 102-362, 102-372, and 102-896. In granting a Conditional Use Permit for an Accessory Dwelling Unit, all the requirements of Section 102-896 of the Zoning Ordinance and these regulations shall be met.

- c) Conservation Residential Development: A Conditional Use Permit approved by the Planning Board is required for Conservation Residential Development as noted within the City of Keene Zoning Ordinance, Sections 102-284 through 102-288. In granting a Conditional Use Permit for an Accessory Dwelling Unit, all the requirements of Section 102-284 through 102-288 of the Zoning Ordinance and these regulations shall be met.
- d) Surface Water Protection: A Conditional Use Permit approved by the Planning Board is required for certain uses and structures within the Surface Water Protection Overlay District, as defined in City of Keene Zoning Ordinance, Sections 102-1480 through 102-1496. In granting a Conditional Use Permit for uses and structures in the Overlay District, all the requirements of Section 102-1480 through 102-1496 of the Zoning Ordinance and these regulations shall be met.

IV. SUBMISSION AND PROCEDURAL REQUIREMENTS

A. General Requirements

- 1. All applications for site plan review before the Planning Board, administrative site plan review, subdivision review, boundary line adjustment, voluntary merger, conditional use permit, or request for waiver of the Board's Development Standards shall demonstrate compliance with the City's codes, these regulations, the Board's Development Standards and any other standards specifically referenced in these regulations.
 - a) Applicants are encouraged to discuss the requirements of relevant City codes, regulations, and standards with the Planning Department and other City staff (e.g. the City Engineer, the zoning administrator/plans examiner, and the Fire Prevention Officer) as early in the project planning stages as possible.
- 2. All applicants for site plan review (administrative or Planning Board review), subdivision review, boundary line adjustment, voluntary merger, conditional use permit, advice and comment, design review or waiver of Planning Board standards shall make application upon forms to be provided by the Planning Department and in conformance with detailed requirements set forth in these regulations. Such application forms shall be incorporated into these regulations by reference.
- 3. Ownership: The applicant for site plan review, subdivision review or conditional use permit review must either own the fee simple interest in the property(s) that are the subject of the review or have written permission of the fee simple owner. The Planning Department is directed not to accept any application for Site Plan

Review, Subdivision review or Conditional Use Permit review that does not include written evidence that the fee simple owner of the property is aware of the application and does not object to the application being made.

4. Permission to visit the property: For the City to properly review applications, City staff, members of the Planning Board, and designees of the Planning Board must have the ability to enter the property that is the subject of the application. Submittal to the Planning Department of an application for any and all types of review, either by the Planning Board or for administrative approval, shall be deemed as granting of permission for City staff, Keene Planning Board members, and/or their designees to enter onto the property for purposes of review.
 - a) Permission to visit the property extends from the date an application is submitted until the project is formally denied or construction of an approved project is complete, a certificate of occupancy has been issued, and/or final security has been returned to the applicant.
 - b) Due to the number of projects under review, it is not possible to notify property owners in advance of the specific time of each intended visit.
 - c) If the applicant wishes to place limitations upon access, then the limitations should be requested in writing at the time of application. Any such request should include the reasons for the limitations, and the Board shall use its reasonable judgment in determining the extent to which the request is to be granted.

B. Preliminary Conceptual Consultation (“Advice and Comment”)

1. The Planning Board offers applicants the opportunity to seek preliminary advice from the Board in regards to project proposals. The Advice and Comment process has been established to assist the applicant in developing a project proposal that is consistent with City policies, goals, standards and regulations. The scope of the informal discussion between the Board and the prospective applicant shall be broad and general. The primary purposes of the discussion are to:
 - a) Inform the Board about the concept for the proposed Development and familiarize the Board with the location and general character of the land and its surroundings;
 - b) Discuss the proposed project in light of the City’s Master Plan, goals and policies; and
 - c) For the Board to provide the prospective applicant with guidance about the submission and procedural requirements set forth in these regulations.

2. Information for the Board to consider must be submitted to the Planning Department no later than seven (7) business days prior to the scheduled Board meeting date. Proposed development plans may be submitted to the Board for consideration but specific design and engineering details will not be discussed. Applicants submitting site plans, building elevations or subdivision layouts for Board consideration should submit three (3) copies on D size paper and one (1) copy on 8 1/2" x 11" or 11" x 17" sized paper to facilitate copying and distribution to Board members.
3. Because this is a preliminary and informal review to assist the applicant in developing a project proposal, compliance with the Zoning Ordinance, abutter notification, and convening of a public hearing are not required. No analysis of the submitted information shall be required by City Staff. Comments by the public may be taken at the discretion of the Planning Board Chair. Anything said by the applicant or by the Board or City staff will not affect any subsequent review of the proposed development or redevelopment.
4. In providing advice to an applicant, the Board comment should focus on but not be limited to the following:
 - a) Informing the Board about the concept for the proposed Development and familiarize the Board with the location and general character of the land and its surroundings.
 - b) Advising the prospective applicant regarding how a proposed project could better meet established Community Goals, principles established in the City Master Plan, or generally accepted planning principles.
 - c) Providing the prospective applicant with guidance about the submission and procedural requirements set forth in these regulations.

C. Design Review

1. Design Review is available at the option of the applicant. The Design Review process has been established to provide informal and nonbinding review and feedback prior to submittal of a formal plan, and is particularly encouraged for large or complex projects.
2. Information for the Board to consider must be submitted to the Planning Department no later than eleven (11) business days prior to the scheduled Board meeting date. Applicants submitting site plans, building elevations, or subdivision layouts for Board consideration, should submit three (3) copies on D size paper and one (1) copy on 8 1/2" x 11" or 11" x 17" sized paper to facilitate copying and distribution to Board members. The more information that is provided, the more feedback can be provided by the Board.

3. In accordance with the requirements of State law, abutters must be notified, at the applicant's expense. Although the Board will not conduct formal public hearings during Design Review, comments by the public may be taken at the discretion of the Planning Board Chair. Anything said by the applicant or by the Board or City staff will not affect any subsequent review of the proposed development or redevelopment.
4. Because this is a preliminary and informal review to assist the applicant in developing a project proposal, compliance with the Zoning Ordinance and the submission requirement for formal plan review are not required.
5. Discussion with the Board may include but is not limited to the following:
 - a) Improving the design, layout, quality, character, and/or appearance of the proposed project.
 - b) Advising the applicant regarding how a proposed project could better meet established Community Goals, principles established in the City Master Plan, or generally accepted planning principles.
6. Advice provided may extend beyond specific Planning Board Standards to assist the applicant in designing the best possible development for the City.

D. Formal Plan Review before the Planning Board

1. General Requirements

- a) Unless otherwise indicated, this section applies to all applications for site plan review before the Board, subdivision review, conditional use permit review, waivers of Planning Board Development Standards and requests for extensions to plan expiration dates.
- b) The following time line summarizes the City's development review process and highlights key deadlines that must be met for project reviews to move forward in a timely manner.

Planning Board Site Plan and Subdivision Regulations
 (Adopted: June 23, 2008)

7 weeks prior to meeting	6 weeks prior to meeting	5 weeks prior to meeting	4 weeks prior to meeting	3 weeks prior to meeting	2 weeks prior to meeting	1 week prior to meeting	Week of meeting
M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F
★	★	★			★	★	★★
Pre-Submission Meeting On or before <u>Wednesday</u> 33 Business Days prior ★ = Key Dates	Application Submission Deadline <u>Friday 4PM</u> 26 Business Days prior NO EXCEPTIONS	Internal Completeness Review <u>Tuesday</u> 24 Business Days prior Distribute to Departments <u>Wednesday</u> 23 Business Days prior	Department Review Week Weds – Weds (5 Business Days) Requests for modifications and additional information to applicant	Applicant Revision Week Thurs – Mon (8 Business Days) Applicant incorporates staff comments into revisions	Revision Submission Deadline <u>Monday 4 PM</u> 14 Calendar Days prior NO EXCEPTIONS Abutter Notices Mailed <u>Wednesday</u> 12 Calendar Days prior Staff reports complete <u>Friday</u> Packets mailed to PB <u>Friday</u> 10 Calendar Days prior	PB Review Week	PB Meeting <u>Monday</u> 6:30 PM Decision letters mailed <u>Wednesday</u>

- c) **Pre-Submission Meeting with Staff:** For all proposed projects that meet the threshold criteria for site plan review before the Board, subdivisions proposing to create three (3) or more parcels, or projects requiring a conditional use permit, applicants shall meet with City Planning staff at least two (2) weeks prior to the Planning Board submittal deadline.
- 1) The purpose of this meeting is to review the proposed project when it is still at a conceptual stage of development, to identify any potential concerns with project design, and to ensure that the applicant is aware of all information that must be submitted with the application by the submittal deadline.
 - 2) Applicants proposing large or complex projects, or large subdivisions, are urged to meet with the planning staff as early in the plan development process as possible so that any suggestions

or changes can be integrated into the proposed design detail before significant time has been invested and design costs have been incurred by the applicant.

3) Failure to schedule and attend a pre-submission meeting with staff may result in a delay in the completion of the review process, depending on the complexity of the proposed project and the work load of City Departments.

4) Applicants are also encouraged to meet with the Zoning Administrator/Plans Examiner, Fire Safety Officer, and the City Engineer before the Planning Board submission deadline to ensure that all requirements of their respective departments are incorporated into the plan before submission to the Board.

d) **Compliance with Zoning:** Compliance with all applicable sections of the Zoning Ordinance and City Code shall be demonstrated by the applicant before an application can be noticed for review by the Planning Board.

1) Applications requiring the granting of a variance, special exception or other approval by the Zoning Board of Adjustment shall not be noticed for public hearing by the Planning Department until such variances, special exceptions or approvals have been obtained by the applicant.

2) An applicant may request a joint meeting of the Zoning Board of Adjustment and Planning Board if the application requires the issuance of a variance and/or special exception from the Zoning Board of Adjustment and a waiver of the Planning Board Site Plan and Subdivision Regulations.

2. Submission Requirements:

a) Applicants shall provide sufficient information as defined in this section to enable the City Staff and the Planning Board to evaluate the proposed Development for compliance with the City Codes, the Planning Board Regulations, and the Planning Board Development Standards. The Planning Board shall consider advice from the Planning Director in reaching a determination as to whether an applicant has provided sufficient information to deem his/her application complete.

