



AGENDA

Joint Planning Board and Planning, Licenses & Development Committee

March 14, 2022

6:30 PM

Council Chambers

Note: The public may join the meeting online or at City Hall in the 2nd Floor Council Chambers. To access the meeting online, visit www.zoom.us/join or call (646) 558-8656 and enter the Meeting ID: 893 8296 4232.*

1. Roll Call
2. Approval of Meeting Minutes – November 8, 2021
3. Adoption of 2022 Meeting Schedule
4. Public Workshop

Ordinance – O-2022-02 – Relating to Zone Change. Petitioner James Phippard, on behalf of owner Sandra R. Henry Trust, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the property located at 19 Whitcombs Mill Rd (TMP 237-018-000-000-000) from Rural and Agriculture to Low Density 1. The total area of land that would be impacted by this request is 12.29 ac.

5. Update on the Land Development Code
6. Next Meeting – April 11, 2022
7. Adjourn

**A Zoom link and call in information is being provided as a public service; however, the public body will be meeting in person with a quorum present at the location, date and time contained in this notice. If for some reason the Zoom link or call in does not work, the public meeting will continue in person.*

1 City of Keene
2 New Hampshire

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

Monday, November 8, 2021

6:30 PM

Council Chambers, City Hall

Planning Board

Members Present:

Pamela Russell-Slack, Chair
David Orgaz
Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Harold Farrington, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Mitchell H. Greenwald
Philip M. Jones
Gladys Johnsen
Catherine Workman

Staff Present:

Rhett Lamb, Community
Development Director/Assistant
City Manager
Mari Brunner, Planner

Planning Board

Members Not Present:

Roberta Mastrogiovanni
Gail Somers
Andrew Weglinski
Tammy Adams, Alternate

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10
11 **I) Roll Call**

12
13 Chair Russell Slack called the meeting to order at 6:30 PM and a roll call was taken.
14

15 **II) Approval of Meeting Minutes – September 13, 2021**

16
17 A motion was made by Mayor George Hansel to approve the September 13, 2021 meeting
18 minutes. The motion was seconded by Councilor Phil Jones and was unanimously approved.
19

20 **III) Public Workshop**

21
22 **Ordinance O-2021-14 – Relating to amendments to the Business Growth & Reuse**

23 **Zoning District.** Petitioner, Randall Walter, proposes to amend Table 8-1 and Section
24 5.4.5 of Chapter 100 of the Land Development Code (LDC) of the City Code of
25 Ordinances to permit “personal service establishment” as a principal permitted use in the
26 Business Growth & Reuse Zoning District (BGR).

27 Mr. Randall Walter of Westmoreland addressed the committee first. Mr. Walter began by
28 addressing how his request fits in with the master plan and is consistent with the BGR District as
29 well as how this use is similar to other uses in the area. He noted this application is not for a
30 single use but a relatively small zoning district, which has two very large properties; the
31 Kingsbury property and the City property. Mr. Walter stated 310 Marlboro Street is a mixed use
32 building under a redevelopment plan with the hope of making it a very active and vibrant site. It
33 includes new tenants and fit ups. Residents who are going to be occupying the site will be
34 Modestman Brewing, MC2 School, and Jack's Crackers, to name a few. They are also working
35 with Revision Energy to bring solar to this site.

36
37 Mr. Walter stated this request to include a personal service establishment in the zone stems from
38 what is permitted in this zone; light industrial, multi family, small restaurants (under 50 seats),
39 neighborhood grocery stores, and gyms and felt these uses are not that different from personal
40 care service. He added with this redevelopment they are looking for a healthy mix and added the
41 small businesses are ones who have just graduated from being an in home business and felt the
42 BGR District can accommodate some of these transitions. Mr. Walter felt personal care service is
43 compatible as it is permitted in the Neighborhood Business District, which is an adjoining zone.
44 As far as patterns and consistency with others, this use is similar to a gym or having a meeting in
45 an office. Parking for this use is minimal, meetings are only by appointment and hence the use is
46 less intrusive when compared perhaps to a restaurant for 50 people or a small grocery store.

