



City of Keene Minor Project Review Committee

AGENDA

Monday, August 30, 2021

1:00 PM

City Hall, 2nd Floor Council Chambers

- I. **Call to Order** – Roll Call
- II. **Election of Chair & Vice Chair**
- III. **Rules of Procedure**
- IV. **Adoption of 2021 Meeting Schedule**
- V. **Review of Development Standards, Application Procedure & Public Hearing Process**
- VI. **Next Meeting** - Thursday, September 9, 2021, 10:00 am



City of Keene
NEW HAMPSHIRE

MINOR PROJECT REVIEW COMMITTEE

RULES OF PROCEDURE

The Minor Project Review Committee was formed by the Planning Board and the City Council through Ordinance O-2020-10B (adopted May 20, 2021 and effective September 1, 2021), which established the City of Keene Land Development Code. Section 25.1.9 of the City of Keene Land Development Code (LDC) (effective September 1, 2021), as amended, states: “*In accordance with NH RSA 674:43 (III), the Minor Project Review Committee is hereby designated by the Planning Board to have the following powers pursuant to this LDC.*”

- A. To hear and decide on minor site plan review applications.*
- B. To review and comment on proposed projects for site plan review or subdivision review prior to the formal submission of a site plan or subdivision application.*
- C. To hear and decide on requests for extensions to minor site plan approvals.”*

- 1. Meetings:** Meeting times and dates are to be determined by members of the Minor Project Review Committee (hereinafter “Committee”). All meetings shall be open to, and accessible by, the public. Meeting times and locations will be posted at least twenty-four (24) hours in advance of any such meeting in two (2) appropriate places, one of which may include the City’s website in accordance with RSA 91-A:2.
- 2. Minutes:** Minutes of such meetings shall be kept in accordance with RSA 91-A:2, and shall include the following: the name of the Committee; date, time and location of the meeting; the members present; the members absent; the time that the meeting was called to order and by whom; motions or other actions taken including who made the motion and who seconded; who voted and how; who recused and the reason for recusal, and whether the action passed or failed; the names of persons appearing before the Committee; the subject matter discussed; the time the meeting adjourned; the name of the minute taker. If there is no minute taker specifically assigned to the Committee, the Chair shall designate an appropriate individual for this purpose. Within 5 days of the close of the meeting of the Committee, the minute taker shall submit the draft minutes to the Staff Liaison for the Committee. The Chair, or Vice-Chair, shall review the draft minutes and may make such corrections as are necessary to ensure that information required to be included in the minutes of such meetings is accurate. Examples of appropriate corrections include spelling of names, grammar, citations, and technical jargon. In no case shall a correction alter what was said or discussed at the meeting, or the result of any action taken. All corrections shall be made with “track changes” or a similar feature turned on so that other Committee members are aware of any such corrections. If extensive revisions are being requested by a member, the Committee should conduct the review at the end of the

regular agenda items. Once approved, meeting minutes shall be immediately filed with the City Clerk.

3. **Quorum:** A quorum shall consist of a majority (a minimum of 50% plus 1) of the total eligible number of members that may be appointed to the Committee, either under state law or by City Code, regardless of the number of members actually appointed. Committee business shall not be conducted in the absence of a quorum. An available alternate member shall be appointed by the Chair in the absence of a regular member to form a quorum, and shall be appointed by the Chair at any time in the absence of any regular member. Unless the appointed alternate member becomes unable to continue to participate, the alternate member so appointed should continue to serve in the place of the absent regular member if a matter under consideration by the Committee extends over multiple meetings, and/or until that matter has been completed. A quorum of the Committee shall always be physically present at the location specified in the public notice, and no Committee business shall be conducted through email or other electronic communication that does not allow the public to hear, read or otherwise discern the meeting discussion. A member may participate by telephone or other electronic communication when the member's attendance is not reasonably practical, the reason for absence is stated in the minutes, and all participants, including the public, are able to hear, read and discern the meeting discussion. Email communications among the Committee or between the Committee and Staff Liaison shall be used only for the transmittal of administrative matters such as scheduling or the transmittal of information to be acted upon at the public meeting. Committee business shall not be conducted in any manner other than at a duly noticed public meeting.
4. **Elections:** At the first meeting of the new calendar year the Committee shall elect, by simple majority, a Chair and a Vice-Chair.
5. **Presiding Officer:** The Chair shall preside over the meeting and call the members to order.
6. In case of absence of the Chair, if a quorum is determined to be present, the Committee shall proceed with the Vice-Chair acting as the presiding officer. In the event that both the Chair and Vice-Chair are absent, and if a quorum is determined to be present, the Committee shall proceed to elect a Committee member, by majority vote of those present, as Temporary Chair of the meeting until the presiding officer appears.
7. **Right of Floor:** The Chair shall control the meeting. When recognized by the Chair, a member of the Committee or the public, shall respectfully address the members of the Committee and shall confine themselves to the question under debate, avoid personal comments, and refrain from impugning the motives of any other individual's argument or vote. The Chair shall act on all proper motions for which there is a second. A motion to call the question shall require two-thirds (2/3) vote and is not debatable.
8. **Order of Business:** The business of all regular meetings shall be transacted in the following order:
 - A. Call to order.
 - B. Roll call of attendance.
 - C. Acceptance of minutes of preceding meeting.
 - D. Committee business on meeting agenda.

- E. New business
 - F. Adjournment.
9. **Meeting Agenda:** The meeting agenda shall be prepared by the Staff Liaison on consultation with the Chair, or in the absence of a Staff Liaison, by the Chair. Items to be placed on the meeting agenda must be received by the Staff Liaison a minimum of five (5) business days prior to the scheduled meeting. No subject matter that is not on the agenda shall be discussed at the meeting, but shall be referenced under New Business and shall be placed on the agenda for discussion at the next regular meeting.
10. **Communications:** Communications to be introduced to the Committee must be signed by the person introducing the same, either by hand or scanned and submitted electronically, must give his or her residential address or mailing address, if different, at which he or she can be notified of meetings, and telephone number, if available. Communications not containing all of the above will not be accepted by the Staff Liaison, or by the Chair, and will not be placed on the agenda of the Committee. Communications addressed to a Committee member of a personal or argumentative nature shall not be introduced in the meeting. Any email communication directly to a member of the Committee relating to a matter before the Committee must be provided to Staff Liaison, or to the Chair, for compliance with this paragraph and for inclusion in the record.
11. **Order of Business - Out of Order:** The Chair may permit any item of business to be taken out of the regular order as set by the agenda unless there is an objection by a Committee member in which case a majority of the Committee may vote to take the item out of order.
12. **Tie Vote:** In case of a tie vote on any motion or recommendation, said motion or recommendation shall be deemed defeated.
13. **Conflict of Interest:** Every member present when a question is placed before the Committee shall vote thereon, except when the member has a conflict of interest in the matter as defined by Article VI, Conflict of Interest of Chapter 2 of the City Code of Ordinances, and Section 25, Communications, of the Charter of the City of Keene. If the conflict becomes known prior to a Committee meeting, the Committee member shall inform the Staff Liaison in advance of the meeting. If the conflict becomes known to the Committee member during a meeting, the Committee member should immediately disclose the particulars of the conflict of interest. When such a conflict exists, the member having the conflict shall be recused and shall be prohibited from participating in the discussion and shall not vote on the matter. The question of whether or not a conflict exists may be decided by a majority vote of Committee members present. Any Committee member having reasonable grounds to believe that another Committee member has a conflict of interest may raise the issue on their own motion. The question will then be decided as set forth above.
14. **Non-Public Session:** City Boards and Commissions may not enter a non-public session without prior notice to, and the presence of, City Staff at the meeting. In the event of a requirement to enter into non-public session, a majority of members present at a Committee meeting may, by roll call, vote to go into non-public session in accordance with RSA 91-A:3. The motion shall state the specific statutory basis relied upon for the non-public session. All

persons who are not Committee members qualified to participate in the discussion shall leave the meeting, unless specifically requested to remain. No action or decision with respect to the matter shall be taken in non-public session. Minutes of the non-public sessions shall be taken and the minutes shall be publicly disclosed within seventy-two (72) hours unless, by recorded vote of two-thirds (2/3) of the members present, the minutes are sealed in accordance with RSA 91-A:3. The minutes of any non-public meeting shall be designated as such and shall be filed with the City Clerk no more than seventy-two (72) hours after the meeting.

15. To Amend Rules: These Rules may be amended or new Rules adopted by a two-thirds (2/3) vote of all members appointed to the Committee. The public meeting notice shall state that a proposal to amend the Rules is included on the meeting agenda. Proposed amendments shall be submitted in writing at a regular Committee meeting, but shall not be acted upon until the next regular meeting of the Committee. An amendment to the Rules shall become effective upon passage.

16. Rules of Order - *Roberts Rules of Order* shall govern points of order not covered herein.

Adopted this _____ day of _____, 2021.