1) All plans submitted for Site Plan Review, Design Review and/or Conditional Use Permit Review shall be prepared and stamped by a professional engineer or architect registered in the state of New Hampshire. All building elevations and renderings shall be prepared and stamped by an architect registered in the state of New Hampshire. All subdivision plans, survey plans, and boundary line adjustment plans shall be prepared and stamped by a professional land surveyor registered in the state of New Hampshire

- b) Unless otherwise specified in the Planning Board Regulations or on individual application forms provided by the City or unless an applicant requests an exemption to provide specific information following procedures set forth in Section 3, “Exemption for Specific Submission Requirements” below, the required materials to be submitted as a complete application package shall include the following:
 - 1) Two (2) copies of the completed application forms, as specified in Section c) “Application Forms” below. Such application shall be signed and dated by the property owner and his/her authorized agent (hereinafter “the applicant”).
 - 2) Two (2) copies of a descriptive narrative of the proposed project as specified in Section d) “Descriptive Narrative” below.
 - 3) For applications requiring a public hearing and for Boundary Line Adjustments, abutter notification materials as specified in Section e) “Abutter Notification Materials” below.
 - 4) Seven (7) copies on “D” sized paper and two (2) copies on 8.5”x11” or 11”x17” sized paper of complete plan sets prepared by an engineer or surveyor registered in New Hampshire and bearing the seal and signature of said engineer or surveyor, as specified in Section f) “Plan Sets” below.
 - 5) Three (3) copies of all technical reports as specified in Section g) “Technical Reports/Supporting Analysis” below. Reports prepared by an engineer shall be certified showing the stamp and seal of said engineer.
 - 6) Three (3) color copies on “D” sized paper and Two (2) color copies on 11”x17” paper of all elevations showing the visual appearance and architectural details of all proposed structures, as specified in Section h) “Visual/Architectural Details” below.
 - 7) One (1) pdf of the complete plan set.

- c) Application Forms
 - 1) The name, address, and telephone number of the owner of the parcel(s) upon which the proposed project or subdivision will occur; the name, address, and telephone number of the applicant’s authorized representative (if other than the property owner); the address, Tax Map Parcel Number(s) (TMP) and area in square feet and acres of the parcel(s) upon which the proposed development or subdivision would occur; the Zoning District(s) covering the parcel(s) subject to review; and the property owner’s signature.
 - (a) All applications shall include a completed checklist form indicating all information that has been submitted and any requested exemptions of information submission requirements. See Section IV D (3)(a)(1) below.

- d) Descriptive narrative: A narrative description of the proposed development or subdivision, including descriptions of the following:
 - 1) A brief description of the proposed Development including the type of development, the proposed uses, and the scope or scale of the development.
 - 2) The size of the existing parcel upon which the Development or subdivision is proposed.
 - 3) The location of the access point for the proposed use.
 - 4) Proposed methods for controlling storm water, drainage, erosion, and sedimentation during the project.
 - 5) Proposed methods of disposal of boulders, stumps, vegetation and other debris.
 - 6) Any other descriptive information that the Planning Board may reasonably deem necessary to determine compliance with City codes, the Planning Board Regulations, and the Planning Board Development Standards.

- e) Abutter Notification materials: For the purpose of abutter notification, the following items shall be submitted with the application:
 - 1) An abutters list that includes all owners of properties that directly abut and/or that are across the street or stream from the parcel(s) that will be subject to review, and all owners of properties located within 200 feet of the parcel(s) that will be subject to review. The certified list shall include all property owner names, property street addresses, property tax map parcel number, and mailing address if different from the property address. In the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3, XXIII
 - 2) Two (2) sets of mailing labels for each abutter and including the owner of the property that will be subject to review and his/her designated agent(s).
 - 3) A check in an amount sufficient to cover the cost of legal notice advertising and mailing of certified letters to abutters.

- f) Plan Sets: Plan sets shall contain at least the following information:
 - 1) A location map depicting the location of the proposed development or subdivisions.
 - 2) A detailed existing conditions map at a scale of 1 inch = 100 feet or smaller (showing a greater level of detail) as the Planning Director may reasonably deem necessary under the circumstances, showing the entire proposed development or subdivision property and depicting of the following information:

- (a) Contours of at least five (5) foot intervals, or at other intervals as the Planning Director may reasonably deem necessary under the circumstances, showing existing topography and drainage patterns.
 - (b) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
 - (i) All wetland areas on parcel(s) to be developed or subdivided shall be delineated by a wetlands scientist certified by the State of New Hampshire.
 - (ii) A waiver of the wetland delineation requirement may be granted for boundary line adjustments if the applicant designates areas not delineated as "no build" areas and such designation is clearly shown and noted on the plan.
 - (c) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.
 - (d) Existing public streets and rights of way, lot lines, abutter names, and Tax Map Number(s) of all abutting properties.
 - (e) Location of existing wooded and vegetated areas.
 - (f) Location of existing structures, power lines and other utilities, wells, septic systems, private roads or driveways, stonewalls, cellar holes, cemeteries, easements, and rights of way on the property, and to the extent practical on abutting properties.
- 3) A detailed proposed condition site plan or subdivision map drawn at a scale of 1 inch = 100 feet or a smaller scale (showing greater detail) as the Planning Director may reasonably deem necessary under the circumstances, showing the proposed development or subdivision property and showing the following information:
- a) Existing and proposed contours of five (5) foot intervals, or at other intervals as the Planning Director or City Engineer may reasonably deem necessary under the circumstances, showing existing topography and drainage patterns.
 - b) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
 - c) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.

- d) Existing and proposed public streets and rights of way, lot lines, abutter names, and Tax Map Number(s) of all abutting properties.
 - e) The location of existing and proposed wooded and vegetated areas.
 - f) The location of existing structures, power lines and other utilities, wells, septic systems, private roads or driveways, stonewalls, cellar holes, cemeteries, easements, and rights of way on the property, and to the extent practical on abutting properties.
 - g) The locations and footprints of proposed structures, accessory facilities, storm water drainage facilities, lighting fixtures, fences, walls and dumpsters.
 - h) The locations of existing and proposed provisions for vehicular and pedestrian traffic, including parking areas, access driveways, and sidewalks, including the design, striping, signing, and materials to be used for constructing said parking areas, driveways, and sidewalks,
 - i) Any additional information that the Planning Board or its designee may reasonably deem necessary to determine compliance with the Zoning Ordinance and the Planning Board Regulations.
- 4) A grading plan showing erosion control, sedimentation control and drainage management facilities that will be constructed or utilized control storm water runoff volume, velocity and water quality. This plan shall be drawn at a scale of 1 inch = 50 feet or a smaller scale as the Planning Director may reasonably deem necessary under the circumstances, showing the following information:
- (a) Contours of at least two (2) foot intervals, or at other intervals as the Planning Director or City Engineer may reasonably deem necessary under the circumstances, showing existing and proposed topography and drainage patterns. This data is available electronically from the City Planning Department but may need to be field verified for accuracy.
 - (b) Notations indicating the location of all proposed finish slopes that will be in excess of 25%, expressed as a ratio or as a percent.
 - (c) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
 - (d) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.
 - (e) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.

- (f) Existing and proposed structures, public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.
 - (g) Existing structures and impervious surfaces on abutting properties, for the extent to which such properties are shown.
 - (h) Location and dimensional information, as appropriate, of existing and proposed utilities including but not limited to water lines, sewer lines, storm drain lines and catch basins, gas lines, gas storage tanks, fire hydrants, irrigation lines, grease traps, pump stations, ground water monitoring wells, ground water source wells, septic systems, electric lines, transformers, communication lines, and sector cabinets. For complex projects, the City Engineer may request that Utilities be shown on a separate plan sheet.
 - (i) Location of any existing and proposed utility or drainage easements or rights of way.
 - (j) The location(s) and design details for all proposed erosion control, sediment control, and storm water and drainage management structures, devices, and processes including but not limited to:
 - (i) Catch basins and storm water lines, including invert elevations
 - (ii) Storm water detention or retention ponds or devices.
 - (iii) Sediment settlement areas.
 - (iv) Silt fences and other erosion control devices.
 - (v) Flow dissipation measures.
 - (vi) Soil stabilization measures.
 - (vii) Any other measures proposed to minimize erosion and sedimentation, and promote soil stabilization.
 - (k) A note describing the procedures and timing for inspecting, maintaining, and repairing erosion control, sedimentation control, and water and drainage management structures, devices and processes.
 - (l) A note indicating the requirement for documenting in a log all inspection and maintenance activities, all adverse impacts identified during inspections, and actions taken to remediate the adverse impacts.
- 5) A landscaping plan providing the following information:
- (a) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - (b) Existing and proposed public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.

- (c) The location, species and size of all landscaping materials proposed to be installed on the site.
 - (i) Plants shown on the landscaping plan shall be drawn to scale and shall show a circle (bolded) corresponding to the diameter of the drip line of each plant at the time of planting and a second circle (grey outline) corresponding to the average diameter of the drip line of each plant at maturity.
 - (e) A table listing all species and materials to be installed on the site, and indicating the size and number of each species to be installed.
 - (i) Invasive plant species shall not be permitted in landscaping designs. An invasive species list is available through the NH Department of Agriculture, Markets, and Food website.
 - (ii) Plant sizes shall include height and width at time of planting as well as average height and width at maturity.
 - (f) A table indicating the number of trees and shrubs required by the Zoning Ordinance to meet parking lot landscaping and street design standards, and indicating the number of corresponding trees and shrubs to be provided to meet the Zoning Ordinance standards
 - (g) Design details following best management practices for installing landscaping materials.
- 6) A lighting plan providing the following information:
- (a) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - (b) Existing and proposed public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.
 - (c) Location of all exterior lighting fixtures with a notation differentiating the types of fixtures
 - (d) Cut sheets for all fixtures proposed clearly indicating the following:
 - (i) Type of fixture
 - (ii) Type of bulb
 - (iii) Wattage of bulb
 - (iv) Height of fixture head
 - (e) Photometric analysis on a map showing light intensity in foot candles across the site and immediately (minimum of 20 feet) beyond the perimeter of the site.
 - (f) An analysis of the minimum, maximum and average light intensity in foot candles for the site.

- (g) A separate analysis for full lighting and security lighting shall be provided when security lighting is proposed by the applicant or required by the Planning Board.