47
48 Mr. Walter stated he would like to explain how buildings like this can be developed in the spirit
49 of the master plan. For instance, light industrial uses are typically on the first floor of a building.
50 The buildings in the BGR District have second floors and the second floor is where these uses
51 would be conducted, which could be difficult for light industrial uses. There will be an elevator
52 added at 310 Marlboro Street for second floor access. This concluded Mr. Walter's presentation.

53
54 Councilor Jones thanked the petitioner for bringing this item forward and felt this is a good fit
55 for the BGR District.

56
57 Chair Russell-Slack asked for staff comments.

58
59 Planner Mari Brunner addressed the committee. She indicated with respect to rezoning, the
60 committee should be looking at the suitability of this use for the entire district. Hence, looking at
61 the consistency of the proposed rezoning request with the Master Plan.

62
63 Ms. Brunner went on to say that the Business Growth and Reuse (BGR) District was established
64 in 2017 as part of the Marlboro Street rezoning effort. The intent of the District is to serve as an
65 additional downtown zoning district that provides opportunity for redevelopment of this area
66 which was zoned industrial. Also, for revitalization of a former industrial area in an
67 environmentally sensitive manner that is of a scale and type compatible with adjacent residential
68 neighborhoods.

69
70 Ms. Brunner went on to say, the intent of the rezoning initiative in 2017 was to encourage
71 redevelopment of the area with industrial and business uses that were cleaner and more
72 environmentally friendly than traditional smoke stack industrial uses. This Ordinance proposes to

73 introduce Personal Service Establishment as a principal permitted use in the BGR District.
74 Personal Service Establishment is defined in the Zoning Regulations as an establishment that
75 provides services of a personal nature including, but not limited to, barbershops or hair salons,
76 spas, nail salons, laundromats, dry cleaners, tailors, tattoo or body piercing parlors.
77

78 The BGR District is surrounded by the Residential Preservation District to the west, which is
79 largely limited to single family dwellings. The Neighborhood Business District is to the south
80 along Marlboro Street, which promotes small-scale commercial development. The Medium
81 Density District and a small portion of the Downtown Growth District are to the north. The Low
82 Density District is to the east. Personal Service is already permitted in the Neighborhood
83 Business and Downtown Growth Districts. Ms. Brunner called the committee's attention to page
84 9 of their packets, which outlines the current uses in the BGR District.
85

86 With respect to consistency with the master plan, the plan includes Marlboro Street as a Strategic
87 Planning Area. On Page 119 of the Plan, it states, *"To the east side of Main Street, along
88 Marlboro Street, there are similar opportunities to balance higher density housing with the
89 existing single- and two-family residential neighborhoods. There is also the opportunity to
90 extend light commercial uses from the Main Street roundabout to the Public Works Facility just
91 before Optical Avenue. As this area transitions towards the Optical Avenue gateway into the
92 community from Route 101, the inclusion of a higher density of
93 industrial/manufacturing/business/office uses should be pursued with the provision of
94 connections to adjacent neighborhoods, creating a walkable area."*
95

96 Ms. Brunner noted there is also reference to the 2002 Transportation Master Plan, which talks
97 about making connections between this area, the Rail Trail and some of the adjacent
98 neighborhoods. Ms. Brunner stated some of the uses have limitations in this district, such as
99 restaurants calling for 50 seats or less, or for instance 30,000 square feet or less. This concluded
100 staff comments.
101

102 Councilor Jones asked whether there was any other district where this use does not exist and
103 might be a good fit. The Councilor asked whether now would be the time to change other zones
104 to be able to accommodate this use. Ms. Brunner said the use is just being proposed today for the
105 BGR District. If other districts were to be considered, then the item would have to be re-noticed.
106

107 The Chair asked for public comment. With no public comment, the Chair closed the public
108 hearing.
109

110 A motion was made by Mayor Hansel that the Planning Board find this Petition consistent with
111 the City's Master Plan. The motion was seconded by Councilor Remy and was unanimously
112 approved.
113