_____, Chair



Minor Project Review Committee

Meeting Schedule

2021

Meeting Date 10:00 am, 2nd Floor Council Chambers	Pre-Submission Meeting Date 9:00 am, 2nd Floor Council Chambers	Application Submission Deadline	2nd Monthly Meeting Reserved for Public Hearing Continuations
September 9, 2021	August 11, 2021	August 20, 2021	September 23, 2021
October 14, 2021	September 9, 2021	September 17, 2021	October 28, 2021
(Wednesday) November 10, 2021	October 14, 2021	October 15, 2021	November 25, 2021
December 9, 2021	(Wednesday) November 10, 2021	November 12, 2021	December 23, 2021
January 13, 2022	December 9, 2021	December 17, 2021	January 27, 2022

MINOR PROJECT REVIEW COMMITTEE

- RSA 674:43, III allows Planning Board to delegate site plan authority for minor projects
- As of Sep. 1, minor site plans will be reviewed & acted on by Minor Project Review Committee
- Composed of City Staff with experience reviewing site plans
- Shorter timeframe for application review
- Public notice / abutter notice will be required

MAJOR SITE PLAN

MINOR SITE PLAN

New buildings or structures greater than 5,000 sf gross floor area	New buildings or structures between 1,000 - 5,000 sf in gross floor area
Additions greater than 15% of the gross floor area of existing building	Additions between 10-15% of the gross floor area of existing building
Increase of 100 vehicle trips per day or 50 per peak hour	
Installation of impervious surfaces exceeding 10,000 sf in area	Installation of impervious surfaces 10,000 sf or less in area (as determined by Community Development Director based on proposed impacts)
Land disturbance that impacts 1-acre or greater of land	Land disturbance that impacts less than 1-acre or greater of land (as determined by Community Development Director based on proposed impacts)
Modifications to site or building that warrant major site plan review (as determined by Community Development Director based on proposed impacts)	Modifications to site or building that warrant minor site plan review (as determined by Community Development Director based on proposed impacts)
Change of use (as determined by Community Development Director based on proposed impacts)	Change of use (as determined by Community Development Director based on proposed impacts)

ARTICLE 20. SITE DEVELOPMENT STANDARDS

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20.1 GENERAL

20.1.1 Authority

Pursuant to the authority vested in the City of Keene Planning Board by the City Council, and in accordance with NH RSA 674, the Planning Board shall have the authority to adopt and amend the following site development standards and associated site plan review application procedures in Section 25.12 of this LDC.

20.1.2 Purpose

The purpose of these site development standards is to:

1. Promote the safe and orderly development of the City;
2. Promote sustainable design and development that supports long-term economic vitality and ecologic integrity;
3. Encourage site design techniques that protect water quality and prevent increases in the quantity of stormwater runoff;
4. Achieve a high-quality site and building design that enhances the attractiveness of the City;
5. Protect abutters against hazards, unsightliness, and nuisances detrimental to property values;
6. Ensure that development of land is appropriate for the public and private services and facilities available;
7. Ensure that pedestrian, bicycle, and vehicular circulation can be accommodated in a safe manner;
8. Preserve and enhance the historic and cultural character of the community; and,
9. Ensure that development serves to maintain and enhance quality of life, while not imposing unreasonable costs upon the City.

20.1.3 Applicability

- A. Unless otherwise indicated in this LDC, all development, redevelopment, or change of use of lots in the City, for uses other than single-family and two-family dwellings, shall conform with the site development standards in this Article.
- B. Other than for site investigation, site work associated with a proposed development shall not commence until the proposal has been approved by the Planning Board or its designee in accordance with this LDC.
- C. The site development standards in this Article, in addition to the site plan review application procedures in Section 25.12, shall govern the review and approval of all applications for site plan review.
- D. For the purposes of this Article, "development" shall mean any form of land improvement or construction involving land, structures, or infrastructure including, but not limited to, the following.
 1. The introduction of new principal or accessory uses, where no such use previously existed.
 2. The expansion or modification of existing principal or accessory uses.
 3. The introduction, expansion, modification, or relocation of structures, impervious surfaces, utilities, exterior lighting, and other site improvements or amenities.
 4. Site work associated with proposed development (e.g. grading, filling and excavation, stockpiling of materials, surcharging of soils).

20.2 DRAINAGE & STORMWATER MANAGEMENT

20.2.1 Runoff Volume and Velocity

- A. The development of a site shall not result in increased volume or velocity of runoff onto adjacent properties or surface water bodies.
- B. The applicant shall provide sufficient data in the form of drainage report prepared by a NH licensed engineer to demonstrate compliance with this requirement.

20.2.2 Low Impact Design

- A. Site design and drainage systems constructed to comply with Section 20.2.1 shall incorporate Low Impact Development (LID). Examples include, but are not limited to, the following.
 - 1. Bio-retention.
 - 2. Porous pavement.
 - 3. Vegetated swales.
 - 4. Infiltration trenches.
 - 5. Rooftop drain disconnection.
 - 6. Cisterns.
 - 7. Green roofs.
 - 8. Vegetated filter strips.
 - 9. Reduced impervious surfaces.
 - 10. Stormwater disconnection.
 - 11. Preservation and enhancement of native vegetation.
- B. Where site conditions exist that make on-site infiltration impracticable, the Applicant shall demonstrate to the satisfaction of the Planning Board that the use of LID measures is not possible before proposing to use traditional, structural stormwater management measures including, but not limited to, stormwater retention and detention ponds and underground storage systems.

20.2.3 Quality of Stormwater Discharge

- A. Treatment systems (e.g. wet detention basins, constructed wetlands, or LID measures) combined with contamination prevention practices (e.g. frequent sweeping of parking lots, the use of oil/gas traps in catch basins) shall be utilized to assure that upon discharge to surface waters, floodplain compensatory storage basins, or wellfield protection areas drainage water meets Federal Clean Water Act standards.
- B. Drainage systems that divert runoff into surface waters, wellfield protection areas, or floodplain compensatory storage areas shall utilize LID measures or wet or dry sediment basins or similar devices in combination with erosion prevention and sediment control practices to avoid sediment loading of the receiving area(s).

20.2.4 Bike Friendly

New street or trail drainage grates shall be of a design that allows bicyclists to ride over it safely.

20.3 SEDIMENT & EROSION CONTROL

20.3.1 Pre-Construction

- A.** Each project shall be designed to prevent erosion and sedimentation during and subsequent to construction in the following ways.
 - 1.** Minimize disturbance of natural soil cover and vegetation.
 - 2.** Minimize, in area and duration, exposed soil and unstable soil conditions.
 - 3.** Protect receiving water bodies, wetlands and storm sewer inlets.
 - 4.** Minimize off-site sediment transport on vehicles and equipment.
 - 5.** Minimize work in and adjacent to water bodies and wetlands.
 - 6.** Maintain stable slopes.
 - 7.** Minimize disturbance to and protect surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing.
 - 8.** Minimize the compaction of all site soils.
 - 9.** Pre-treat stormwater runoff to remove solids before discharging to infiltration areas.
 - 10.** Install LID measures as appropriate.
- B.** Design and placement of all erosion and sediment control measures shall comply with the standards and practices contained in the most recent version of the NH Department of Environmental Services NH Stormwater Manual, unless specifically approved by the City Engineer.

20.3.2 Post-Construction

- A.** To assure that erosion and sediment control measures work properly, and to assure that revegetation and slope stabilization takes place in a timely manner and is properly maintained, the City may require a security deposit for up to 12-months after the completion of construction.
- B.** For critical or large areas of disturbance on steep slopes or adjacent to surface waters, the City may require inspections by a qualified firm or individual.

20.4 SNOW STORAGE & REMOVAL

- A.** Snow shall be stored on and/or removed from a site so as to:
 - 1.** Allow the continued safe passage of vehicles into, out of, and through all travel lanes and parking areas;
 - 2.** Prevent accumulation on adjacent properties (unless specific approval for such storage has been obtained); and
 - 3.** Prevent flooding of adjacent properties, including City streets.
- B.** Snow shall not be pushed, piled or otherwise moved directly into surface waters.
- C.** Snowmelt discharge and associated runoff shall be stored and its drainage routed so that it does not cause erosion.
- D.** Snow storage shall not be permitted within parking spaces on a site that are required to fulfill the minimum parking requirements of the Zoning Regulations.

20.5 LANDSCAPING

20.5.1 Plant Selection

- A.** No plant material shall be installed on a site that is listed by the NH Department of Agriculture, Markets and Food as an invasive species per NH RSA 430:54 and NH Administrative Rules AGR 3800.
- B.** Plant materials shall be hardy to regional climate conditions per the U.S. Department of Agriculture's Plant Hardiness Zone Map.
- C.** Landscape alternatives to turfgrass lawn (e.g. native trees, shrubs, and perennial groundcovers) shall be utilized whenever feasible.

20.5.2 Installation

- A.** Trees shall be planted utilizing the best available practices to develop essential root structure, to grow to their full stature, and to perform environmental services at the highest possible levels.
- B.** Plant materials shall be installed in soil of sufficient volume, composition, and nutrient balance to sustain healthy growth.
- C.** For trees plantings in areas of non-native or compacted soil, the existing soil shall be excavated to enable the placement of 300 cubic feet of native, permeable soil in an area no less than 6-ft wide and 3-ft deep.
- D.** Protective devices, such as temporary fencing, shall be installed prior to the start of site work to protect the root masses of existing vegetation and areas intended for infiltration to the satisfaction of the Community Development Director or their designee, or the City Engineer.
 - 1.** Such fencing shall be located to the outside dripline of shade and ornamental trees and/or to a diameter distance that matches the height of all shrubs and/or perennial plants.

20.5.3 Location

- A. All landscaping shall be located on site without impeding the visibility or safety of pedestrians, bicyclists, or motorists.
- B. Trees shall be located to avoid above-ground and below-ground utilities.

20.5.4 Maintenance

- A. Any plant material that is significantly damaged, missing, disease-ridden, or dead shall be abated by the property owner within 1-year or before the end of the following planting season, whichever occurs first.
- B. All plant materials shall be maintained on site in a healthy, growing condition.
- C. All landscaping approved as part of a site plan shall be considered as elements of the site in the same manner as parking, building materials and other site details.

20.5.5 Modifications to Approved Landscape Plans

Minor revisions to approved landscape plans approved by the Planning Board may be approved by the Community Development Director or their designee if the applicant demonstrates all of the following.

1. There will be no reduction in the approved quantity or size (at maturity and planting) of plant materials.
2. There will be no change to the approved location of plant materials.
3. The proposed plants are of the same general category (e.g. shade, ornamental, evergreen) as the approved plants.