- g) Technical Reports/Supporting Analysis: Supporting analysis, including but not limited to the analyses set forth below, prepared by qualified individuals, may be required by the Planning Board or its designee based on the nature and or scope of the proposed development or subdivision. Reports and technical analysis prepared by an engineer shall be so certified with the stamp and seal of the engineer. Applicants are encouraged to discuss the need for technical reports with City Staff prior to submitting an application.
 - 1) Drainage Analysis:
 - 2) Traffic Analysis:
 - (a) An initial analysis shall provide an estimate of the expected volume of traffic to be generated by a proposed Development or subdivision, an evaluation of potential impacts to safety and capacity of City streets as a result of the proposed Development, and an analysis of safety related to on-site traffic patterns/flows including potential truck movements and pedestrian movements.
 - (i) The estimated daily and peak hour vehicle trips to and from the proposed Development or subdivision site shall be derived from the most recent edition of the ITE manual based on the use shown in the manual that most closely represents the proposed Development. The applicant may propose alternative methods for estimating traffic volumes, and the Planning Director shall provide advice to the Board as to whether the proposed alternative method is reasonable.
 - (b) In the event the estimated number of vehicle trips exceeds one hundred (100) vehicle trips per day or 50 vehicle trips during the peak hour, the applicant shall provide a complete traffic study prepared and stamped by an engineer, which shall include at least the following:
 - (i) Daily and peak hour traffic counts for all intersections within ½ mile of the development access point, or within an alternative distance as may be reasonably determined by the Planning Board or its designee.
 - (ii) An estimate of the volume distribution for vehicles entering and leaving the proposed development.
 - (iii) A level of service analysis for all intersections that may be impacted by the proposed development.
 - (iv) An accident analysis for all road segments and intersections that may be impacted by the proposed development.

- 3) Soils Analysis:
 - (a) An analysis of soils maps as shown in the Cheshire County Soil Survey (CCSS), providing descriptions and locations of soils with the following characteristics:
 - (i) soils classified as very poorly drained or poorly drained soils;
 - (ii) soils and/or topographic conditions that are susceptible to erosion;
 - (iii) soils where bedrock may be located 48” or closer to the surface.
 - (b) The location and logs for all soil test pits and/or borings made on the site in preparing the permit application.
- 5) All special reports, analysis, and information as may be required pertaining to review of telecommunications facilities proposals.
- 6) Any other special reports, analysis, and information as may be reasonably requested by the Planning Board including but not limited to, Natural Heritage documentation, historic evaluation, screening analysis, or architectural/visual appearance analysis.
- h) Visual/Architectural Details: Three (3) color copies on “D” sized paper and Fifteen (15) color copies on 11”x17” paper of elevations showing the visual appearance and architectural details of all proposed structures, with proposed construction materials, finishes, and colors clearly labeled, and with façade height and length dimensions shown on the elevations. Landscaping should not be included on elevations.
 - 1) Additional color representations, simulations, or renderings of a proposed Development may be required by the Planning Board during the review process.

3. Exemptions for Specific Submission Requirements

- a) An applicant may make a request to the Planning Director to exempt his/her application from specific submission requirements associated with plan sets and technical reports when such requirements are not applicable to the Planning Board’s evaluation of the application and are not necessary for proper documentation of the project.
 - 1) Requests for exemption shall be made at the time of application submission. Exemption requests shall be made on a checklist form included with the application form (available on the City Website), and shall include a brief explanation as to why the information specified for exemption is not relevant to the Planning Board’s evaluation of the application.

2) The Planning Department shall review all such requests during the Department Review Week. The Planning Director may grant an exemption of specific information submission requirements if he/she finds that the information is not applicable to the Board's determination of whether the applicant complies with the City codes, these regulations, and the Planning Board's Development Standards, and is not necessary for proper documentation of the project.

(a) Factors to consider in determining whether to grant an exemption include consideration of the size, scale, scope, design and nature of the proposed development or subdivision project.

(b) The Planning Department shall notify the applicant as soon as possible if any requested exemption will not be granted.

(i) If the information pertaining to the requested exemption is necessary for proper documentation, but not central to the initial departmental review of the application, the Applicant will be permitted to provide the required information by the Revision Submission Deadline of 4 PM, fourteen (14) Calendar days prior to the Board's meeting date.

(ii) If the information pertaining to the requested exemption is central to the departmental review of the application, then the application shall not be accepted and shall be returned to the applicant.

3) Any exemption granted by the Planning Director shall be evaluated and approved by the Planning Board during review of completeness of the application. The Board may consult with City Staff and/or its consultant prior to confirmation.

(a) If the Planning Board determines that information not provided is relevant to its decision on the merits of the application, then the applicant shall provide said information prior to the Board making a decision on the application.

4) In the event that the Planning Director rejects an applicants' request for exemption for the submission of specific information, the applicant may appeal the Planning Director's decision to the Planning Board prior to the Board's determination of completeness.

(a) Applicants wishing to appeal the Planning Director's rejection of a request for exemption for the submission of specific information, shall submit a letter indicating the request for appeal by the Revision Submission Deadline. The appeal request shall outline the specific information in question and shall provide specific

explanation for why the applicant believes the information is not necessary.

(b) Upon receipt of the request, the Planning Director shall proceed with noticing the application for public hearing at the next Planning Board Meeting.

(c) The Planning Board shall consider the appeal prior to making a finding of completeness on the application.

(d) In the event that the Board determines that the information that is the subject of the exemption request is necessary for the Board to complete its review, then the Board shall table the application to give the applicant time to provide the required information.

(i) When all information pertaining to a tabled application has been received prior to the Revision Submission Deadline, the application shall be re-noticed at the applicant's expense. The applicant shall be required to provide an updated abutters list, 2 sets of updated mailing labels and a check covering the cost of re-noticing prior to the Revision Submission Deadline.

(e) In the event that the Board determines that the information that is the subject of the exemption request is not necessary for the Board to complete its review and all other information necessary to complete the review has been provided, then the Board shall find that the application is complete and proceed with the public hearing.

(f) Even after deeming an application complete, the Planning Board reserves the right to require the applicant to provide additional information as may be reasonably necessary to evaluate compliance with City codes, the Planning Board Regulations and the Planning Board Development Standards.

(i) Failure by the applicant to provide information reasonably required by the Board shall constitute adequate grounds for denying an application.

4. Application Submittal Deadline

a) The Planning Board has established an Application Submittal Deadline date corresponding with each scheduled Planning Board meeting date. All applicants wishing to have a proposed project reviewed at a regularly scheduled meeting shall submit a completed application package along with all supporting documentation set forth in the "Application and Submission Requirements" to the Planning Department no later than 4 pm on the Application Submission Deadline date corresponding with the Planning Board meeting date.

- 1) The submission deadline corresponding to each regularly scheduled Planning Board meeting date shall be listed on a schedule approved by the Planning Board and made available to the public. The submission deadline will typically be no later than 4PM, twenty-six (26) business days prior to the corresponding regularly scheduled Planning Board meeting date.
- 2) The submittal deadline has been established by the Board to provide adequate time for staff to review projects, for applicants to address staff comments and for staff to prepare a summary staff report for distribution to the Planning Board prior to the scheduled meeting date.
- 3) The submission deadline shall not be waivable under Section X of these regulations.

5. Initial Completeness Review

- a) Within two (2) business days following the application submittal deadline, the Planning Department shall complete an initial review of each application to evaluate whether the submission requirements set forth in Section IV(D)(2) have been met.
- b) If the Planning Department makes an initial determination that the application does not conform with the submission requirements set forth in Part IV(D)(2), the Planning Department shall notify the applicant of the application's nonconformance.
 - 1) If the missing documents or information are necessary for proper documentation, but not central to the initial departmental review of the application, the Applicant will be permitted to provide the required information by the Revision Submission Deadline of 4 PM, fourteen (14) calendar days prior to the Board's meeting date.
 - 2) If the missing documents or information are central to the departmental review of the application, then the application shall not be accepted and shall be returned to the applicant.
 - 3) Applicants shall retrieve the nonconforming applications from the Planning Department. Any fees submitted with the nonconforming application shall also be returned.
- c) Requests for exemption of submission requirements shall be reviewed by the Planning Staff during the Departmental Review Week as set forth in Section IV (D)(3) above.
- d) Applicants wishing to appeal the Planning Department's initial determination of nonconformance shall submit a letter indicating the request for appeal by the Revision Submission Deadline. The appeal request shall outline the basis for the Planning Department's finding and shall provide specific explanation for

why the applicant believes the application meets the submission requirements. Upon receipt of the appeal letter, the Planning Director shall proceed with noticing the application for public hearing at the next Planning Board Meeting.

6. Departmental Review

- a) Once the Planning Department has made an initial determination that a submitted application conforms to the submission requirements, copies of plan sets shall be distributed to the Engineering Division, the Code Enforcement Department, the Fire Department and the Police Department for technical review.
 - 1) The Planning Department shall make every reasonable effort to distribute the plans to City Departments no later than the first Monday following the submission deadline.
 - 2) City Departments will be requested to return comments to the Planning Department within five (5) business days of the distribution date.
 - 3) The Planning Department will communicate departmental comments to the applicant as soon as they are all received. All comments received on each application will be included in the Planning Department's report to the Board. Applicants may be asked to work directly with individual City Departments as necessary to address issues raised and to ensure that revisions submitted are adequate and acceptable.
 - 4) The Planning Department is directed to work with the Applicant to improve the project as much as possible prior to the Revision Submission Deadline.

7. Revision Submission Deadline

- a) All plan revisions (two copies of complete plan sets on "D" size paper, one copy of complete plan sets on standard 8.5 x 11 letter paper, one pdf of the complete revised plan set) and/or any additional information requested by City Departments shall be delivered from the applicant to the Planning Department no later than the Revision Submission Deadline of 4PM, fourteen (14) calendar days prior to the Planning Board meeting date.
 - 1) This deadline is necessary to ensure that applications are as complete as possible prior to advertisement of the public hearing.
 - 2) The Revision Submission Deadline shall not be waivable under Section X of these regulations.
- b) If plan revisions and/or requested information are not received by this deadline, the Planning Department is directed to withhold the advertisement for the public hearing and to remove the application

from the agenda for the next Planning Board meeting. The application shall be considered for inclusion on a future agenda once all revisions and/or requested information have been received prior to the corresponding Revision Submission Deadline.