114 A motion was made by Chair Bosley of the Planning, Licenses and Development Committee
115 requesting that the Mayor set a public hearing for Ordinance O-2021-14. The motion was
116 seconded by Councilor Philip Jones and was unanimously approved.
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118

119 **IV) Next Meeting – December 13, 2021**

120

121 **V) Adjournment**

122

123 There being no further business, Chair Russell-Slack adjourned the meeting at 6:47 PM.

124

125 Respectfully submitted by,
126 Krishni Pahl, Minute Taker

127

128 Reviewed and edited by,
129 Rhett Lamb, Community Development Director/ACM
130 Megan Fortson, Planning Technician



Joint Planning Board /
Planning, Licenses & Development Committee

2022 Meeting Schedule

All meetings are on the 2nd Monday of each month at 6:30PM, unless otherwise stated

Monday, January 10

Monday, February 14

Monday, March 14

Monday, April 11

Monday, May 9

Monday, June 13

Monday, July 11

Monday, August 8

Monday, September 12

Tuesday, October 11

Monday, November 14

Monday, December 12

Staff Report - Ordinance – O-2022-02

The Ordinance

This Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning of one specific parcel of land from the Rural District and Agriculture District to Low Density 1 (LD-1). The total land area that would be impacted by this request is 12.2 acres.

The parcel that is the subject of this request is located at 19 Whitcombs Mill Road (TMP# 237-018-000-000-000) and is owned by Sandra R. Henry Trust. The Applicant for this proposed zoning amendment is James P. Phippard on behalf of the Petitioner, Sandra R. Henry Trust.

In rezoning decisions, the Petitioner's intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the Board should consider and review:

- The consistency of the proposed rezoning request with the Master Plan;
- Existing and proposed zoning requirements;
- Surrounding land use and zoning patterns; and,
- Possible resulting impacts.

Background / Surrounding Land Use and Zoning Patterns

The parcel that is the subject of this proposal is located on the west side of Whitcombs Mill Road, about 0.2 miles north of NH Rt. 9 and 0.1 miles south of Arch Street. The majority of the property (11.84 acres) is located in the Rural District, and a small area in the southwest corner of the property (0.45 acres) is in the Agriculture District. Adjacent uses include the Langdon Place of Keene to the east, single family homes to the north, farmland to the west, and the Cheshire Rail Trail and forested land to the south.

The 19 Whitcombs Mill property is currently vacant land with a mix of forested and cleared gravel areas. The property has 764 feet of frontage on Whitcombs Mill Road. White Brook runs west to east immediately to the north of this parcel, and a portion of the site along the northern property boundary is located in the 100-year floodplain. In addition, wetlands are present on the parcel, which drain into White Brook to the north.

The subject property has access to City sewer via an easement on the Langdon Place of Keene property located at 136 Arch Street. This 50-foot wide utility easement runs from Whitcombs Mill Road across the Langdon Place of Keene property, crosses White Brook, and connects to Arch Street. In order to connect to City sewer, the owner or developer would need to pay to extend the sewer line from Arch Street to the site. City water is located about 0.1 miles from the property at Arch Street/Felt Road, or it could be accessed