20.6 SCREENING

20.6.1 General Standards

- A. Screening in the form of landscaping or other treatment (e.g. berms, walls, fences) shall be used to:
 1. Screen loading areas, waste storage and transfer areas, heating and cooling equipment, electrical equipment and other areas likely to generate noise, dust or other disruptive conditions;
 2. Form a buffer between non-residential and residential uses;
 3. Form a buffer between single-family and multifamily dwellings, which are different in height, form or material than the adjacent single-family dwellings; and
 4. Screen parking lots from adjacent properties.
- B. Screening shall be of a texture, material, color, and size compatible with the existing or proposed buildings or structures on the site.
- C. Chain link fencing with slats is prohibited for screening.
- D. No screening shall be so constructed or installed as to constitute a hazard to traffic or safety.

20.6.2 Specific Standards

A. Service Areas

1. Waste collection, waste compaction, recycling collection and other similar service areas shall not be located along the building frontage or along a building facade with a primary entrance and shall be screened from view from adjacent property or public rights-of-way (not including alleys).
2. Waste storage containers (e.g. dumpsters or bulk storage containers) shall be fully screened by a solid enclosure of wood, masonry, vinyl or other material deemed acceptable by the Planning Board and shall comply with the minimum standards for

property in Chapter 18 of the City Code of Ordinances.

3. Screening around waste storage containers shall be at least 6-ft in height or of a height equal to the height of the container if the height is greater than 6-ft.
4. Screening required for service areas, including waste storage containers, shall be compatible with the principal building in terms of texture, material and color.

B. Drive-Through Businesses

1. Drive-through windows and lanes shall not be located along the building frontage or along a building facade with a primary entrance.
2. Where allowed, drive-through lanes shall be screened from any adjacent public rights-of-way (not including alleys), existing residential property, or residential zoning districts.
3. At a minimum, such screening shall consist of a compact, evergreen hedge not less than 3-ft in height at planting and 4-ft at maturity.
 - a. As an alternative, such screening may consist of a solid fence of wood or masonry at least 6-ft in height.

C. Mechanical Equipment

Heating and cooling equipment, venting, electrical or other mechanical equipment, and associated conduit shall not be visible from adjacent buildings and public rights-of-way, whenever possible. If any portion of this equipment will be visible from adjacent buildings or public rights-of-way, the following standards shall apply.

1. Roof-Mounted Equipment

- a. Roof-mounted equipment shall be set back from the edge of the roof at least 10-ft, and screened from ground level view from adjacent properties or adjacent public rights-of-way (not including alleys).
- b. New buildings shall provide a parapet

wall or other architectural element that screens roof-mounted equipment from view.

- c. For existing buildings with no or low parapet walls, roof-mounted equipment shall be screened on all sides by an opaque screen compatible with the principle building in terms of texture, material, and color.

2. Wall-Mounted Equipment

- a. Wall-mounted equipment that is located on any surface visible from a public right-of-way (not including an alley) shall be fully screened by landscaping or an opaque screen or covering, which is compatible with the principle building in terms of texture, material, and color.
- b. New mechanical supply lines, pipes and ductwork shall be placed in inconspicuous locations or concealed with architectural elements (e.g. downspouts), or painted to blend in with the wall surface to which they are mounted.

3. Ground-Mounted Equipment.

- a. Ground-mounted equipment visible from a public right-of-way or adjacent property shall be fully screened.
- b. Screening shall consist of landscaping or an opaque screen compatible with the principle building in terms of texture, material, and color, and shall be as high as the highest point of the equipment being screened.

D. Solar Energy Systems

1. Roof-mounted, small-scale, and accessory solar energy systems shall be sited in a manner to reasonably minimize the view of the system from surrounding properties and public rights of way.
2. In order to minimize visual impacts, colors of roof-mounted solar energy system equipment and assemblies shall either be

muted or shall match nearby materials and colors.

3. Roof mounted solar energy systems on pitched roofs shall be on the same plane as the roof.
4. All solar energy system supplementary equipment and supply lines shall be placed in inconspicuous locations and/or concealed from view with architectural elements (e.g. downspouts) or other screening.

E. Parking Lots

Parking lots shall be designed and screened in accordance with Article 9 of this LDC.

20.7 LIGHTING

20.7.1 Applicability

- A. This standard shall only apply to outdoor lighting fixtures.
- B. When 50% or more of the light fixtures or poles of an existing outdoor lighting installation are being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this Development Standard.
- C. This standard does not apply to sign illumination, which is addressed in Article 10.

20.7.2 Prohibited

- A. Floodlighting is prohibited, unless:
 1. The Community Development Director, or their designee, determines that there will be no negative impact upon motorists and neighboring properties; and
 2. The lights are directed toward the rear of a lot away from the road and neighboring properties, and are placed on heat or motion sensors.
- B. Uplighting is prohibited.

20.7.3 General Standards

A. Shielding

All outdoor lights, including freestanding and wall mounted, shall be fully-shielded and/or dark skies compliant (International Dark Sky Association Seal of Approval or equivalent) fixtures with no portion of the bulb visible.

B. Glare

Lighting shall be installed and directed in such a manner as to prevent glare at any location, on or off the property.

C. Light Trespass

The maximum light level of any light fixture cannot exceed 0.1-footcandles measured at the property line and cannot exceed 1-footcandle measured at the right-of-way line of a street.

D. Illumination

All illumination shall be of a white light and shall have a color rendering index (CRI) greater than 70. The color-temperature or correlated color temperature (CCT) of lighting shall not exceed 3,500 Kelvins.

E. Height

The mounting height of fixtures, as measured from the finished grade to the top of the fixture or pole (inclusive of fixture) shall not exceed the maximum height listed in Table 20-1.

Table 20-1: Maximum Light Pole Height

Zoning District	Max Height
All residential zoning districts Agriculture District Conservation District	15 ft
Downtown Core Downtown Growth Downtown Institutional Campus Downtown Limited Downtown Transition Neighborhood Business Office	20 ft
Business Growth & Reuse Commerce Commerce Limited Corporate Park Downtown Edge Health Care Industrial Industrial Park	30 ft

F. Hours of Operation

1. Outdoor lighting shall not be illuminated between the hours of 10:00 pm and 6:00 am with the following exceptions:
 - a. Security lighting, provided the average illumination on the ground or on any vertical surface does not exceed 1-footcandle.
 - b. If the use is being operated, normal

illumination shall be allowed during the activity and for not more than 1-hour before or after the activity occurs.

- c. For 24-hour businesses, lighting levels shall be reduced by a minimum of 50% between the hours of 10:00 pm and 6:00 am.
2. The Planning Board may stipulate a specific time when lighting other than that used for security purposes should be turned off and this determination shall be noted on the final lighting plan submitted for signature.

G. Wiring

Wiring for outdoor lighting shall be placed underground.

20.7.4 Use Specific Standards

In addition to the General Standards in Section 20.7.3, the following standards shall apply to the categories of uses listed below.

A. Parking Lots

Outdoor lighting of parking lots and related circulation areas as well as the unenclosed areas of parking structures shall comply with the following standards.

1. Average illumination levels of parking lot lighting shall not exceed 3.5-footcandles.
2. The ratio of the average to the minimum illumination level (also known as the uniformity ratio) shall not exceed 5:1 in footcandles.

B. Canopies and Vehicle Fueling Station Islands

Canopy lighting, including lighting on vehicle fueling station and/or convenience store aprons, shall comply with the following standards.

1. Areas around pump islands and under canopies shall be illuminated so that the average illuminance at grade level does not exceed 12.5-footcandles.

2. For canopies located in or directly adjacent to residential zoning districts and/or where they are associated with a pre-existing non-conforming use, the average illumination at grade level shall not exceed 5.5-footcandles.
3. Light fixtures mounted under a canopy shall be recessed so that the lens cover is recessed into or flush with the underside of the canopy.
4. No light fixtures shall be attached to the sides or top of the canopy, nor shall the sides or top of the canopy be illuminated.
5. Areas away from fueling pump islands, as defined by the extent of the canopy, shall be subject to parking lot lighting standards in Section 20.7.4.

C. Walkways

Lighting of outdoor walkways, alleys, and pedestrian paths shall comply with the following standards.

1. The average illumination level on a walkway or pathway surface shall not be less than 0.5-footcandles.
 - a. The area over which the average illumination level is computed shall only include the walkway surface plus an area on each side not more than 5-ft in width.
2. Maximum lighting levels shall not exceed 5-footcandles.
3. Lighting fixtures other than full cut-off fixtures may be used but shall be designed to minimize glare, direct illumination downward, and shall have an initial output of no more than 1,200 initial lumens.

20.8 SEWER & WATER

- A. All sewer and water utilities shall comply with the City's Utility Standards in Chapter 98 of the City Code of Ordinances.
- B. The City may require technical studies, at the applicant's expense to assure that existing sewer and water services will not be adversely affected by the proposed development and that there in fact is adequate sewer and water capacity for the proposed development.
- C. All new development shall comply with the City's industrial pre-treatment program

20.9 TRAFFIC & ACCESS MANAGEMENT

20.9.1 Traffic

- A.** Any commercial, office or industrial project involving 100 or more vehicle trips per day, or residential projects involving 10 or more units, as determined by the most recent published version of the ITE Trip Generation Manual, shall demonstrate that the project will not diminish the capacity or safety of existing city streets, bridges or intersections, prior to the issuance of a building permit.
- B.** If improvements to roadways, bridges, signals, or intersections are required for a proposed development to avoid diminishing the existing capacity or safety of these public systems, those improvements shall be made as part of the development, at the developer's expense.
- C.** The Planning Board may require that any development along West St from School St to the Bypass, and along Winchester St from Island St to the Bypass, be reviewed by the NH Department of Transportation for traffic impact.