- c) In the event that an Applicant wishes to revise an application or provide additional information after the Revision Submission Deadline has passed, the Planning Director shall advise the Board that the information was received after the Revision Submission Deadline and shall indicate whether the City Staff has adequately reviewed the information submitted and whether the revisions or additional information materially affect the application to be considered.
 - 1) If the Planning Board deems that the revisions are significantly different from the plans that were previously reviewed by Staff and/or that City Staff has not had sufficient time to adequately review the revised application or the additional information, then the Planning Board may, within its sole discretion, table the application to its next regularly scheduled meeting. An application that has been tabled shall be re-noticed at the applicant's expense at least ten business days prior to the Planning Board meeting at which the application will next be considered.
 - 2) Alternatively, if the Board finds that the revisions are minor and do not materially alter the substance of the application, the Planning Board may find the application as complete and open the public hearing.

8. Noticing of a Public Hearing and of Boundary Line Adjustments

- a) The Planning Department shall prepare and submit legal advertisements for all applications for which all information has been received by the stated deadlines.
- b) Using the labels and the certified abutters list provided by the applicant, the Planning Department shall prepare abutters' notices to be mailed by certified mail in accordance with State statute.
- c) Applications for which all information has been received by the stated deadlines shall be placed on the agenda in an order established by the Planning Board Steering Committee.
 - 1) The Chair of the Planning Board may, with the consent of the majority of the Board members present, modify the order of items appearing on the agenda at the time of the meeting.
- d) The Planning Department shall prepare a staff report, as needed, for each application listed on the Planning Board's agenda. Staff reports shall contain a brief summary of the project and a summary analysis of how the project relates to each of the Board's

- Development Standards. Sample motions including any suggested findings and/or conditions may also be provided.
- e) A packet containing the meeting agenda, the application form, narrative, reduced plans, and color elevations for each new project appearing on the agenda and any staff reports for new and/or continued projects, will be delivered to Planning Board members during the week prior to the scheduled Planning Board Meeting.
 - 1) The Planning Department will make every effort to distribute and post the packet on the City's web site ten (10) calendar days prior to the scheduled Planning Board meeting date.

 - f) Planning Board members are strongly encouraged to visit project sites prior to the Planning Board meeting to review site conditions and evaluate the potential for adverse impacts associated with the development of the site.
 - 1) At the discretion of the Planning Director or Planning Board Chair, a formal Planning Board site visit to a project site may be scheduled prior to the Planning Board meeting at which the project will be considered.
 - 2) In the event that no site visit is scheduled, Planning Board members are encouraged to review the staff report for guidance as to what to look at during a site visit.

9. The Planning Board Meeting

- a) The Planning Board shall not approve an application until it is satisfied that all necessary information has been placed on the record and review of the application is complete.
- b) At the first meeting during which the Planning Board reviews an application, the Board shall determine whether the application is complete prior to opening the public hearing.
 - 1) In determining completeness, the Planning Board shall consider advice from the Planning Director in reaching a determination as to whether an applicant has provided sufficient information to deem his/her application complete. The Planning Board shall make the final determination of completeness for each application.
 - 2) In its determination of completeness, the Board shall also consider any requests for exemption of information that the Planning Director has granted and any appeals of the Planning Director's decision not to grant an exemption.
 - 3) If the Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board.
 - (a) If the application is tabled, the applicant will be given until Revision Submission Deadline of 4PM, fourteen

- (14) calendar days prior to the next Planning Board meeting date to meet the completion requirements as specified by the Board.
- (b) An application that has been tabled shall be re-noticed at the applicant's expense at least ten business days prior to the Planning Board meeting at which the application will next be considered.
- (c) If the Planning Board finds that the application is not complete at the next Planning Board meeting, the application shall be rejected by the Board and the Public Hearing canceled.
 - (i) A decision by the Board that an application is not complete shall be delivered to the applicant in writing.
- c) Upon reaching a finding that an application is complete, the Planning Board may open the public hearing for the application and request that a person representing the application present a summary of the proposed project.
 - 1) This summary should be relatively brief and concise and should include a description of the project location, the characteristics of the site, and the project designs and features that relate specifically to the Board's Development Standards.
 - (a) Applicants may be asked to limit the time of this presentation, particularly if the Board has a full agenda.
 - 2) Following the applicant's presentation and questions by the Board, City staff may summarize issues identified during the departmental review, with particular emphasis placed on those issues that may not conform with the Board's Development Standards.
 - 3) The Staff's presentation is typically followed by testimony from the general public. Any abutter or other person with a direct interest in the matter may testify in person or in writing, and other persons may testify at the Board's discretion.
 - 4) The applicant will be given an opportunity to respond to any testimony raised by Staff or the public and to answer any questions raised by the Board.
 - 5) At any point after opening the public hearing, the Planning Board may determine that it needs additional information from the applicant to complete its review, including, but not limited to, special studies or technical analysis.
 - (a) Any such information shall be provided at the applicant's expense, and a failure to provide such studies for the Board shall be grounds for denial of the application.
 - (b) The Board will make every effort to be reasonable in its requests for information and recognizes that such studies can add both time and cost to a project. However, it shall remain the sole responsibility of the applicant to

demonstrate to the satisfaction of the Board that the application complies with these regulations and the Board's Development Standards.

- 6) The Board may also request that the Applicant modify elements of a proposed project to bring it into compliance with the Board's Development Standards.
- 7) If necessary, the Board may vote to continue the public hearing to its next regularly scheduled meeting to allow the applicant to produce additional information or modify the proposal.
 - (a) No additional noticing shall be required for applications that have been continued to a specific time and date.
 - (b) In accordance with State law, the Board is required to finish its review within sixty-five (65) days of the meeting at which the Board accepts an application as being complete. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under RSA 676:4 can be extended by mutual agreement of the Board and the applicant, so long as the applicant submits a request for the extension in writing.
 - (c) If an applicant does not consent to an extension and the Board needs additional time to review an application and render a decision, then under the authority and process set forth under RSA 676:4, the Planning Board may petition the City Council for an extension of the decision deadline.
- 8) Once all testimony has been taken, the Chair shall close the public hearing and the Board shall deliberate before reaching a decision. When the Board has completed its deliberation it will approve, approve with conditions, or disapprove an application. All decisions shall be delivered in writing to the applicant and shall include any conditions for approval or reasons for denial.
- 9) A written notice of decision including the minutes of the meeting at which a vote was taken to approve, conditionally approve, or disapprove an application before the Planning Board shall be placed on file at the Planning Department and shall be available for public inspection within 144 hours of such vote.

10. Hiring of Consultants

- a) With applications where the information submitted is deemed by the Planning Board to be complex or technical in nature, the Board may direct staff to hire a consultant, at the applicant's expense, to review the application and provide advice to the Board. The Board may determine this need at any time during the review process.

- 1) To expedite the process of hiring a consultant, staff shall evaluate each application during the Departmental Review Week and recommend to the Planning Board Steering Committee whether a consultant will be necessary. The Steering Committee may authorize staff to engage a consultant.
- 2) If the Planning Board Steering Committee authorizes the hiring of a consultant prior to determining completeness of the application, then the Board shall not rule on the completeness of the application until a consultant has been retained.
 - (a) Decisions regarding the selection of a consultant and the scope of the consultant's work may be made by the Planning Board Steering Committee.
 - (b) The Planning Board Steering Committee may wish to seek the input from the entire Board regarding the need for a consultant or the scope of the consultant's work. As such the Planning Board Steering Committee may wait until after the determination of completeness and the opening of the public hearing to authorize the hiring of a consultant.
 - (c) City Staff shall follow the City's purchasing procedures for hiring a consultant.
- 3) The cost of any such consultant shall be at the applicant's expense and failure by the applicant to agree to pay for the cost of the consultant shall be grounds for denial of the application.
- 4) The Planning Board shall make every effort to be reasonable in its requests for consulting services, recognizing that such studies can add both time and cost to a project.

11. After the Board Makes a Decision

- a) If an application is conditionally approved, the applicant has 180 days, beginning the day following conditional approval by the Board, to meet any conditions that the Board determines must be met prior to signing of the plan by the Planning Board Chair.
 - 1) Any and all conditions that must be met after the plan is signed shall be satisfied within 24 months, beginning the day following approval by the Board.
 - 2) Prior to the Board's granting of a conditional approval, the Applicant may request a reasonable extension of the time limit for satisfying the conditions.
- b) Active and substantial development of a project must be completed within 24 months beginning the day following the Board's decision to approve or conditionally approve the application.
 - 1) For purposes of these regulations, "active & substantial development" shall be defined as:

- i. Construction of and/or installation of basic infrastructure to support the development (including all of the following: at least 1 building foundation wall/footing, roadways, access ways, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
 - ii. Construction and completion of drainage improvements to service the development in accordance with the approved plans; and
 - iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
 - iv. Items i, ii, and iii shall be reviewed and approved by the City of Keene.
 - 2) Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered “active and substantial development.” Plans approved in phases shall be subject to this definition for the phase currently being developed.
- c) Any failure to meet the above deadlines shall result in automatic expiration of Planning Board approval.
- 1) This section shall not be waivable under the “Waivers of Requirements” section of these regulations.
 - 2) Applicants are urged to submit applications to other permitting authorities, including but not limited to state and federal permits, in a timely fashion, to keep the Planning Department informed as to the progress of the project, and to formally request an adjustment to the Planning Board’s deadlines prior to expiration, if that becomes necessary.
 - 3) In the event that an approved plan expires due to a failure to meet established deadlines, the following shall occur:
 - (a) All site work associated with the expired plan shall immediately be halted.
 - (b) Prior to initiating additional site work associated with the expired plan, a new application requesting approval of the plan shall be submitted and reviewed in accordance with these regulations.
 - (c) Any uses of the property associated with the expired plan shall be prohibited.
- d) Prior to the expiration of the above timeframes or of a previously-extended deadline, an applicant may request an extension of the timeframe for meeting conditions or achieving active & substantial development. Under no circumstances shall an applicant be granted more than three (3) extensions total for their application.

The procedure for requesting an extension from the Board is as follows:

1) Such requests for extension shall be submitted in writing to the Planning Department prior to the deadlines noted above and at least ten (10) business days prior to the Planning Board Meeting at which the request will be considered. In addition to submitting the required written request, the applicant or their representative(s) shall appear in person at the Planning Board meeting at which their request will be considered.

2) Prior to expiration of the initial condition approval timeframes, an applicant shall be granted a first extension if said applicant demonstrates that the extension is necessary and provides a review and update to the Board about the nature of the project and its status.