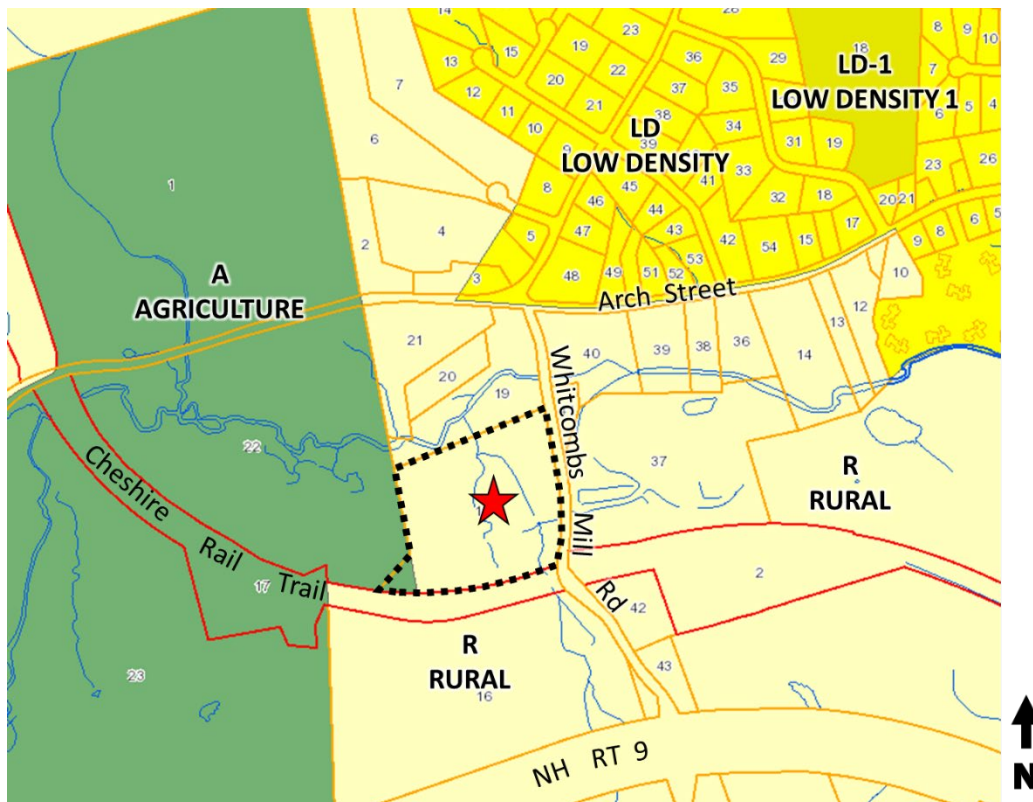


Figure 1. Aerial image showing the 19 Whitcombs Mill Road property, highlighted in yellow.

via the utility easement across the Langdon Place of Keene property. According to City Engineering staff, there is sufficient volume and pressure available for this site to have access to City water, should the owner choose to extend service.

The proposed Ordinance would create an area of LD-1 that would be bordered by the Rural District to the north, east, and south and the Agriculture District to the west. The nearest parcels of land in the LD-1 District are located approximately 0.4 miles to the northeast. The Applicant notes in the application narrative that the reason the Petitioner is requesting this proposed zoning change is to “create an opportunity for low intensity residential housing in a portion of the City which has access to City sewer but does not have access to City water.”

The map below shows the location of the subject parcel as well as the boundaries of the nearby zoning districts.



Master Plan Consistency

Community Vision

The Vision Focus Area that is most relevant to the proposed rezoning is Focus Area 1: A Quality Built Environment. Achieving a quality built environment includes providing quality housing and balancing growth and the provision of infrastructure (among other items). This area of the City does have access to City sewer, which would be required, and could have access to City water if the developer chooses to pay to extend service. The proposed zoning change would provide the opportunity for more housing in that it would increase the number of dwelling units that would be allowed on this lot from two or three units under the existing zoning (Rural) to 12 units under the proposed zoning (Low Density 1). If the owner

were to pay to extend both City sewer and water service to the site, the number of allowed dwelling units would increase to 26 units. With respect to road and bridge infrastructure, while this site has access from both Arch Street and NH Route 9 for light duty vehicles, heavy duty vehicles such as fire trucks and school buses would need to access the site from Route 9 due to the weight limits on the 1-lane bridge over White Brook.

Future Land Use Plan

The 19 Whitcombs Mill Road property is located in an area that is identified within the Future Land Use Map as being on the edge between a “Conservation Residential Development /Rural / Low Density Residential / Agriculture” (CRD) Area, and a “Secondary Growth Area/Low-Medium Density Residential” Area. The Future Land Use & Policy section of the Comprehensive Master Plan notes that the CRD category includes areas for continued preservation of open space, agriculture, and rural-residential uses, and also states “*There are many areas that are appropriate for Conservation Residential Development (CRD) designed to be compatible with conservation purposes coupled with the provision of important community identified amenities.*” The Plan identifies the secondary growth area as consisting of single-family, low- to medium-density development. The proposed zoning change would allow for single-family development, or if the land is developed as a Conservation Residential Development (CRD) subdivision, it could be developed as single-family or two family homes.