20.9.2 Driveways & Curb Cuts

- A.** Entrances and exits onto public streets shall be designed to provide safe and convenient vehicular passage into and out of the site.
- B.** Wherever possible, the number of curbcuts or driveways on public streets shall be limited to one per lot.
- C.** The use of common driveways and service roads is encouraged, and in some instances may be required.
- D.** All driveways shall comply with the standards in Section 9.3 of this LDC.
- E.** A State driveway permit is required for any new driveway on a state road outside of the Urban Compact.

20.9.3 Access Management

- A.** Interior circulation and parking shall be designed to assure safe passage of all vehicles and pedestrians into, out of, and throughout the site.
- B.** On-site queuing areas shall be provided to prevent congestion on City streets.
- C.** New development shall provide safe and efficient access from roads and streets to all users, regardless of their mode of transportation.
- D.** Where appropriate, connections shall be made for the continuation of sidewalks, walkways and bicycle lanes within the property, between adjoining properties, and site amenities shall be installed such as bicycle racks, benches, shade trees, and bus stop shelters. These connections shall apply:
 - 1.** Grade changes, textures, colors or other methods of distinguishing sidewalks, walkways and crosswalks from vehicular travel; and,
 - 2.** Appropriate lighting, signage, crosswalks, and other safety devices.
- E.** For development other than single-family and two-family dwellings, bicycle parking shall be provided in racks or other similar facility.
- F.** Bicycle parking shall not be located within parking areas for motorized vehicles.
- G.** Building facades that abut parking areas and contain a public entrance shall include pedestrian walkways.

20.9.4 Accessibility

- A.** Pedestrian facilities shall be designed to accommodate persons with disabilities in accordance with the access standards required by the State Building Code.
- B.** Sidewalks, shared use paths, street crossings and other infrastructure shall be constructed so that all pedestrians, including persons with disabilities, can travel independently.

20.10 FILLING & EXCAVATION

- A. All development involving the commercial taking of earth shall comply with the Earth Excavation Regulations in Article 24.
- B. Any project, which involves the placement of fill within the floodplain, shall comply with the Floodplain Regulations in Article 23.
- C. If the placement of fill or excavation impacts wetlands, the applicant shall comply with federal and state wetlands regulations and procedures.
- D. Any project, which will result in 50 or more trucks of earth or gravel entering or leaving a site, shall submit a plan to the Community Development Department as to the proposed truck route(s). The Community Development Department shall consult with the Police Department and City Engineer, and as appropriate, the State Highway Department in reviewing the proposed haul routes.

20.11 SURFACE WATERS & WETLANDS

All development shall comply with all federal and state wetland and surface water regulations, Article 11 of this LDC, as well as any other applicable City regulations.

20.12 HAZARDOUS OR TOXIC MATERIALS

- A. Any proposed work that involves the receiving, handling, storing or processing of any hazardous or toxic substances (as defined by NH RSA 339-A:2), or involves property that has been contaminated by hazardous or toxic substances, shall disclose such information as part of a site plan review application.
- B. Copies of all appropriate state or federal permits and plans as required by the NH Department of Environmental Services (DES) for a proposed use or development shall be submitted to the City's Building and Health Official and the Fire Department for review.
- C. If, as a result of the content and review of the application, the Planning Board, or their designee, finds that a potential health risk or an environmental threat exists from a previous or existing use of the site, then it may require that an initial site characterization (see NH Code of Administrative Rules Env-Ws 412) be completed and submitted to DES. When a site characterization is required, the results shall be submitted to and reviewed by the Building and Health Official prior to the issuance of a building permit.

20.13 NOISE

- A. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 17, and shall be sited or designed to minimize sound or noise impacts with consideration for surrounding land uses.
 - 1. If there is a question as to whether a proposed use or development will comply with these standards, the Planning Board may request sufficient evidence be provided by the applicant to demonstrate that the proposed use or work will not exceed the applicable sound level limits in Table 17-1 of this LDC. Compliance with the sound level limits is to be maintained at the boundary of the property.
- B. Once a proposed use or development begins routine operation, the Planning Board, or their designee, may require a demonstration that the use or development meets the applicable sound level limits.
 - 1. Such demonstration shall require a sound testing report by a qualified professional be provided to the Community Development Department that includes a description of measurement procedures, identification of sound level instrumentation and calibration, descriptions of measurement locations, sound level measurements and field observations, measurements and analysis of short duration repetitive sounds, and weather conditions.
 - 2. Sound level measurements taken as part of this demonstration shall include representative daytime and nighttime periods for a duration adequate to quantify the loudest modes of routine operation.

20.14 ARCHITECTURE & VISUAL APPEARANCE

The following standards shall govern the visual and architectural character of development in the City to ensure that new and redeveloped buildings and structures blend aesthetically with the City's historic character, are consistent with the prevailing scale, orientation, and design of the City, and do not detract from viewsheds and view corridors.

20.14.1 Massing/Scale

- A. The height or placement of any proposed new structure, modifications to an existing structure, or site improvement shall not overwhelm the prevailing architectural scale of the City, detract from valued architectural resources, or impede upon any view corridor or viewshed identified in the Viewshed Overlay District set forth in the Telecommunications Overlay District (Article 13).
- B. For buildings of 150-ft in length of more, facades shall be divided into multiple "modules," expressed through significant architectural changes such as a change in materials, a change in pattern elements (e.g. fenestration, columns, pilasters, etc.), or a change in building setback through recesses or projections. Such modules shall be no wider than 50-ft.



- C. Commercial storefronts shall include traditional pedestrian-oriented elements (e.g. display windows, bulkheads, transoms, pilasters, cornices, etc.).

- D. Additions to existing structures shall be compatible in size and scale with the principal building.

20.14.2 Visual Interest

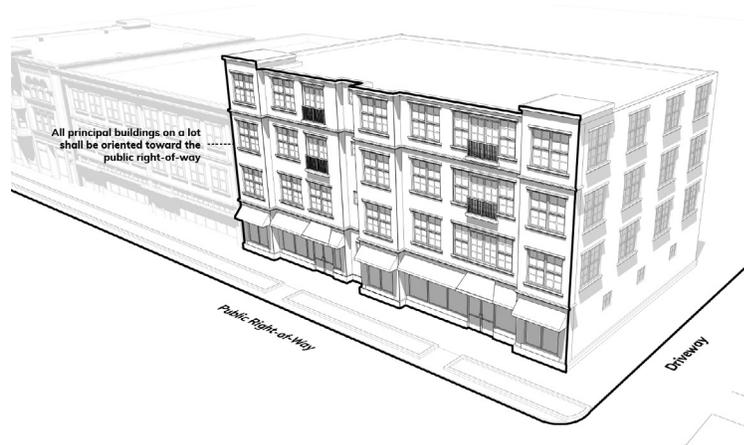
- A. Front facades and exterior walls shall be articulated to express an architectural identity to avoid a uniform appearance, and architectural details shall give the impression of being integral to and compatible with the overall design.
- B. Structures shall have architectural features (e.g. dominant gable ends, cornices, granite sills, arched openings, large windows framed with architecturally consistent trim, etc.) and patterns that provide visual interest at the pedestrian scale, reduce massive aesthetic effects, and harmonize with the City's distinctive architectural identity, unique character, and prevailing scale.
- C. Architectural features shall not serve primarily as an advertisement, commercial display, or identifying characteristics corresponding to corporate identity.
- D. Architectural features shall conform to accepted architectural principles of design and construction.
- E. Facades shall express a traditional visual distinction between the ground floor and upper stories through architectural features or detailing, change in materials, or a change in pattern elements such as fenestration.



- F.** Buildings shall be designed with consistent building materials and treatments that wrap around all facades visible from a public right-of-way. Where material or color treatments change, there shall be a significant change in surface plane of a minimum of 6-in in difference. Differing materials are encouraged to terminate at inside corners.
- G.** Exterior materials, textures, and colors shall minimize visual aggressiveness and shall harmonize with the City's distinctive architectural identity and unique character. Surfaces with glossy finishes, reflective glass or dark tinted exteriors, or untreated aluminum, stainless steel, or metal exterior finishes shall be discouraged.
- H.** Modifications and additions to existing structures shall be harmonious with the character of the existing structure.
- I.** Where parapet walls are used, they shall feature three-dimensional cornice treatments or other shadow creating details along their tops.
- B.** Orientation of structures on a site shall conform to a parallel or orthogonal pattern in relation to the City street pattern.
- C.** Off-street parking and traffic flow shall not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment.
- D.** All required off-street parking shall be to the side or rear of buildings on the proposed site, and such parking shall be screened or aligned in accordance with Section 9.4.
- E.** A cohesive visual character shall be maintained within a development through the use of coordinated hardscape (e.g. paving materials, lighting, outdoor furniture, etc.) and landscape treatments.
- F.** The presence of any existing development in the surrounding area that does not conform to these standards for aesthetic character shall not exempt the applicant from complying with this Standard.

20.14.3 Site Design and Relationship to Surrounding Community

- A.** All principal buildings located on lot shall be oriented toward a public right-of-way. If, due to site constraints, it is determined that the primary facade of new buildings cannot face the street, then the secondary elevation facing the street shall be designed with form, composition, and details consistent with and appropriate to the primary facade.



ARTICLE 25. APPLICATION PROCEDURES

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25.1 REVIEW BODIES & ADMINISTRATORS

This Section describes the powers and duties of the review and decision-making authorities pursuant to this LDC.

25.1.1 Establishment

The review and decision-making authorities specified in this LDC are established by the City Code of Ordinances, including the City Charter.

25.1.2 Powers & Duties

Table 25-1 provides a summary of which authority makes recommendations or decisions on each application type.

25.1.3 Designees

Certain officials within this LDC are cited as having powers that may also be administered by a designee. The ability to direct powers to a designee applies to the actions of such officials throughout this LDC.

25.1.4 Limit of Authority

The omission of a citation in this LDC to any authority conferred upon the officials and decision-makers under the constitution or laws of the State of NH or the City Code of Ordinances, including the City Charter, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

25.1.5 City Council

In addition to other general authority by state law or the City Code of Ordinances, including the City Charter, the City Council shall have the following powers pursuant to this LDC.