3) Prior to expiration of the first extension, an applicant may be granted a second extension if said applicant demonstrates that the second extension is necessary and summarizes what changes, if any, have occurred to state law, City Codes, Ordinances or Regulations applicable to the project. In evaluating the request, the Board shall consider whether any changes identified by the applicant would have influenced the Board's decision with respect to the project, resulting in either modification of the project, the imposition of additional or different conditions in the approval, or disapproval of the project. If the Board finds that substantive changes to applicable state law, City Codes, Ordinances, or Regulations have been adopted which would have resulted in either modification of the project, the imposition of additional or different conditions in the approval, or disapproval of the project, then the extension request shall not be granted.

4) Prior to expiration of the second approved extension period, an applicant may request a third extension. A third extension shall only be granted by the Planning Board where an applicant can demonstrate that there are extraordinary circumstances that warrant a third extension of the deadline. For purposes of this section extraordinary and compelling circumstances shall be defined as "a highly unusual set of facts or circumstances that are not commonly associated with a conditional approval." Extraordinary circumstances may include, but not be limited to, litigation that is entered into after the conditional approval is granted and which prevents the applicant from completing conditions required for signature or from completing active and substantial development.

5) Length of time for extensions is six (6) months for meeting conditions of approval and one (1) year for achieving active & substantial development.

- (a) An extension of the conditions deadline by six (6) months will also automatically extend the deadline for active & substantial development by one (1) year.
 - 6) If the request for extension is denied by the Board, and the above deadlines have not passed, the Applicant may submit an application for modification of the conditional approval to address concerns leading to the Board's denial of the extension. Said application shall be reviewed in accordance with the Jurisdiction section set forth in these regulations.
 - 7) No modifications to the plan shall be considered in conjunction with the request to extend the deadline.
- e) For some conditions established as part of a conditional approval, a compliance hearing will be required. Conditions for which approval may become final without further public hearing based upon certification by the Planning Department or evidence of satisfactory compliance include:
 - 1) Minor plan changes, compliance with which is administrative and which does not involve discretionary judgment;
 - 2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - 3) Conditions with regard to the applicant's obtainment of permits or approvals granted by other boards, commissions or agencies.
- f) The Board will inform the applicant at the time of the conditional approval if a compliance hearing will be required. The applicant shall pay for all abutter notification and public notice associated with a compliance hearing in accordance with the Fee Schedule (available from the Planning Department).
- g) Building permits for plans approved by the Planning Board shall not be issued until said plans have been signed by the Chair or Vice Chair of the Planning Board. Said signature shall signify that that the plan has been duly approved by the Board and that all conditions precedent to plan signature have been met as specified in the approval.
 - 1) Prior to signature of plans approved by the Board, applicants shall demonstrate to the satisfaction of the Planning Department that any and all conditions have been met as specified by the Board.
 - 2) Prior to signature of plans approved by the Board, the applicant shall provide complete copies of the approved plan set in a number and form as specified by the Planning Department.
 - 3) Prior to signature of plans approved by the Board, applicants shall provide a CD containing an electronic copy of the complete plan set in a format specified by the Planning Department (dwg or dfx preferred, TIF accepted)

4) After a project is completed and prior to release of any security held in accordance with Section VIII below, applicants shall provide two (2) complete plan sets on “D” size paper showing the “as built” condition. Applicants shall also provide a CD containing an electronic copy of the complete “as built” plan set in a format specified by the Planning Department (.dwg or .dxf preferred, TIF accepted)

E. Procedures for Administrative Plan Review of a Minor Project

1. Upon receipt of an application for administrative plan review, the Planning Staff shall verify that the request qualifies for administrative approval under the Jurisdiction section of these regulations.
 - a) Applications that do not qualify for administrative approval in accordance with the Jurisdiction section of these regulations, or do not have sufficient information to determine compliance with Board regulations, shall be returned to the applicant.
 - b) To ensure that the project is eligible for administrative review, Applicants are strongly encouraged to discuss the proposed project with the Planning Department before submitting an application.
2. Within fourteen (14) days of receipt of all information necessary to evaluate a request for administrative approval, the Planning Department shall complete its review of the proposed project, in consultation with other City departments as appropriate.
 - 1) All applications for administrative approval shall be reviewed by the Code Enforcement Department to verify that the proposed project is in compliance with the Zoning Ordinance and other applicable City Codes.
3. Upon completion of its review, the Planning Department shall issue a written decision approving the application, approving the application with conditions, or disapproving the application.
 - a) If the Planning Department evaluation determines that the proposed project does not meet the Board’s Development Standards, the department staff shall work with the applicant in an attempt to modify the proposed project so that it conforms to the Board’s Development Standards.
 - b) Alternatively, within 20 days of the Department’s written decision, the applicant may request to have the application placed on the agenda for the next regularly scheduled Planning Board meeting, following the submission requirements and procedures for formal

plan review. A new application for Board review must be received in accordance with deadlines established for formal plan review.

V. PROCEDURES ASSOCIATED WITH CONDITIONAL USE PERMIT APPLICATION REVIEW

A. General Requirements

1. All Conditional Use Permit Applications shall be to the Planning Board in accordance with the submission and procedural requirements as provided for in these regulations and RSA 676:4.
2. In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the Board's Site Plan/Subdivision Regulations and the Keene Zoning Ordinance.
3. Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be rendered in writing and shall be based upon substantial evidence contained in the written record.
4. Modification of Conditional Use Permits. Requests to modify an approved Conditional Use Permit shall be in accordance with the submission and the procedural requirements set forth in these Regulations.

B. Conditional Use Permits for Telecommunication Facilities

1. In the review of Conditional Use Permit applications for telecommunication facilities, the Planning Board shall evaluate the application for compliance with the Planning Board's Development Standards, all applicable Design Standards and Conditional Use Permit Review Criteria as provided for in Section 102-1267 and the General Requirements of Section 102-1266 of the Keene Zoning Ordinance. To the extent that there is inconsistency between these regulations and the requirements of Article VII of the Keene Zoning Ordinance, the requirements of Article VII of the Keene Zoning Ordinance shall govern.
 - a) Standard 19, Architectural and Visual Appearance, of the Planning Board's Development Standards shall not be considered as applicable.

C. Conditional Use Permits for Accessory Dwelling Units

1. An Accessory Dwelling Unit is an accessory use that is permitted in conjunction with a single family residential use. Engineered site plans are not required under the submission requirements of these regulations for single and two family uses.
 - a) In lieu of an engineered site plan, an applicant shall submit a scaled and dimensioned plot plan or diagram of the property showing existing conditions on the property and any proposed changes necessary to bring the site into compliance with the criteria set forth below, as well as a narrative describing the proposed changes.
2. The Board shall apply the following additional criteria in granting a Conditional Use Permit for an Accessory Dwelling Unit:
 - a) A buffer yard having a minimum depth from the common property boundary line of seven (7) feet shall be maintained to screen an accessory dwelling unit from adjacent residential dwellings.
 - 1) The depth of the buffer yard shall be increased to fourteen (14) feet when an accessory dwelling unit abuts a non-residential use.
 - 2) The location and length of the buffer yard and the density and height of the vegetation within the buffer yard shall be as determined by the Planning Board where necessary to supplement or provide screening.
 - 3) In certain instances, the minimum depth of the buffer yard may be reduced when it is determined by the Planning Board that the installation of a fence, wall or berm, or combination thereof will accomplish this objective.
 - 4) Where a fence, wall or berm is installed it shall be a minimum of four (4) feet in height.
 - 5) Existing trees and shrubs within the buffer yard may satisfy the requirement of this paragraph, but the Planning Board may require that existing vegetation be replaced or new vegetation be installed in order to present a reasonable finished appearance and furnish reasonable screening; and,
 - b) Architectural elevations shall be submitted for all new exterior construction as part of the Conditional Use Permit application.
 - 1) Such exterior construction shall be designed to match the foundation, architectural style, and materials of the primary dwelling unit.
 - 2) The Planning Board shall review this information, taking into consideration roof pitch, siding, and building foundation to ensure that the accessory dwelling unit matches the architectural character of the primary single-family dwelling.

3. Decisions. All applications for Conditional Use Permits must comply with sections 102-242, 102-332, 102-362, 102-392, and 102-896 of the Keene Zoning Ordinance. Possible decisions rendered by the Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be in writing and shall be based upon substantial evidence contained in the written record.
 - a) In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to preserve the intent of these regulations.

D. Conditional Use Permits for Uses and Structures within the Surface Water Protection Overlay District

The Surface Water Protection Overlay District is defined in Sections 102-1480 through 102-1496 of the City of Keene Zoning Ordinance. The ordinance defines what water bodies qualify as surface waters and requires a seventy five foot buffer around these areas in Rural, Agriculture, or Conservation Zoning Districts, with a thirty foot buffer required in all other zoning districts, as listed in Sections 102-1483 and 102-1493 of the Keene Zoning Ordinance. In specific cases, an applicant may be unable to comply with the terms of the Surface Water Protection Ordinance and require a reduction in buffer width. In zones with a seventy-five foot buffer, a Conditional Use Permit (CUP) is required to reduce the buffer area, with the Planning Board able to reduce the buffer to thirty feet. A CUP is also required to provide relief from the thirty foot buffer requirement of all other zoning districts, with the Planning Board able to reduce the buffer width to ten feet. To reduce buffer widths further, a variance must be granted by the Zoning Board of Adjustment.

- 1) When State and Federal permits are required, local Conditional Use Permits shall only be required for those areas within the overlay district that are not covered by the State or Federal permits.
- 2) Verification of Surface Water Boundaries:
 - a) The location, area, and limits of all surface waters and their buffers shall be field determined and delineated by a New Hampshire Certified Wetland Scientist, with the applicant solely responsible for bearing the costs.
- 3) All applications for Conditional Use Permits must comply with sections 102-1480 through 102-1496 of the Keene Zoning Ordinance. Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be in writing and shall be based upon substantial evidence contained in the written record.
 - a) In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to preserve the intent of these regulations.