Housing Chapter

In the application narrative, the Applicant states that this proposal is consistent with the Master Plan because it will encourage new housing on the City sewer system. The Comprehensive Master Plan identifies housing as a “*fundamental challenge for the community as costs of community services continue to increase and Keene’s reliance on property taxes places a growing financial burden on its residents and businesses.*” The Housing Chapter discusses the importance of providing a “balanced and diverse housing stock,” and notes that the greatest opportunity for new housing development is in developed areas. This proposal would not be considered infill development, as it is on the edge of existing developed areas; however, it would provide for housing development in an area with access to City sewer service.

Characteristics of Zoning Districts

Intent of the Zoning Districts:

The proposal is to convert the subject parcel at 19 Whitcombs Mill Road from the Rural and Agriculture Districts to the Low Density 1 District. A description of these districts from the Zoning Ordinance is included below.

- ***Current Zoning – Rural:*** The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied. (Section 3.1 of the Land Development Code)
- ***Current Zoning – Agriculture:*** The Agriculture (A) District is intended to allow for farms and farmland, and to discourage activity that is not related to agriculture. Large-scale commercial recreation, even if agriculture related, is not suitable for this district. (*Section 7.2 of the LDC*)
- ***Proposed Zoning – Low Density 1:*** The Low Density 1 (LD-1) District is intended to provide for low intensity residential development, which is primarily detached single-family dwellings on lots of 1-acre or larger in areas on the outer edge of available city water and sewer service. All uses in this district shall have city sewer. City water is required if sufficient volume and pressure is available as determined by the Public Works Department. (*Section 3.4 of the Land Development Code*)

Based on the intent statements, the proposed zoning for the subject parcel is appropriate in that City sewer is available at this site via an easement which crosses the Langdon Place of Keene property located at 136 Arch Street. The owner or developer would be responsible for paying to extend sewer service to the site. If the zoning change to LD-1 is approved, City sewer service will be required for any development on this property. City water could also be available for this site if the owner chooses to pay to extend service from either Arch Street across the Langdon Place of Keene property via the access easement, or extend it from the Arch Street and Felt Road intersection.

District Uses:

Table 1 below highlights the differences between the permitted uses of the Rural and Agriculture Districts (existing) and the Low Density 1 District (proposed). Both the Rural and Low Density 1 Districts are residential zoning districts; however, the Rural District allows for a wider variety of uses including some commercial, open space, and infrastructure uses which are not permitted in the LD-1 District.

Principal uses allowed in the Rural and/or Agriculture District, which are not allowed in Low Density 1, include:

- Dwelling, Above Ground Floor
- Dwelling, Manufactured Housing
- Dwelling, Two-Family/Duplex
- Manufactured Housing Park
- Agricultural-Related Educational & Recreational Activity as a Business
- Animal Care Facility
- Bed and Breakfast
- Event Venue
- Greenhouse/Nursery
- Kennel
- Recreation/Entertainment Facility - Outdoor
- Cemetery
- Farming
- Golf Course
- Gravel Pit
- Solar Energy System (small-scale)
- Solar Energy System (medium-scale)
- Solar Energy System (large-scale)

There are no uses that are allowed in the Low Density 1 District that are not permitted in the Rural District. A small group home would be permitted in the Low Density 1 District, but not the Agriculture District.