- A.** To initiate, hear, and/or decide on proposed amendments to this LDC, including amendments to the zoning map or text.
- B.** To adopt and periodically update a schedule of fees for applications and permits specified in this LDC.

- C.** To hear and decide on requests for the formal layout and acceptance of public infrastructure.
- D.** To hear and decide on requests for waivers from Article 22 - "Public Infrastructure" of this LDC, except as provided for in Section 22.5.6 related to Street Access Standards.

25.1.6 Joint Committee of the Planning Board and Planning, Licenses & Development Committee

In addition to other general authority by the City Code of Ordinances, the Joint Committee of the Planning Board and Planning, Licenses and Development Committee shall have the authority to make recommendations to the City Council on proposed amendments to this LDC, including amendments to the Zoning Map or text of the Zoning Regulations.

25.1.7 Zoning Board of Adjustment

In addition to other general authority by state law or the City Code of Ordinances, the Zoning Board of Adjustment shall have the following powers pursuant to this LDC.

- A.** To hear and decide on applications for variances from the Zoning Regulations; special exceptions from the Zoning Regulations; and, applications to expand or enlarge a nonconforming use applications for an equitable waiver of dimensional requirements from the Zoning Regulations.
- B.** To hear and decide on appeals of an administrative decision of the Zoning Administrator and of decisions of the Historic District Commission in granting or denying certificates of appropriateness.
- C.** To hear and decide on requests for extensions to approvals for variances, special exceptions, or expansions or enlargements of a nonconforming use.

25.1.8 Planning Board

In addition to other general authority by state law or the City Code of Ordinances, the Planning Board shall have the following powers pursuant to this LDC.

- A. To make recommendations to the City Council on proposed amendments to this LDC, including amendments to the Zoning Map or text of the Zoning Regulations.
- B. To initiate, hear, and decide on proposed amendments to the Site Development Standards, Subdivision Regulations, and Earth Excavation Regulations of this LDC.
- C. To hear and decide on applications for major site plan review; subdivisions (including boundary line adjustments and conservation residential development subdivisions); conditional use permits; street access permits for commercial, industrial, and multifamily sites; and, earth excavation permit applications.
- D. To hear or decide on voluntary merger applications, or appoint a designee to hear or decide on such applications.
- E. To hear and grant waivers from the Site Development Standards, Subdivision Regulations and Earth Excavation Regulations, and associated application procedures in this LDC.
- F. To hear and decide on appeals of an administrative decision on street access permits, Minor Project Review Committee decision on minor site plans, or administrative planning review decision.
- G. To hear and decide on requests for extensions to major site plan, subdivision, conditional use permit, and earth excavation permit approvals.

25.1.9 Minor Project Review Committee

In accordance with NH RSA 674:43(III), the Minor Project Review Committee is hereby designated by the Planning Board to have the following powers pursuant to this LDC.

- A. To hear and decide on minor site plan review applications.
- B. To review and comment on proposed projects for site plan review or subdivision review prior to the formal submission of a site plan or subdivision application.
- C. To hear and decide on requests for extensions to minor site plan approvals.

25.1.10 Historic District Commission

In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC.

- A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.
- B. To hear and decide on major project applications for a certificate of appropriateness.
- C. To hear and grant waivers from the Historic District Regulations.
- D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.
- E. To hear and decide on requests for extensions to certificates of appropriateness.

25.1.11 Conservation Commission

In addition to other general authority by state law or the City Code of Ordinances, the Conservation Commission shall have the authority to make recommendations to the Planning Board on surface water protection conditional use permit applications and earth excavation permit applications.

25.1.12 Zoning Administrator

The City of Keene Zoning Administrator, or their designee, has the following duties and powers pursuant to this LDC.

- A. To review and make decisions on voluntary merger applications, as designated by the Planning Board.
- B. To make written interpretations of and issue administrative decisions in accordance with the Zoning Regulations of this LDC and the Zoning Map.
- C. To review and make decisions on requests to expand a nonconforming structure.
- D. To review applications for completeness for all matters decided by the Zoning Board of Adjustment.

25.1.13 Community Development Director

The Community Development Director, or their designee, shall have the following duties and powers pursuant to this LDC.

- A. To review and decide on minor modifications to previously approved site plans.
- B. To review and verify that proposals for development or redevelopment (excluding single-family and two-family dwellings), which do not meet the thresholds for site plan review, conform with the Site Development Standards prior to the issuance of a building permit.
- C. To review and decide on voluntary merger applications, in the absence of the Zoning Administrator.

25.1.14 Building & Health Official

The Building and Health Official, or their designee, shall have the following duties and powers pursuant to this LDC.

- A. To interpret, administer, and enforce the State Building Code.
- B. To review and make decisions on floodplain development permits.

- C. To enforce provisions of this LDC with respect to property outside of the right-of-way, including the authority to issue stop-work orders and fines for violations of this LDC, in accordance with Article 27 - "Enforcement" of this LDC.

25.1.15 Public Works Director

The Public Works Director, or their designee, shall have the following duties and powers pursuant to this LDC.

- A. To develop technical standards and specifications in accordance with Article 22 of this LDC.
- B. To perform engineering inspections of public infrastructure and service connections in accordance with Article 22 of this LDC, and to levy and collect fees for such inspections.
- C. To approve the street geometry, construction methods and materials of streets.
- D. To review and make decisions on service connection permits.
- E. To review and approve, and to suspend, revoke or modify permits required in accordance with Article 22 of this LDC.

25.1.16 City Engineer

- A. To review and decide on street access permit applications for single-family or two-family dwellings, agricultural uses, or temporary street access.
- B. To review and make recommendations to the Planning Board on street access permit applications.
- C. To assign street numbers for individual structures.
- D. To review applications for subdivisions, site plans, building permits, street access permits, and conditional use permits for compliance with Article 12 of this LDC, and make recommendations to the Planning Board on hillside protection conditional use permits applications.

Table 25-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1-18 & 22-28				D / PH		PW					
	Articles 19 & 20		D / PH		D							
	Article 21				D	D / PH						
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision								D			
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
Other Permits	Floodplain Development											D
	Sign								D			
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing
 "PS" = Presubmission Meeting Required

25.2 COMMON APPLICATION & REVIEW PROCEDURES

25.2.1 Applicability

The following requirements are common to many of the application review procedures in this LDC. Additional or slightly varying application and/or review requirements and procedures may be specified elsewhere in this Article or LDC.

25.2.2 Application Requirements

A. Pre-Submission Meeting

Prior to formal submittal of an application, the applicant may request a pre-submission meeting with the Minor Project Review Committee together with other City staff.

1. The purpose of this meeting is to review the proposed project when it is still at a conceptual stage, 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.
2. This meeting does not require a formal application or fees.
3. Some applications require attendance at a pre-submission meeting prior to application submission. Such requirement shall be specified in this LDC.

B. Submittal Requirements

1. All applications pursuant to this LDC shall be submitted in accordance with the requirements of this Article, and the established submittal requirements of the appropriate review or decision-making authority.
2. Applications pursuant to this LDC shall be filed with the appropriate review or decision-making authority, or their designee, on forms provided by the Community Development Department, or the Public Works Department for street access or service connection permits.

3. Application submission deadlines shall not be waivable, unless otherwise specified in this LDC.

C. Application Fees

1. Upon submittal of an application, any applicable fees shall be paid in accordance with the LDC Fee Schedule in Appendix B of the City Code of Ordinances.
2. No refund of the fee or any part of the fee shall be made unless the application is withdrawn prior to noticing the application for a public hearing or decision, in which case, the applicant may be eligible for a refund of the notice fee.
3. Application fees shall not be waivable, unless otherwise specified in this LDC.

D. Exemptions from Submittal Requirements

1. An applicant may make a request to the appropriate review authority, or their designee, to exempt their application from specific submittal requirements when such requirements are not applicable to the evaluation of the application and are not necessary for proper documentation of the project.
2. Exemption requests shall be made at the time of application submission and shall include a brief explanation as to why the information specified for exemption is not relevant to the appropriate review authority's evaluation of the application.
3. The appropriate review authority may grant an exemption of specific submittal requirements, if it finds that the information is not applicable to its determination of whether the applicant complies with this LDC.
4. In the event the appropriate review authority determines that the information specified for exemption is necessary for it to complete its review, then it shall notify the applicant as soon as possible and table the application to give the applicant time to provide the required information.

E. Completeness Review

- 1.** An application is not considered complete until all necessary forms, submittal requirements, and applicable fees are received by the appropriate review authority or its designee.
- 2.** If the appropriate review authority, or its designee, finds that the missing application materials or information are central to its review of the application, then the application shall not be accepted and shall be returned to the applicant along with any submitted application fees.
- 3.** If the appropriate review authority, or its designee, finds that the application is missing materials or information that are necessary for proper documentation, but are not central to the review of the application, it shall provide written notice of the application's incompleteness to the applicant, and shall permit the applicant to provide the required materials or information by a specified revision deadline. If the missing materials or information are not received by this revision deadline, the appropriate review authority, or its designee, shall have the authority to reject the application.
- 4.** At the discretion of the appropriate review authority or its designee, any substantive changes made by the applicant to the scope of the project or to materials included in a submitted application following the specified revision deadline may require resubmittal of the entire application and a new completeness review.
- 5.** Applicants wishing to appeal a determination of completeness may do so to the appropriate authority by submitting a letter indicating the request for appeal. The appeal request shall outline the basis for the incompleteness finding and shall provide specific explanation for why the applicant believes the application meets the submission requirements.

F. Withdrawal of Application

Unless otherwise specified in this LDC, an application may be withdrawn at any time prior to the final decision on the application. Requests for withdrawal shall be made in writing by the applicant to the appropriate review or decision-making authority.