VI. CONSERVATION RESIDENTIAL SUBDIVISIONS

1. Objectives. The objectives of a CRD are as follows:
 - a) To permit reduced lot sizes and flexible dimensional building setback requirements in exchange for permanently preserving open space;
 - b) To allow an increase in residential density by meeting specific criteria which demonstrate public benefits;
 - c) To promote the siting of buildings and roads, which are sensitive to existing natural and historic features;
 - d) To promote the efficient provision of municipal services and a more efficient use of land requiring a smaller network of streets and utilities;
 - e) To maintain the rural hillsides and scenic character of the community;
 - f) To preserve and protect environmentally sensitive site characteristics, historic features, and open space areas, such as mature tree stands, pastures and fields, stonewalls, wildlife habitats, natural drainage ways, wetlands, aquifer recharge areas, existing and potential water supplies, steep hillsides, scenic roads and vista outlooks; and,
 - g) To further the goals and objectives of the City Master Plan;
2. Application Procedure. A CRD shall be submitted to the Planning Board as a Conditional Use Permit application in accordance with these regulations.
 - a) As part of this application, a subdivision plan shall be required for all single-family and duplex dwellings located on individual lots.
 - b) A site plan shall be required for all multi-family dwellings with more than two dwelling units to be constructed on common land, and/or nonresidential structures, facilities, or accessory uses located on common land, as set forth in RSA 674:43.
 - c) All Conditional Use Permit applications pertaining to CRD projects shall comply with the City Zoning Ordinance and the Planning Board's Site Plan and Subdivision Regulations, as amended.
 - d) The application shall clearly list all plans, drawings, and other submittals that are part of the Conditional Use Permit.

- e) Everything shown or otherwise indicated on a plan or submittal that is listed on the Conditional Use Permit shall be considered to be a condition of approval.
3. Pre-Application Meeting. A pre-application meeting is encouraged between the applicant and the City Planning Staff to review the applicant's objectives, to schedule meetings and site inspections, and to review the procedures of the Planning Board, the Board's Site Plan & Subdivision Regulations as they pertain to CRD, and the City's Zoning Ordinance regulations.
4. Site Inspection. After preparing an Existing Site Conditions Plan and a Yield Analysis (see Sections 6 b and 6 d of these regulations), the applicant shall arrange for a site inspection of the property by the Planning Board and city officials.
- a) The applicant is encouraged to accompany the Planning Board on this inspection.
 - b) The purpose of the visit is to familiarize the Board and city officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space lands and potential locations for buildings and streets.
5. Design review. The Planning Board encourages an informal review of a CRD project prior to the submission of a formal CRD application package.
- a) The applicant may elect to meet with the Planning Board for Advice and Comment to discuss the findings of the site inspection and to review a preliminary design concept.
 - b) The applicant may elect to meet with the Planning Board for Design Review.
 - 1) A complete application for design review must be submitted by the Board's regular submittal deadline.
 - 2) Sufficient information including an Existing Conditions Plan and a Yield Analysis must be provided so that the Board and the City staff can understand the proposal.
 - 3) The more information that is provided, the more advice and comment will be provided by the Board.
 - 4) In accordance with the requirements of State law, abutters must be notified of the Design Review meeting at the applicant's expense. The Board will conduct a formal Public Hearing during the Design Review meeting if so requested by the applicant at the time of the application submission.

- 5) The Board will endeavor to provide a good faith indication of the conformity of the proposed design with the spirit and intent of the CRD Ordinance and the CRD Regulations; however, anything said by the Applicant or the Board, or City staff shall not be construed as binding during the subsequent Formal CRD Plan approval process.
 - 6) One of the specific purposes of Design Review is to assist the applicant in modifying a proposal to make it more consistent with City policies, goals, standards, and regulations.
6. The CRD Application Package. A complete application for a Conservation Residential Development shall consist of an overview plan, a Subdivision/Site Plan Application Form, the Subdivision Plan and the Site Plan if required, and the following additional documentation:
 - a) An Overview Plan
 - b) Existing Conditions Plan
 - c) A Proposed Conditions Plan
 - d) A Yield Analysis
 - e) Documentation of the CRD Design Process
 - f) A Final Open Space delineation noting the proposed land uses for each parcel and showing the location of proposed roads, sidewalks, trails, individual house lots, common land, buildings and accessory uses on common land, and specifically protected conservation values.
 - g) Landscape Plan
 - h) Technical Studies and Reports
 - i) Additional Approvals, Certificates, and Documents
 - j) Construction Plans
 7. All subdivision plans and site plans relating to Conservation Residential Developments shall be drawn in accordance with the standards outlined in Section XVI of these regulations.
 8. Plan Requirements
 - a) The Overview Plan. The Overview Plan shall show the entire tract and the existence of any public roads, any public or private protected lands, any woodlands areas, any surface waters, and/or

- any National Wetlands Inventory wetlands located within 200 feet of the tract.
- b) Existing Conditions Plan: For all Conservation Residential Development proposals, an Existing Conditions Plan shall be drawn in accordance with the standards set forth in Section IV of these regulations. This plan shall show all the conditions and characteristics of the site identified in Section IV.
 - c) The Yield Analysis. A Yield Analysis shall be prepared to determine the number of residential units that will be permitted within a CRD Design.
 - 1) This analysis shall be based on applying a conventional layout plan including lots conforming to the underlying zone dimensional standards, streets needed to access those lots, rights of way, and other pertinent characteristics of the tract.
 - 2) The conventional layout shall reflect a development density and pattern, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if the property is not served by public sewer, the suitability of soils for private subsurface wastewater disposal as indicated by the Soil Survey of Cheshire County, New Hampshire.
 - 3) Although this plan must be drawn to scale, it need not be based upon a field survey. The Yield Analysis may be prepared as an overlay to the Existing Conditions Plan.
 - d) The CRD Design Process.
 - 1) The layout of structures, streets, lot lines, common land, and open space shall be accomplished through consultation between the applicant and the Planning Board as part of the CRD Design Process. The four step CRD Design Process shall include:
 - (a) Step 1 - Identification of Conservation Values and Open Space Area
 - (b) Step 2 - Location of Structures
 - (c) Step 3 - Alignment of Streets and Trails
 - (d) Step 4 - Drawing in the Lot Lines
 - 2) The CRD Design Process may be approached as an iterative process. Applicants may proceed through the four steps and return back to the first step as alternative design and protection configurations are considered. The final delineation of the land area to be designated to meet open space requirements may be refined after the fourth step to better meet both the conservation intent of the Zoning Ordinance and the development objectives of the applicant. The end result of this process shall be a plan, which may be prepared as an overlay or a series of separate overlays to the Existing Conditions Plan. Applicants should be prepared to submit written documentation of each step of the CRD Design

Process, including alternatives considered, if so required by the Planning Board.

- (a) Step 1: Identification of Conservation Values and Open Space Area. Identifying the most appropriate land areas to be designated to meet the Open Space required under the City's Zoning Ordinance will require an understanding of the conservation values of the tract and the surrounding lands. In defining the Open Space area, consideration shall be given to the tract's configuration and characteristics, its context in relation to conservation values on adjoining properties, and the applicant's subdivision and/or site plan objectives.
 - (i) Delineation of lands to be used to meet the Open Space requirements shall be based on an analysis and prioritization of primary and secondary conservation values identified on the tract, and displayed on the Existing Conditions Plan. Primary and Secondary Conservation values are defined by the following standards:
 - (ii) Primary Conservation values shall consist of stream channels, wetlands, vernal pools, ponds, floodways, floodplains, springs and steep slopes over 25 percent, which should be considered as the highest conservation priorities;
 - (iii) Secondary Conservation values shall include the following prioritized list of attributes (highest to lowest priority):
 - (a) Significant natural areas of species defined by the New Hampshire Natural Heritage Inventory as endangered, threatened, or of special concern;
 - (b) Slopes in excess of 15% (particularly adjacent to water courses, wetlands and ponds) where disturbance and resulting erosion and sedimentation could be detrimental to water quality;
 - (c) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats;
 - (d) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - (e) Hedgerows, groups of trees and large individual trees of botanic significance.
 - (f) Prime agricultural soils as defined by the USDA Natural Resource Conservation Service.

- (g) Historic and cultural structures or features including stonewalls and cellar holes.
 - (h) Existing trails connecting the tract to other locations in the City.
 - (i) Visually prominent topographic features such as knolls, hilltops, ridges, outlooks, and scenic view-sheds as seen from public roads.
- (iv) The selection of conservation values to be included in the Open Space shall be considered in consultation with the Planning Board. The applicant and the Planning Board shall use the prioritization reflected in the list of conservation values as a guideline for determining which lands are to be designated as Open Space, recognizing that trade offs may be necessary and that inclusion of all of the higher priority conservation values in the open space may not be feasible or practical.
- (v) In delineating the Open Space, the applicant shall maintain an interconnectedness of the conservation values and shall avoid fragmentation of the Open Space into small, disconnected parcels.
- (vi) The final result of this step in the CRD Design Process shall be a preliminary or final delineation of the open space, indicated as a clear line shown as an overlay to the Existing Conditions Plan.
- (b) Step 2: Location of Structures: Upon the completion of Step 1 above, the location of structures within the proposed Conservation Residential Development shall be drawn on the design plan.
- (i) The intent of this step is to site structures in the development so that they preserve the conservation values within the natural landscape to the greatest extent possible.
 - (ii) No structures shall be allowed within the designated Open Space area.
 - (iii) In addition, structures shall be located no closer than 50 feet from any Primary Conservation values not included in the Open Space and shall be sited to avoid disturbance of Secondary Conservation values not included in the Open Space.
 - (iv) Siting of structures shall take into consideration the impacts of the proposed development on identified conservation values as well as the benefits of such locations to provide attractive views and visual settings for residences.

- (v) The applicant shall refer to Section 9. Minimum Design Standards of these regulations for additional guidance in the siting of structures on the tract.
- (vi) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan indicating the approximate location of all structures to be constructed on the tract.
- (c) Step 3: Alignment of Streets and Trails: Upon completion of Step 2, the location and alignment of streets, sidewalks and trails necessary for vehicular and pedestrian access within the proposed development shall then be drawn on the design plan.
 - (i) Any outdoor recreational areas or accessory use areas to be located in the common land shall also be drawn on the plan in completing this step.
 - (ii) The applicant shall comply with the Street and Utility Standards, Section 2708 of the City Code in the design and construction of streets and sidewalks as well as the Street Design and Pedestrian Circulation standards contained in Section 8 of these regulations.
 - (iii) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan indicating the proposed location of all roads, sidewalks, trails, developed recreational areas and accessory use areas located in any common lands on the tract.
- (d) Step 4: Drawing in the Lot Lines: Upon completion of Steps 1, 2 and 3, lot lines shall then be drawn on the design plan delineating the boundaries of all individual lots, any common land areas, and/or the location of structures within the proposed development.
 - (i) Individual residential lots shall conform to the dimensional standards set forth in the CRD Ordinance.
 - (ii) Refinement of the Open Space delineation may be completed as part of this step, ensuring that the land area included in the open space meets the percentage of open space required under the Zoning Ordinance.
 - (iii) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan depicting the boundaries, acreage, and proposed use of each parcel within the CRD, including the area designated as Open Space and any common land areas.
- (e) Any proposed uses of the common lands and/or Open Space, including trails, agricultural areas, areas to be managed for forestry, recreational areas, or accessory use areas shall be noted on this overlay as such.