Permitted Use	Rural	Agriculture	Low Density 1
Dwelling, Above Ground Floor	-	P	-
Dwelling, Manufactured Housing	P ¹	-	-
Dwelling, Single-Family	P	P	P
Dwelling, Two-Family/ Duplex	-	SE	-
Manufactured Housing Park	P	-	-
Agricultural-Related Educational & Recreational Activity as a Business	-	P ¹	-
Animal Care Facility	P	P	-
Bed and Breakfast	SE	SE	-
Event Venue	-	SE	-
Greenhouse / Nursery	P	P	-
Kennel	P	P	-
Recreation/Entertainment Facility - Outdoor	-	SE	-
Group Home, Small	CUP	-	CUP
Cemetery	P	P	-

Community Garden	P	P	P
Conservation Area	P	P	P
Farming	P	P	-
Golf Course	P ¹	P ¹	-
Gravel Pit	SE	-	-
Solar Energy System (Small-Scale)	P ¹	-	-
Solar Energy System (Medium-Scale)	CUP	-	-
Solar Energy System (Large-Scale)	CUP	-	-
Telecommunications Facilities	P ¹	P ¹	P ¹

Dimensional Requirements:

Table 2 highlights the dimensional requirements for the Rural, Agriculture, and Low Density 1 Districts. While there are some dimensional requirements that are the same across these three districts, such as Maximum Stories above Grade and Maximum Building Height, there is a substantial difference in the density of development that would be allowed in the Rural and Agriculture Districts as compared to the LD-1 District. The Rural and Agriculture Districts have larger minimum lot size requirements, larger setback requirements, and are more restrictive in terms of the maximum building coverage and maximum impervious coverage permitted on a lot. However, the required road frontage in the LD-1 district is greater than in the Rural and Agriculture Districts.

Under the current zoning, the subject parcel could theoretically be developed into 2 dwelling units with a conventional subdivision and 3 units under the “Conservation Residential Development” (CRD) subdivision option. Under the proposed LD-1 zoning, and assuming the parcel has access to City sewer but not City water, the subject parcel could be developed into 12 units with either a conventional subdivision or CRD subdivision. If the parcel is assumed to have access to both City sewer and water, the subject parcel could theoretically be developed into 26 units.

Table 2. Dimensional Regulations for Rural, Agriculture, and Low Density 1 Districts			
Dimensional Standard	Rural	Agriculture	Low Density 1
Minimum Lot Area	5 acres ^a	10 acres ^b	1 acre (without City water service) 20,000 sf (with City water service)
Minimum Lot Width at Building Line	200 ft	200 ft	75 ft
Minimum Road Frontage	50 ft	50 ft	100 ft ^c
Minimum Front Setback	50 ft	50 ft	15 ft
Minimum Rear Setback	50 ft	50 ft	20 ft
Minimum Side Setback	50 ft	50 ft	10 ft
Maximum Building Coverage	10%	10% ¹	30%
Maximum Impervious Coverage	20%	20% ¹	35%
Minimum Green / Open Space	-	-	65%
Maximum Stories Above Grade	2	2	2
Maximum Building Height	35 ft	35 ft	35 ft
^a Minimum lot area per dwelling unit with city water & sewer: 2 acres ^b Minimum lot area per dwelling unit: 10 acres ^c Minimum Road Frontage for lots fronting on a cul-de-sac: 60 ft ¹ May be increased by Special Exception solely for bona fide agricultural uses and no more than is necessary to permit the reasonable operation of such uses. Any Special Exception so granted shall be treated as a nonconforming use.			

Implications of the proposed Change

The proposed amendment would create an area of Low Density 1 that would be surrounded by other zoning districts. While this could be considered to be “spot zoning,” the proposed change is consistent with the intent of LD-1 District in that it would provide opportunity for residential development on the outer edge of available city water and sewer service. However, this proposed change could result in a relatively large increase in the density of development that would be allowed in this area of the City. The current owner has indicated that they do not intend to pay to extend City water service; however, if the land is sold and a new owner were to develop this site, the new owner could choose to extend water service at their own expense. Under that scenario, the allowed density on the site could increase to 26 dwelling units. Site constraints, such as wetland areas and surface water protection buffers, are not included in this calculation. Without City water, the density could increase to 12 units. There are areas within a 0.1-0.2 mile radius with similar or greater densities, including some of the residential development along Arch Street that is in the Low Density District and the Langdon Place of Keene property across the street, which is in the Rural District.