- 1.** Applications to amend this LDC, including the Zoning Regulations or Zoning Map, may be withdrawn by the applicant in accordance with this Section.

G. Burden of Proof

It shall be the sole responsibility of the applicant to demonstrate that their application satisfies all applicable standards of review.

25.2.3 Staff Review

- A.** Prior to consideration of an application pursuant to this LDC by a city board or commission, City staff may prepare a staff report for the application, which contains a brief summary of the proposal and a summary analysis of how the proposal relates to the applicable standards in this LDC.
 - a.** Sample motions, including any suggested findings and/or conditions, may also be provided in this report.
 - b.** Such staff report shall be shared with the board or commission in advance of the meeting, and shall be made available to the public.
- B.** Some applications pursuant to this LDC may require review and comment from other City departments, prior to a public hearing or action on the application. Comments received from City staff in other departments following their review of an application shall be forwarded to the appropriate review or decision-making authority and shall be shared in writing with the applicant as soon as they are all received.

25.2.4 Public Notice

The general public notice requirements for applications and procedures subject to this LDC, including, but not limited to, notice of public body meetings and public hearings, are included in this Section. Table 25-2 indicates the type of public notice required for applications that require public notice in accordance with state law or the City Code of Ordinances.

A. Mailed Notice

1. When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service Certified Mail rate, at the time of application submission, unless otherwise specified in this LDC.
2. The appropriate review authority, or their designee, shall be responsible for issuing the mailed notice.
3. The mailed notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the applicant and property owner; and the address of the subject property. Such information shall be current to within 10-days of application submittal.
4. The mailed notice shall be sent to the address used for mailing local property tax bills, which may be obtained from the City of Keene Assessing Department.
5. The required timeframe for issuing mailed notice is specified in Table 25-2. This timeframe shall not include the day such notice is postmarked or the day of the public hearing or public meeting at which the application is first considered.

B. Published Notice

1. When published notice is required, the appropriate review authority, or their designee, shall publish notice in a newspaper of general circulation within the City, and in at least 2 public places.
2. The required timeframe for issuing published notice is specified in Table 25-2. This timeframe shall not include the day notice is posted or the day of the public hearing or public meeting at which the application is first considered.
3. At the time of application submission, the applicant shall submit a fee to cover the cost of the published notice in accordance with the LDC Fee Schedule in Appendix B of City Code of Ordinances.
4. The published notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the property owner and applicant; and the address of the subject property.

25.2.5 Site Visits

- #### A. Submittal of an application in accordance with this Article shall be deemed as granting permission to City staff, the appropriate review or decision-making authority, or their designees, to enter onto the subject property for purposes of review.
1. 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, or final security has been returned to the applicant, whichever occurs later.
 2. If an applicant wishes to place limitations upon access to the property subject to review, then the limitations shall be requested in writing at the time of application. Any such request shall include the reasons for the limitations, and the appropriate review authority shall use reasonable judgment in determining the

Table 25-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹	
	Mailed	Published	On-Site		
	Amendments to this LDC	●	●	10	
Zoning	Amendments to Zoning Text or Zoning Map	●	●	10	
	Variance	●	●	5	
	Special Exception	●	●	5	
	Equitable Waiver	●	●	5	
	Expand or Enlarge Non-conforming Use	●	●	5	
Sub-division Review	Subdivision	●	●	10	
	Conservation Residential Development	●	●	10	
	Boundary Line Adjustment	●		10	
Site Plan Review	Minor Project	●	●	10	
	Major Project	●	●	10	
Conditional Use Permit	Hillsides Protection	●	●	●	10
	Surface Water Protection	●	●	●	10
	Tele-communications	●	●	●	10
	Congregate Living & Social Services	●	●	●	10
	Solar Energy System	●	●	●	10
Historic District	Major Project	●	●	○	5
Other	Earth Excavation Permit	●	●		10

○ = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

extent to which the request may be granted.

- B. City boards and commissions may elect to conduct a formal site visit of a project site prior to the meeting at which an application will be considered. The decision to schedule a formal site visit shall be at the discretion of the board or commission chairperson or vicechairperson.

25.2.6 Public Hearing Procedures

A. Applications Subject to Public Hearing

Table 25-1 summarizes which types of applications require a public hearing. If an application is not listed, this indicates that a public hearing is not required for that application.

B. Conduct of the Public Hearing

Public hearings shall be conducted in accordance with all applicable requirements of this LDC, the City Code of Ordinances, state law, and the rules of the board or commission conducting the public hearing. During the public hearing, the following may occur.

1. The presiding officer of the decision-making authority shall call the proceedings to order and announce that the public hearing has begun.
2. The applicant or their legal counsel or representatives shall present in support of the application, and answer questions from the decision-making authority.
3. City staff may present on the application, with respect to its conformance with the regulations in this LDC, and shall share comments from other City departments that reviewed the application. City staff may also answer questions from the decision-making authority.
4. The presiding officer shall open the public hearing for public testimony.
 - a. Each person who speaks at a public hearing shall state their name and address for the record.
 - b. Any abutter or other person with a direct interest in the application may testify at the public hearing or in

writing either before or at the public hearing. Other persons may testify at the discretion of the decision-making authority.

5. The applicant shall be given an opportunity to respond to any testimony raised by city staff or the public and to answer any questions raised by the decision-making authority.
6. The presiding officer shall close the public hearing following public testimony, and the decision-making authority shall openly deliberate on the application before reaching a decision.
7. The decision-making authority shall evaluate the application based upon the submitted application materials and any evidence presented at the public hearing, pursuant to any applicable approval standards or regulations in this LDC.
8. Once a public hearing is closed, no further public testimony shall be taken, unless the presiding officer chooses to reopen the public hearing for additional testimony or argument.

C. Decisions

When the decision-making authority has completed its deliberation it will either approve, approve with conditions, disapprove an application. All decisions shall be delivered in writing to the applicant and shall include any conditions for approval or reasons for denial.

D. Continuations

The decision-making authority conducting the public hearing, upon a majority vote of its members, may continue a public hearing. No new notice (published, mailed or on-site) is required to reopen the public hearing, if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made and recorded in the minutes.

25.2.7 Hiring of Consultants

- A. At any point prior to a decision on an application, the appropriate review or decision-making authority may determine that it needs additional information from the applicant to complete its review, including, but not limited to, special studies or technical analysis.
- B. The cost of any such information or consultants shall be at the applicant's expense, and failure to agree to pay for the cost of the information or consultant(s) shall be ground for denial of the application.
- C. The appropriate review or decision-making authority shall make every effort to be reasonable in its requests for information or consulting services, recognizing that such studies can add both time and cost to a project.
- D. City staff shall follow the City's purchasing procedures for hiring a consultant on behalf of the applicant.
- E. With respect to Planning Board applications, decisions regarding the need to hire consulting services and the scope of the consultant's work may be made by the Planning Board Steering Committee, prior to the Board's determination of completeness on an application.

25.2.8 Notice of Decision

A written notice of decision including the minutes of the public hearing at which a vote was taken to approve, conditionally approve, disapprove, or continue an application before the review or decision-making authority shall be placed on file at the Community Development Department, unless specified otherwise in this LDC, and shall be available for public inspection within 5 calendar days of such vote.

25.2.9 Conditional Approval

- A. For some conditions established as part of a conditional approval, a compliance hearing may be required.

1. The appropriate decision-making authority, or their designee, will inform the applicant at the time of the conditional approval if a compliance hearing will be required.
 2. The applicant shall pay for all abutter notification and public notice associated with a compliance hearing in accordance with the LDC Fee Schedule in Appendix B of the City Code of Ordinances.
- B.** Conditions for which approval may become final without further public hearing based upon evidence of satisfactory compliance include any of those listed below.
1. Conditions which are in themselves administrative or involve minor plan changes that do not require discretionary judgment on the part of the decision-making authority.
 2. Conditions with regard to the applicant's obtainment of permits or approvals granted by other boards, commissions or agencies.

25.2.10 Modifications to Approved Plans

Unless another method is expressly provided by this LDC, any request to amend or revise an approved application shall be considered a new application, which shall be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

25.2.11 Expirations

In such event that an approval expires, including conditional approvals, the following shall occur.

- A.** All site work associated with the expired approval shall immediately be halted.
- B.** Prior to initiating additional site work associated with the expired approval, a new application shall be submitted and reviewed in accordance with this LDC.
- C.** Any uses of the property associated with the expired approval shall be prohibited.

25.11 PLANNING BOARD ADVICE & COMMENT

25.11.1 Description

Advice and comment is an opportunity for prospective applicants to seek preliminary advice from the Planning Board on project proposals in regards to their consistency with City policies, goals, standards and regulations. The primary purposes of this non-binding discussion are to:

- A. Inform the Planning 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 Comprehensive Master Plan, goals and policies; and,
- C. For the Board to provide the prospective applicant with guidance about the application and procedural requirements set forth in this LDC.

25.11.2 Submittal Requirements

- A. Information for the Planning Board to consider shall be submitted by the applicant to the Community Development Department no later than 10 business days prior to the regularly scheduled Planning Board meeting date at which the applicants desires to be on the agenda.
- B. Proposed plans or information may be submitted to the Planning Board for consideration, but specific design and engineering details shall not be discussed.
- C. Applicants submitting plans for Planning Board consideration should submit 3-copies on 22-in by 34-in paper or larger size, 1-copy on 11-in by 17-in paper, and an electronic pdf file.

25.11.3 Procedure

- A. Advice and comment is a preliminary and informal review and shall not require published or mailed notice or a public hearing.
- B. City staff are not required to conduct an analysis of the information submitted by the applicant.
- C. Anything said on the proposal by the applicant, Planning Board or City staff will not affect any subsequent review of the proposed development or redevelopment.