- (f) The information portrayed on each of the various overlays shall be transferred to the final Proposed Conditions subdivision plan and site plan if one is required.
- e) Landscape Plan. The CRD design shall incorporate existing native vegetation, landscaping and trees wherever possible, so that the development is left with the appearance of fitting in with the natural landscape.
 - 1) Where this is not possible, the applicant shall provide for landscaping and street trees in accordance with the City's Development Standards.
 - 2) The location and details of existing and proposed landscaping and street trees in a Conservation Residential Development shall be shown on a Landscape Plan.
 - 3) This plan shall be submitted as part of the subdivision plan and if necessary, a site plan. The City's street tree standards can be found in Section 9 of these regulations.
 - 4) Additional standards for landscaping and screening can be found in Development Standards #6 and #8 of these regulations.
- f) Technical Studies and Reports. Conservation Residential Development proposals may as required by the Planning Board include necessary technical studies and reports to assist in determination of the impact of the application upon municipal services and facilities, as set forth in Section IV of these regulations.
- g) Additional Approvals and Documents. Additional approvals may include such items as Homeowner's Association Documents and other recorded legal instruments, which are subject to the approval of the City Attorney.
- h) Construction Plans. Construction Plans shall conform to the standards and specifications of subdivision and/or site plan approval, including any conditions specified by the Planning Board as part of the issuance of the Conditional Use Permit and all applicable standards and regulations of the City Code.
- 9) Minimum Design Standards. The following minimum design standards shall be considered in the design of a Conservation Residential Development.
 - a) The siting of structures shall not encroach upon areas characterized by Primary Conservation values, as identified in the CRD Design Process (see Section 8. D of these regulations).
 - 1) Specifically, structures shall be located no closer than 50 feet from identified Primary Conservation values and shall be sited to

- minimize disturbance of Secondary Conservation values not included in the Open Space.
 - 2) Siting of roads, parking lots, and structures shall be done in such a way as to blend in with the natural landscape and vegetation and shall avoid the extent to which existing vegetation is disturbed or cut.
 - 3) Natural vegetative buffers shall be incorporated into the design wherever feasible
 - b) All structures within a Conservation Residential Development shall be accessed from interior streets, rather than from roads bordering the tract.
 - 1) This requirement may be waived by the Planning Board in accordance with Paragraph 14 Waiver of Requirements.
 - 2) In the event that a waiver of this standard is granted, the plan shall minimize the curb cuts on the existing road by incorporating shared driveways where feasible.
 - c) The following minimum building setbacks around the perimeter of a Conservation Residential Development shall be as follows:
 - 1) From all external road right of way 100 feet
 - 2) From all other tract boundaries 50 feet
 - d) The required minimum building setbacks for each structure located on an individual lot within a Conservation Residential Development and the dimensional standards for individual lots shall be as follows:

Zone:	Rural	LD-1	LD-1	LD
		Without Water	With Water	
Maximum Building Height (feet)	35	35	35	35
Minimum Lot Width at Building Line	75	75	70	60
Minimum Front Setback	15	15	15	15
Minimum Rear Setback	20	20	15	15
Minimum Side Setback	10	10	10	10
Maximum Percentage of Lot Occupied by Structures	30	35	40	45
Maximum Percentage of Lot Covered by Impermeable Surfaces	35	40	45	60

- e) The Planning Board may waive any or all of the above listed standards in accordance with Paragraph 14 of the CRD Regulations. However, minimum distances between structures shall be maintained as required by the City of Keene Fire Department.

- 1) All building setbacks and other standards as proposed and approved shall be shown on a typical lot detail.
- f) Street Design and Pedestrian Circulation.
- 1) All interior streets and sidewalks within a Conservation Residential Development shall be designed and constructed in accordance with the City Street and Utility Standards, Section 2708.0 of the administrative code of the City.
 - 2) All streets shall be provided with sidewalks on at least one side of the street in all Conservation Residential Developments within the LD-1 and LD districts. However, in the Rural District an alternative pedestrian system (not parallel to the proposed street) is acceptable provided it complies with Section 608 of the State of NH Highway specifications.
 - 3) Street connections shall be encouraged within a Conservation Residential Development to minimize the number of new cul-de-sacs to be maintained by the City of Keene and to facilitate access to and from structures and dwellings located in different parts of the development (and adjoining parcels).
- g) Street Trees.
- 1) The locating and/or planting of deciduous shade trees within the right of way of all streets is a central feature of a Conservation Residential Development. To the extent to which it is feasible, effort should be made to site interior streets so that existing mature deciduous shade trees can be incorporated into the right of way. Where this is not possible, the planting of deciduous shade trees within the right of way shall be required (in accordance with Section 70-134 of the City Street and Utility Standards).
 - 2) Such trees shall be a minimum of 4 inch caliper, planted or remaining, for at least every fifty (50) foot interval on each side of a new residential street.
 - 3) Tree species to be planted shall be selected according to the following criteria:
 - (a) Cast moderate shade to dense shade in summer;
 - (b) Long-lived (over 60 years);
 - (c) Mature height of at least 50 feet;
 - (d) Be tolerant of pollution and direct or reflected heat;
 - (e) Require little maintenance, by being moderately strong (not brittle) and insect-and disease-resistant; and,
 - (f) Be able to survive two years with no irrigation after establishment.
 - 4) Among the species that are recommended are Sycamore (*Platanus occidentalis*), London Planetree (*Platanus xacerifolia*), Katsura tree (*Cercidyphyllum japonicum*), Sweet Gum (*Liquidambar styraciflua*), Red Maple (*Acer rubrum*), Green Ash (*Fraxinus pennsylvanica*), Pin Oak (*Quercus palustris*), Littleleaf Linden, (*Tilia cordata*), Silver Linden (*Tilia tomentosa*) and

Redmond Linden (*Tilia americana*), and Japanese Zelkova (*Zelkova serrata*).

5) The intent of this section is to allow trees planted within the right of way or within 20 feet of the right of way to count towards the minimum number of trees required for the development, in accordance with Section 70-134 of the City Street and Utility Standards.

h) Water and Sewer Utilities. The availability of water of acceptable quantity and quality for all Conservation Residential Developments must be shown by the applicant to comply with all City, State, and Federal standards prior to subdivision plan and if required, site plan approval.

1) All Conservation Residential Developments within the Low Density District shall be supplied with public water and public sewer.

2) Conservation Residential Developments within the Low Density-1 District shall be provided with public sewer.

3) Conservation Residential Developments within the Rural zone shall not be required to connect to public water and sewer services (unless the property is located within the required distance of an existing water or sewer line as outlined by the City's Street and Utility Standards), provided the availability of water of acceptable quantity and quality can be shown to exist.

4) The applicant must demonstrate that the site is adequate to accommodate on site wastewater disposal systems.

(a) All on-site wells and wastewater disposal systems must be shown to comply with applicable state laws.

(b) For all Conservation Residential Developments, which contain on-site wells, a disclosure statement may be required to be placed as a note on all subdivision plans recorded at the Registry of Deeds indicating that compliance with National Fire Protection Association, NFPA 1142 may be required.

5) All public water and sewer utilities shall comply with and be constructed in accordance with City Street and Utility Standards, Chapter 70 Art. III.

6) Any and all agreements or covenants related to private water and sewer provisions within a Conservation Residential Development shall be reviewed by the City Attorney and Planning Board prior to subdivision plan and if necessary, site plan approval.

7) A disclosure statement shall be required to be placed as a note on all subdivision plans recorded at the Registry of Deeds for Conservation Residential Developments which contain privately operated community water and/or sewer system(s). At a minimum, the following elements shall be included in a disclosure statement:

- (a) Identification of the type of community water/sewer system proposed;
 - (b) Identification of the lots/dwelling units responsible for the upkeep and
 - (c) maintenance of the system(s);
 - (d) How these costs will be shared among users; and,
 - (e) Recognition that the City of Keene bears no responsibility and makes no assurances for the safety, operation and maintenance of the system(s).
- i) Open Space Requirements. In a Conservation Residential Development, all lands designated to meet open space requirements shall be held in common ownership under the following requirements:
- 1) The areas of any such Conservation Residential Development designated to meet the open space requirement under the CRD Ordinance shall not be used for siting of individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic. Open Space shall be permanently maintained as open land for the purpose of passive recreation, conservation, agriculture or Silva culture;
 - (a) The Open Space areas shall be designed to maximize the conservation purposes of the CRD and to minimize the fragmentation of the conservation values on the landscape. The minimum size of any parcel designated as Open Space shall not be less than one (1) acre in area;
 - (b) The location and layout of all open space within a Conservation Residential Development shall require Planning Board approval.
 - (c) Planning of open space within a Conservation Residential Development shall be guided by the City's Open Space Master Plan and Section 6 C. of these regulations.
 - (d) The Open Space or any portion of it shall be held, managed, and maintained by the developer until at least a majority of the lots or dwellings have been sold. At that time, this Open Space shall be owned in one or more of the following ways:
 - (e) In common, by a Homeowner's Association for the control and maintenance as Open Space;
 - (f) By a Conservation Trust or other suitable private non-profit organization registered in the State of New Hampshire which shall ensure that the Open Space shall be held in perpetuity as open space;
 - (g) By the City of Keene which may accept the conveyance of any Open Space for perpetual public use and maintenance, if accepted by the City Council. The conveyance of any Open Space to the City shall also

include the donation of a trust fund for the specific purpose of the maintenance of such Open Space.

(h) All agreements, restrictions, covenants, easements, organizational provisions for a Homeowner's or Condominium Association, and any other method of management of the Open Space land, shall require approval of the Planning Board. Open Space shall not be subdivided. Provisions shall be made to assure that the Open Space always remains undeveloped. Such provisions may include:

(i) Granting development rights to the City, if accepted by City Council, or other suitable private non-profit organization; or,

(j) Granting of a conservation easement.