Other proposed impacts to consider include emergency vehicle access to the site, along with access by other large vehicles such as school buses and delivery trucks. Due to the weight limits of the 1-lane bridge over White Brook on Whitcombs Mill Road, these heavier vehicles would need to access this area via NH Route 9 from the south.

Recommendation:

If the Committee is inclined to approve this request, the following language is recommended for a motion.

Planning Board:

Recommend the Planning Board find proposed Ordinance 0-2022-02 consistent with the Community Goals and Master Plan.

Planning, License and Development Committee:

Recommend that the Mayor set a public hearing date.



CITY OF KEENE

Ordinance O-2022-02

Twenty-two

In the Year of Our Lord Two Thousand and
Relating to Amending the Zoning Map to Change the Zoning Designation at 19
AN ORDINANCE Whitcomb's Mill Road from Rural and Agricultural to Low Density-1

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

That the Ordinances of the City of Keene, as amended, are hereby further amended, by changing the Zoning designation at 19 Whitcomb's Mill Road, TMP 237-018-000 (Map 237 lot 018) from Rural and Agricultural to Low Density-1A certain tract of land on the west side of Whitcomb's Mill Road in City of Keene, County of Cheshire and State of New Hampshire, bounded and described as follows:

Rural Zone

Beginning at a point which marks the intersection of the westerly line of Whitcomb's Mill Road (referred to in former deeds as Daniel Hill Road) and the northerly line of land of the State of New Hampshire:

Thence South 72°39'45" West 116.61 feet, more or less, along land of the State of New Hampshire to a point;

Thence a curve to the right with a radius of 1859.86 feet and a length of 568.58 feet, more or less, along land of the State of New Hampshire to a point at the agricultural zone below;

Thence North 09°55'01" West 194.54 feet, more or less, along the agricultural zone below to an iron pin at land of Mark and Alona Florenz;

Thence North 09°55'01" West 408.53 feet, more or less, along a stone wall and land of Mark and Alona Florenz to an iron pin;

Thence North 68°33'19" East 772.57 feet, more or less, along land of Weston Griswold Trust to an iron pin on the westerly line of Whitcomb's Mill Road;

Thence southerly 764 feet, more or less, along the westerly line of Whitcomb's Mill Road to the place of beginning (the "closure line" of the last course is South 04°14'19" East 759.35 feet).

Containing 11.84 acres, more or less.

Agricultural Zone

Beginning at a point on the northerly line of land of the State of New Hampshire at the southwest corner of the rural zone above;

Thence a curve to the right with a radius of 1859.86 feet and a length of 197.55 feet, more or less, along the land of the State of New Hampshire to an iron pin at land of Mark and Alona Florenz;

Thence North 40°07'49" East 154.44 feet, more or less, along a stone wall and land of Mark and Alona Florenz to a point;

Thence North 45°44'44" East 89.49 feet, more or less, along a stone wall and land of Mark and Alona Florenz to an iron pin at the rural zone above;

Thence South 09°55'01" East 194.54 feet, more or less, along the rural zone above to the place of beginning.

Containing 0.45 acres, more or less.

Containing 12.29 acres, more or less, on a survey map entitled "Preliminary Subdivision Plan of land, Sandra R. Henry Trust, Tax Map 237 Lot 18, 19 Whitcomb's Mill Road, Keene, New Hampshire"; dated May 29, 2021; prepared by Paton Land Surveying.

George S. Hansel, Mayor

In City Council January 20, 2022.
Referred to the Joint Planning Board
and Planning, Licenses and Development
Committee.