25.12 SITE PLAN REVIEW

25.12.1 Description

Site plan review establishes a process for reviewing proposed improvements to commercial and multi-family structures to assure that such development, redevelopment, or use of land in the City occurs in a manner that is harmonious with surrounding properties, and is consistent with the City's Comprehensive Master Plan and adopted land use policies.

25.12.2 Initiation

The applicant for site plan review shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

25.12.3 Applicability

A. Site Plan Review Thresholds. Site plan review is required for the following types of improvements described in Sections 25.12.3.A.1 (Major Site Plan) and 25.12.3.A.2 (Minor Site Plan). It shall not be required for single-family and two-family dwellings or their associated accessory uses, provided such dwellings are not attached to a mixed-use building or located on a mixed-use lot containing non-residential uses.

1. **Major Site Plan.** Major site plan review is required for any proposal that meets or exceeds the below thresholds.
 - a. New principal buildings or structures greater than 5,000 sf in gfa.
 - b. Additions to existing buildings or structures that are greater than 15% of the gfa of the existing principal building.
 - c. Change or increase of vehicle trips per day of 100, or per peak hour of 50.
 - d. Installation of impervious surfaces (e.g. pavement or gravel) that exceeds 10,000 sf in contiguous area.
 - e. Land disturbance that impacts 1-acre or greater of land area.

- f. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants major site plan review.
- g. Change of use, which at the discretion of the Community Development Director, or their designee, warrants major site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

2. **Minor Site Plan.** Minor site plan review is required for any proposal that meets the below thresholds.
 - a. New principal buildings or structures that are between 1,000 and 5,000 sf in gfa.
 - b. Additions to existing buildings or structures that are between 10% and 15% of the gfa of the existing principal building.
 - c. Installation of impervious surfaces (e.g. pavement or gravel) that are 10,000 sf or less in contiguous area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
 - d. Land disturbance that impacts less than 1-acre of land area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
 - e. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants minor site plan review.

review.

- f. Change of use, which at the discretion of the Community Development Director, or their designee, warrants minor site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

B. Administrative Planning Review. Proposed development or redevelopment, including change of use, associated with uses other than single-family and two-family dwellings that does not meet the thresholds for major or minor site plan review shall be reviewed by the Community Development Director, or their designee, to verify compliance with the Site Development Standards in **Article 20** of this LDC prior to the issuance of a building permit. The application and review procedures associated with Administrative Planning Review are described in **Section 25.13**.

- C. Unless otherwise noted in this Section, the Community Development Director, or their designee, has the authority to determine, on a case-by-case basis, based on the nature of the proposal, whether the proposed work requires review by the Planning Board, Minor Project Review Committee, or City staff, or whether any review is necessary.

25.12.4 Authority

- A. Major Site Plan Review. The Planning Board shall have the authority to hear and decide on applications for: major site plans; requests for waivers from the Site Development Standards in Article 20 and from the standards related to site plan review in Section 25.12; and minor site plans at the request of the applicant or where a conditional use permit or waiver is required.
- B. Minor Site Plan Review. The Minor Project Review Committee shall have the authority to hear and decide on applications for minor site plans.

- 1. The Community Development Director has the authority to schedule a minor site plan application to be heard by either the Planning Board or the Minor Project Review Committee.
- 2. An applicant can request to have a minor site plan heard by the Minor Project Review Committee or the Planning Board.
- 3. The Minor Project Review Committee cannot act on a minor site plan application where either, a conditional use permit or a waiver from the Site Development Standards in Article 20 or the site plan review standards in Section 25.12 is required.

25.12.5 Submittal Requirements

An applicant for site plan review shall submit a completed application on the appropriate form to the Community Development Department, and shall provide sufficient information to enable City staff and the respective decision-making authority to evaluate the proposal for compliance with this LDC. Submittal requirements for major and minor site plan review are included below. A completed application for major and minor site plan review shall include the following information.

- A. A written narrative describing the type, scope and scale of the proposal including the following information.
 - 1. Existing and proposed uses
 - 2. An explanation of how the proposal complies with the Site Development Standards in Article 20.
- B. A complete plan set signed and stamped by a NH licensed engineer or architect (7-copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which shall include the following materials.
 - 1. A location map of the proposed improvements.
 - 2. An existing conditions plan (at a scale of 1-in = 100-ft or a larger scale) showing all parcels affected by the proposal, and depicting the following information.

- a.** Contours of at most 5-ft intervals.
 - b.** Owner names and tax map parcel numbers for all direct abutters.
 - c.** Boundaries and acreage of the existing lot(s) subject to review.
 - d.** Surface waters, including wetland areas delineated by a NH certified wetland scientist, and any manmade waterways, ponds, ditches, etc.
 - e.** Precautionary and prohibitive slopes.
 - f.** Delineation of 100-year floodplain and floodways as shown on current FIRM maps.
 - g.** Location of any public streets, rights-of-way, and easements.
 - h.** Location of existing structures, wooded and vegetated areas, site features (e.g. fences, walls, ground-mounted equipment, utilities, stormwater facilities, wells, septic systems, stonewalls, etc.), driveways, and parking areas on the subject property, and to the extent practicable on directly abutting properties.
- 3.** A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
- a.** Contours of at most 5-ft intervals.
 - b.** Owner names and tax map parcel numbers for all direct abutters.
 - c.** Boundaries and acreage of the lot(s) subject to review.
 - d.** Location of any existing structures or site features, public streets, rights-of-way, easements, driveways, parking areas, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, which will not be altered or relocated.
 - e.** Location of proposed structures and site features, public streets, rights-of-way, and easements.
 - f.** Locations and design details for proposed provisions for vehicular and pedestrian traffic (e.g. parking areas, access driveways, and sidewalks, etc.).
- 4.** A grading plan (drawn at a scale of 1-in = 50-ft or at a larger scale) showing proposed erosion and sedimentation control and stormwater management facilities that will be constructed or utilized to control stormwater volume, velocity and water quality. This plan shall include the following.
- a.** Contours of at most 2-ft.
 - b.** All finish slopes that will exceed 25%.
 - c.** Surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas.
 - d.** Location of existing and proposed structures, roads, rights-of-way, driveways, impervious surfaces, and easements (including utility or drainage).
 - e.** The location and dimensional information, as appropriate, of existing and proposed utilities (e.g. 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, etc.).
 - f.** Location and design details for all proposed erosion and sedimentation

- control, and stormwater management structures, devices, and processes (e.g. catch basins and storm water lines, stormwater detention or retention ponds or devices, sediment settlement area, silt fences and other erosion control devices, flow dissipation measures, soil stabilization measures, etc.) and any other measures proposed to minimize erosion and sedimentation, and promote soil stabilization.
- g.** A note describing the procedures and timing for inspecting, maintaining, and repairing erosion and sedimentation control, and stormwater management structures, devices and processes.
 - h.** A note indicating the requirement for documenting all inspection and maintenance activities, all adverse impacts identified during inspections, and actions taken to remediate the adverse impacts.
- 5.** A landscaping plan (drawn at a scale of 1-in = 50-ft or at a larger scale) providing the following information.
- a.** The location, species and size of all landscaping materials proposed to be installed on the site.
 - b.** Plants shall be drawn to scale and shall show the drip line diameter of each plant at the time of planting and a second circle displaying the average drip line diameter at maturity.
 - c.** A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and maturity as well as the number of each species to be installed.
 - d.** A table indicating the number of trees and shrubs required and proposed to meeting landscaping or screening requirements of this LDC.
 - e.** Design details following best management practices for installing landscaping materials.
- 6.** A lighting plan providing the following information.
- a.** The location of existing and proposed structures, roads, rights-of-way, driveways, easements, lot lines, walkways, and sidewalks on the subject property and, to the extent practicable, on abutting properties.
 - b.** Location and outline of wooded and vegetated areas.
 - c.** Location of all existing and proposed exterior lighting fixtures with a notation differentiating the types of fixtures.
 - d.** Manufacturer's specifications (i.e. cut-sheets) for all proposed light fixtures, indicating the type of fixture and bulb, wattage of bulb, and height of fixture head.
 - e.** Photometric plan showing light intensity in foot candles across the site and immediately (minimum of 20-ft) 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.
- C.** Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the respective decision-making authority, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses. They may also include historic evaluation, screening analysis, or architectural and visual appearance analysis.

- D. Elevations (3 color copies on 22" x 34" sized paper or larger size, 1-color copy on 11"x17" paper and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, with proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- E. Additional color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority, during the review process.
- F. Any additional information the respective decision-making authority may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
- G. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- H. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- I. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, which shall be Certified Mail.

25.12.6 Submittal Requirement Exemptions

- A. An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B. Any exemption granted by the Community Development Director, or their designee, shall be evaluated and approved by the respective decision-making authority during its review of application completeness. If the Planning Board or Minor Project Review Committee determines the exempted material is necessary to complete its review of the application, they may deny the exemption request and determine the application to be incomplete.
- C. If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Planning Board, in the case of major site plan applications, or the Minor Project Review Committee, in the case of minor site plan applications, prior to the respective decision-making authority's determination of application completeness.

25.12.7 Application Submittal Deadline

A. Major Site Plan Application

A completed major site plan application shall be submitted to the Community Development Director, or their designee, no later than 26 business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

B. Minor Site Plan Application

A completed minor site plan application shall be submitted to the Community Development Director, or their designee, no later than 9 business days prior to the Minor Project Review Committee meeting date at which the applicant desires the application to be reviewed.

25.12.8 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for site plan review.

A. Minor Site Plan Procedure

1. Confirmation of Project Classification.

Upon receipt of a minor site plan application, the Community Development Director, or their designee, shall verify whether the request qualifies for classification as a minor site plan project in accordance with this LDC.

2. Staff Determination of Application

Completeness. Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.