(k) Each dwelling unit shall have reasonable access to the Open Space, but need not front directly on such land. No portion of the Open Space land shall be conveyed in a manner, which would result in non-compliance with this section.

j) Common Land Requirements. In a Conservation Residential Development, all common land areas, not including land designated as open space, but including all lands surrounding multi family structures, commonly owned accessory use areas, all commonly owned outdoor recreational areas and enclosed recreational facilities, shall be held in common ownership with the following requirements:

1) The common land or any portion of it shall be held, managed, and maintained by the developer until at least a majority of the lots or dwellings have been sold. At that time, this common land shall be owned in common by a Homeowner's Association or Condominium Association for the control and maintenance of Common Land.

2) All uses of common lands shall conform to the requirements of the CRD Zoning Ordinance; Common Land shall not be subdivided, unless such subdivision is for the express purpose of dedicating and developing the sub-divided portion of the common land for non-residential uses permitted within the zoning district underlying the CRD. The subdivision of common land for these purposes shall be restricted from future residential development by deed restriction or conservation easement in a form acceptable to the City Attorney.

3) The location, layout and use of all Common Land areas within a Conservation Residential Development shall require Planning Board approval.

4) Planning of Common Land areas within a Conservation Residential Development shall be guided by the City's Open Space Master Plan and Section 6 C and Section 7 of these regulations.

- 5) All agreements, restrictions, covenants, easements, organizational provisions for a Homeowner's or Condominium Association, and any other method of management of the common land, shall require Planning Board approval.
 - 6) Each dwelling unit shall have reasonable access to the common land, but need not front directly on such land. No portion of the common land shall be conveyed in a manner, which would result in non-compliance with this section.
- k) **Phasing of Development.** In order to mitigate the impact of a Conservation Residential Development on community facilities, services or utilities and/or to provide for the completion of all proposed improvements including recreational facilities, streets, walkways, drainage, and landscaping, the Planning Board may establish a timetable through a written and executed security agreement to be approved and signed by the Planning Director and City Engineer for phasing the development of an approved Conservation Residential Development.
- l) **Waiver of Requirements.** The Planning Board reserves the right to waive strict compliance with these regulations on a case-by-case basis, provided such waiver is consistent with the overall spirit and intent of the CRD Ordinance and these regulations.
- 1) Waiver requests pertaining to the CRD regulations shall follow the conditions set forth in this paragraph and not in accordance with Section X. Waiver of Requirements set forth in the Planning Board Site Plan and Subdivision Regulations.
 - 2) In granting a request for waiver of any requirements under these regulations, the Planning Board shall find that all of the following four (4) conditions apply:
 - (a) That granting the waiver will not be contrary to the spirit and intent of the CRD Ordinance
 - (b) That granting the waiver will better protect the conservation values identified in the CRD Design Process.
 - (c) That granting the waiver will not diminish the property values of the abutting properties.
 - (d) That granting the waiver will be to the benefit of the public interest
 - 3) The Planning Board does not have the authority to waive compliance with any of the Conservation Residential Development regulations contained within the City Code or Zoning Ordinance.
 - 4) Any request for a waiver must be submitted in writing within the same time frame as a formal application for a Conservation Residential Development.
 - 5) Abutters are to be notified at applicant's expense when a request for a waiver is submitted.

VII. FEES

1. The City Council has established and from time to time may amend a schedule of fees. The Planning Department is directed to accept an application for review only when the application includes the appropriate fees as established by the City's formal fee schedule.

VIII. SECURITY

1. The Planning Board shall have the authority to require applicants to post a security deposit for public improvements, including but not limited to roads, sidewalks, parks, and utilities, and for performance of site improvements, including but not limited to erosion and sediment control, as specified by the Board at the time of approval.
 - a) The Board may require one or more "performance" securities to assure the proper functioning of elements of the project concurrent with and subsequent to construction. This typically includes security for all landscaping installed on a site to ensure its survival for 1 full growing season after installation (a minimum of 12 months), and security to assure that erosion control provisions are working, or to assure that required technical inspections take place.
 - b) The Board may require security to assure the submittal to the Planning Department of "as built," certified by a registered surveyor or engineer which includes the exact location and depth (when appropriate), size and materials of sewer, water, gas, drainage and any underground utilities (phone, electric, cable) as well as catch basins, hydrants, compensatory wetlands, compensatory flood storage areas, sidewalks, drainage basins, edge of pavement, edge of buildings, and other improvements as may be indicated by the Board at the time of approval.
 - 1) This information shall be submitted on a CD in a format specified by the Planning Department (dwg or dxf preferred, tif accepted)
 - c) The security must be in a form acceptable to the Board and the City Attorney. Acceptance of security in some instances can take considerable negotiation with City staff, and the applicant is encouraged to address this issue early in the review process so that conditionally approved plans can be signed before they expire. The preferred forms of security are certified checks made out to the City of Keene and letters of credit although the Board may consider other forms. Performance Bonds shall not be an acceptable form of security.
 - d) At its discretion, the Board may, and for large or complex projects normally will also require a written security agreement which specifies when various improvements will be completed. This agreement may be required to link the completion of phases of

improvement with the issuance of site work permits, foundation, or building permits, or certificates of occupancy. Applicants should anticipate that for large or complex projects it may take considerable time to properly formulate such an agreement and to obtain necessary reviews and approvals within the City. For that reason applicants are encouraged to address this issue early in the review process.

IX. ENFORCEMENT AND PENALTIES

1. Enforcement of these regulations shall be the responsibility of the Code Enforcement Department.
2. Any violations of these regulations shall be subject to a civil fine. The City Council, the Planning Board, or the Code Enforcement Department may initiate action. Violation of conditions on Site Plan or Subdivision approvals may result in the loss of plan approval by the Planning Board.

X. WAIVER OF REGULATIONS AND DEVELOPMENT STANDARDS

1. Unless otherwise set forth in these regulations, the Planning Board may waive strict compliance with the Board's Development Standards or other regulations on a case-by-case basis, when criteria established for the granting of specific standards are found to be met, and in any case, as long as the granting of such waiver meets each of the following criteria:
 - a) That granting the waiver will not be contrary to the spirit and intent of these regulations;
 - b) That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment;
and
 - c) That granting the waiver has not been shown to diminish the property values of abutting properties.
 - d) Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.
2. In granting a waiver, the Planning Board shall require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
3. Any request for waiver shall be in writing and shall be submitted following the same process and time frame as is required for formal applications.

- a) Board decisions on requests for waiver shall be made in writing.

XI. VALIDITY AND AMENDMENTS

1. If any portion of these regulations shall be declared invalid, it shall not be held to invalidate or impair the validity, force, or effect of any other portion(s) of these regulations.
2. These regulations may be amended by the Planning Board following a public hearing on the proposed changes. Such change(s) shall not take effect until a copy of the revised regulations, certified in writing by a majority of the Board has been filed with the Keene City Clerk.

PLANNING BOARD REGULATIONS
Outline of Revisions

Site Plan and Subdivision Regulations

The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted September 26, 1994) were amended by the Keene Planning Board on the dates indicated.

	Public Hearing	Approval
1) Sec. VI General Requirements Sec. B – Submittal Deadline	June 26, 1995	June 26, 1995
2) Sec. XIII. Waiver of Requirements	October 23, 1995	October 23, 1995
3) Sec. III Jurisdiction Amend Section B., add new Section III B., Voluntary Mergers	March 23, 1998	March 23, 1998
4) Sec. III Jurisdiction Insert a new Subsection “D – Conditional Use Permit”	September 24, 2001	September 24, 2001
5) Sec. IX. Conservation Residential Development	May 28, 2002	May 28, 2002
6) Sec. III Insert sub-section “E. Conditional Use Permit, Accessory Dwelling Unit”	August 26, 2002	August 26, 2002
7) Sec. X. Performance and Utility Standards	September 23, 2002	September 23, 2002
8) Sec. VIII, Paragraph H, Amended to be not waivable	May 29, 2007	May 29, 2007
9) General Revisions to all Sections	June 23, 2008	June 23, 2008

PLANNING BOARD REGULATIONS
Outline of Revisions

Site Plan and Subdivision Regulations

The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted June 23, 2008) were amended by the Keene Planning Board on the dates indicated.

	Public Hearing	Approval
1) Add Sec. III C.6 – “Hillside Protection”	February 22, 2010	February 22, 2010
2) Revise Sec. IV.D.11. “After the Board Makes a Decision” to clarify extension to timeframes for plan signature and active and substantial construction	February 22, 2010	February 22, 2010
3) Revise Sec. III.C.5.a. “Subdivision Review” to include abutter notification for Boundary Line Adjustments.	May 24, 2010	May 24, 2010
4) Revise Sec. IV.D.2.b.3. “Submission and Procedural Requirements” to include abutter notification for Boundary Line Adjustments.	May 24, 2010	May 24, 2010
5) Revise Sec. IV.D.7. “Revision Submission Deadline” to clarify required revision materials and to clarify the revision deadline; references to Sec. IV.D.7 are amended throughout the document.	August 23 2010	August 23 2010
6) Revise Sec. IV.D.2 “Submission Requirements” to require one digital copy of the complete application.	August 23 2010	August 23 2010
7) Add Sec. III.D.1.d “Conditional Use Permit Review” to include Surface Water Protection.	February 24, 2014	February 24, 2014

PLANNING BOARD REGULATIONS
Outline of Revisions

Site Plan and Subdivision Regulations

The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted June 23, 2008) were amended by the Keene Planning Board on the dates indicated.

	Public Hearing	Approval
8) Revise Sec. V.D “Procedures Associated with Condition Use Permit Application Review”.	February 24, 2014	February 24, 2014
9) Revise Sec. IV.D.2.f.2.b “Submission and Procedural Requirements”	February 24, 2014	February 24, 2014
10) Revise Sec. IV.D.2.f.2.b.ii “Submission and Procedural Requirements”	February 24, 2014	February 24, 2014
11) Revise Sec. IV.D.2.f.3.b “Submission and Procedural Requirements”	February 24, 2014	February 24, 2014
12) Revise Sec. IV.D.2.f.4.c “Submission and Procedural Requirements”	February 24, 2014	February 24, 2014
13) Revise Sec. IV.D.11.b “After the Board Makes a Decision”	June 23, 2014	June 23, 2014
14) Revise Sec. IV.D.2.e.1 “Submission Requirements Abutter Notification”	May 29, 2018	June 11, 2018