3. Minor Project Review Committee Review.

Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the Minor Project Review Committee for initial review at least 5 business days prior to the corresponding Minor Project Review Committee meeting date at which the public hearing on the application will be opened.

4. Site Visits. At the discretion of the Community Development Director, a formal site visit to the subject property may be scheduled prior to the Minor Project Review Committee public hearing on the application.

5. Compliance with Zoning.

a. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.

b. Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.

6. Notice of Public Hearing. The Community Development Director, or their designee, shall forward applications for minor site plan review to the Minor Project Review Committee for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).

7. Committee Determination of Application Completeness. The Minor Project Review Committee shall vote to determine whether the application is complete prior to opening the public hearing.

a. If the Minor Project Review Committee determines that an application is incomplete, the Committee will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next meeting of the Committee.

8. Public Hearing. Upon reaching a finding that an application is complete, the Minor Project Review Committee may open the public hearing for the application.

9. Decision. The Minor Project Review Committee shall finish its review of an application within 60 calendar days of the meeting at which the Committee accepted the application as being complete.

a. If the Committee feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under NH RSA 676:4 can be extended by mutual agreement of the Committee and the applicant, so long as the applicant submits a request for the extension in writing.

B. Major Site Plan Procedure

1. **Presubmission Meeting.** Applicants for major site plan review shall attend a pre-submission meeting at least 2-weeks prior to the Planning Board submittal deadline.
2. **Staff Determination of Application Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
 - a. If the missing application materials or information is necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information by the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date.
3. **Departmental Review.** Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the City's Engineering Division, Fire Department, Police Department, Zoning Administrator, and Building and Health Official for technical review.
 - a. City staff will be requested to return comments on the application to the Community Development Department within 5 business days of the distribution date.
 - b. The Community Development Director, or their designee, shall communicate departmental comments to the applicant, as soon as they are all received.
4. **Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following

departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date. The revision deadline shall not be waivable.

5. **Site Visits.** At the discretion of the Community Development Director or Planning Board Chair, a formal Planning Board site visit to the subject property may be scheduled prior to the Planning Board public hearing on the application.
6. **Compliance with Zoning.**
 - a. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.
 - b. Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.
7. **Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for major site plan review to the Planning Board for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(I).
8. **Board Determination of Application Completeness.** The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.
 - a. The Planning Board shall consider advice from the Community Development Director, or their designee, in reaching a determination of application completeness.
 - b. If the Planning Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board.

9. **Public Hearing.** Upon reaching a finding that an application is complete, the Planning Board may open the public hearing for the application.
10. **Decision.** The Planning Board shall finish its review of an application within 65 calendar days of the meeting at which the Board accepted the application as being complete. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review can be extended by mutual agreement of the Board and the applicant, so long as the applicant requests the extension in writing.

25.12.9 Filing

- A. Building permits shall not be issued until approved site plans have been signed by the Chair or Vice Chair of the respective decision-making authority. Said signature shall signify that the plan has been duly approved by the decision-making authority and that all conditions precedent to plan signature have been met as specified in the approval.
- B. Prior to the signature of the Chair or Vice Chair of the respective decision-making authority on an approved site plan, the applicant shall:
 1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met as specified by the respective decision-making authority; and,
 2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department.

25.12.10 Modifications to Approved Site Plans

- A. The Community Development Director may approve modifications to site plans previously approved by the Planning Board or the Minor Project Review Committee, if they determine that the proposed modifications are not substantive in nature, and are fully in compliance with the Site Development Standards in Article 20, the Zoning Regulations (Articles 2 through 18) and

other regulations in this LDC. The Community Development Director may consult with the Planning Board Chair to determine if the nature of the proposed modifications are minor and do not warrant consideration by the Planning Board or the Minor Project Review Committee.

- B. The Community Development Director shall file a report with the Planning Board of the site plan modifications that have been approved administratively at the next regular meeting of the Planning Board following the Community Development Director's approval of such modifications.
- C. If the Community Development Director determines that the proposed revisions result in a major change to an approved site plan, then a new public hearing shall be required before the Planning Board in the case of major site plan applications, or the Minor Project Review Committee in the case of minor site plan applications, as required for a new application.

25.12.10 Approval Standards

All types of site plan review shall include an analysis of the potential impacts of the proposed use, development or redevelopment on the health, safety, and welfare of the community and the environment. The basis for this determination shall be the Site Development Standards in Article 20.

25.12.11 Expirations

- A. Any failure to meet the deadlines in this Section shall result in automatic expiration of Planning Board approval. This Section shall not be waivable.
- B. **Conditional Approvals.** If an application is conditionally approved, the applicant has 180 calendar days (starting the day following the decision of the Planning Board or Minor Project Review Committee on the application) to meet any conditions that shall be met prior to signature of the Chair or Vice Chair of the decision-making authority on the plan.
 1. All conditions that must be met after the plan is signed shall be satisfied within

2-years (starting the day following the decision on the application).

2. The applicant may request a reasonable extension of the time limit for satisfying the conditions prior to the Planning Board or Minor Project Review Committee granting a conditional approval.

C. Active & Substantial Development. Active and substantial development of an approved project shall be completed within 2-years, starting the day following the Board's decision to approve or conditionally approve the application. Plans approved in phases shall be subject to a determination of active and substantial development for the current phase. For purposes of this Section, active and substantial development shall include all of the following.

1. Construction of and/or installation of basic infrastructure to support the development in accordance with the approved plan, including 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.
2. Construction and completion of drainage improvements to service the development in accordance with the approved plans.
3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.
4. Movement of earth, excavation, or logging of a site without completion of items 1-3 above, shall not be considered active and substantial development.

25.12.12 Extensions

A. Prior to the expiration of an approval, an applicant may request an extension of the timeframe for meeting conditions or achieving active and substantial development from the Planning Board, in the case of major site plan approvals, or the Minor Project Review Committee, in the case of minor site plan approvals.

1. No modifications to the approved or conditionally approved plan shall be considered in conjunction with the request to extend the deadline.

2. Extension requests shall be submitted in writing to the Community Development Director, or their designee, at least 10 business days prior to the meeting of the respective decision-making authority at which the request will be considered.

B. The maximum time length for each approved extension is 6-months for meeting conditions of approval and 1-year for achieving active and substantial development. An extension of the conditional approval deadline by 6-months will automatically extend the deadline for active and substantial development by 1-year.

C. Under no circumstances shall an applicant be granted more than 3-extensions total for their application.

1. **First Extension.** The respective decision-making authority shall grant a first extension of the approval, if the applicant demonstrates the necessity of the extension and provides an update about the nature of the project and its status.

2. **Second Extension.** Prior to expiration of the first extension, the respective decision-making authority may grant the application a second extension, if said applicant demonstrates the necessity of the second extension and summarizes what changes, if any, have since occurred to applicable state law or City regulations.

- a. The respective decision-making authority shall consider whether any changes identified by the applicant would have influenced the Planning Board's or Minor Project Committee's initial decision with respect to the project.

- b. If the respective decision-making authority finds that substantive changes to applicable state law or City regulations have been adopted

that 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.

3. **Third Extension.** Prior to expiration of the second extension period, an applicant may request a third extension.
 - a. Such extension shall only be granted by the respective decision-making authority where an applicant can demonstrate that there are extraordinary circumstances that warrant a third extension of the deadline. 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.
 - b. If the extension request is denied by the respective decision-making authority, prior to expiration of the approval, the applicant may submit an application for modification of the conditional approval to address concerns leading to the denial of the extension.

25.12.13 Security

- A. The Planning Board and the Minor Project Review Committee shall have the authority to require applicants post a security deposit for the following.
 1. Public improvements, including but not limited to roads, sidewalks, parks, and utilities, and for performance of site improvements as specified by the respective decision-making authority at the time of approval.
 2. All landscaping installed on a site to ensure its survival for 1 full growing season after installation (a minimum of 1-year)
 3. Erosion and sedimentation control to

assure that erosion control provisions are working, and required technical inspections take place.

4. "As Built" plans signed and stamped by a NH licensed surveyor or engineer that include the exact location, size, and materials of sewer, water, gas, drainage and any underground utilities (e.g. phone, electric, cable) as well as catch basins, hydrants, compensatory wetlands or flood storage areas, sidewalks, drainage basins, edge of pavement, edge of buildings, and other improvements as may be indicated by the Community Development Director, or their designee.
 - a. After a project is completed and prior to release of any security, applicants shall digitally provide the complete set of "As-Built" plans on 22-in by 34-in paper or larger size and as an electronic file in .dwg, .dxf, .shp or geodatabase format.
 - b. All digital plans shall be named using the following convention: "[Insert Project Name]_As-Built".
 - c. All data should be provided in the NAD 1983 StatePlane New Hampshire FIPS 2800 (US Feet) coordinate system.
 - d. All CAD data should contain all assignment files to be plotted and projected appropriately.
 - e. Any missing or un-openable files will result in rejection of the submission.
5. Other elements of the project to ensure that they function concurrent with and subsequent to construction.
- B. The security shall be in a form acceptable to the Community Development Director, or their designee, and shall be either a certified check made out to the City of Keene or a letter of credit.
 1. Performance Bonds shall not be an acceptable form of security.

2. The Planning Board or the Minor Project Review Committee may require a written security agreement that specifies when various improvements will be completed. Such agreement may be required to link the completion of phases of improvement with the issuance of building permits or certificates of occupancy.

25.12.14 Waivers

- A. Unless otherwise set forth in this LDC, the Planning Board may grant a waiver from strict compliance with provisions of the Site Development Standards in Article 20 or Site Plan Review Standards in Section 25.12, on a case-by-case basis, so long as the Board finds, by majority vote, that:
 1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or,
 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.
 3. In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
- B. Any waiver request shall be in writing and shall cite the specific regulation or standard a waiver is requested from and the reason(s) it cannot be met.
- C. Waiver requests shall be submitted following the same process and timeframe as is required for formal applications to the Planning Board.