City Clerk



APPLICATION TO AMEND THE ZONING MAP

Petitioner James P Phippard, Agent Sandra R Henry Trust Date January 11, 2022

Address 185 Winchester Street Keene NH 03431

Telephone (603) 357-0116 Property Owner Sandra R Henry Trust

Location of Property to be Rezoned 19 Whitcombs Mill Rd

Approximate Acreage 12.2 Present Zoning District R Proposed Zoning District LD-1

Validation of parcel ID# by
the Assessing Department

Assessing Department Staff

James P. Phippard, AGENT
Petitioner's Signature

Submittal Requirements, which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the full description of the property to be rezoned and the proposed amendment along with a typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- A notarized list of property owners/agents within the boundary of the area or areas proposed for rezoning as well as the names of all abutters of the property. This list shall include the tax map number and address of each abutter and owner, and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale (24" x 36").
- \$100.00 application fee plus an additional \$10.00 per acre or lot for a total sum not to exceed \$500.00 as well as the publication and postage fees identified below. Check made payable to City of Keene.

Ordinance Number 0-2022-02 Date Received by City Clerk 1/12/2022

Application Fee @ \$100.00	\$ <u>100.00</u>
Area Fee @ \$10/00 per acre	\$ <u>130.00</u>
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ <u>90.00</u>
Postage Fees for property owners/ agents and abutters. Total # of notices <u>12</u> @ <u>56</u> , <u>58¢</u>	\$ <u>6.96</u>

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional costs will be collected by the Planning Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.

K://Council/Forms/Application_Amend_Zoning_Map.doc



**Proposal to Amend the Keene Zoning Map
To Rezone TMP 237-018-000
From Rural to Low Density-1**

January 12, 2021

This proposal will amend the Keene Zoning Map to change the zone on TMP 237-018-000 from Rural to Low Density-1. This property is owned by the Sandra R. Henry Trust and is a 12.2 acre site located on the west side of Whitcomb's Mill Road. It has 762 feet frontage on Whitcomb's Mill Road and has access to city sewer via an easement to the existing city sewer across Whitcomb's Mill Road on the Langdon Place of Keene property. City water is not feasible at this location due to the lack of pressure and water capacity in the existing water system at this portion of the City.

This property abuts the Cheshire Rail Trail along its south side providing ample opportunities for walking/running, biking and hiking from this site. An active farm (pig farm) abuts the property to the west. Single family residential properties abut the property to the north, and to the east, across Whitcomb's Mill Road is Langdon Place of Keene, a senior living facility.

Purpose: The purpose of this proposal is to create an opportunity for low intensity residential housing in a portion of the city which has access to city sewer but does not have access to city water. This is the intent of the Low Density-1 district.

Effect: The change in the zoning designation would result in several changes to the permitted uses at the property. The Table below compares the list of permitted uses under the existing Rural district to the uses permitted in the proposed LD-1 district. Many of the uses permitted in the Rural district are not permitted in the LD-1 district. The only new use allowed in LD-1 that is not permitted in the Rural district is two family dwellings which are part of a Conservation Residential Development (CRD).

COMPARISON OF PERMITTED USES

RURAL DISTRICT		LOW DENSITY – 1 DISTRICT	
Dwelling, Manufactured Housing	P		
Dwelling, Single Family	P	Dwelling, Single Family	P
		Dwelling, Two Family	P in CRD
Manufactured Housing Park	P		
Animal Care Facility	P		
Bed and Breakfast	SE	Bed and Breakfast	SE
Greenhouse/Nursery	P		
Kennel	P		
Group Home, Small	CUP	Group Home, Small	CUP
Cemetery	P		
Community Garden	P	Community Garden	P
Conservation Area	P	Conservation Area	P
Farming	P		
Golf Course	P1		
Gravel Pit	SE		
Solar Energy System (Small scale)	P1		
Solar Energy System (Medium scale)	CUP		
Solar Energy System (Large Scale)	CUP		
Telecommunications Facilities	P1	Telecommunications Facilities	P1

P = Permitted Use

SE = Special Exception required

CUP = Conditional Use Permit required.

P1 = Permitted with limitations per Article 8

P in CRD = Permitted as part of a Conservation Residential Development

This amendment to the Zoning Map would change the permitted density from 1 dwelling unit per 5 acres to 1 dwelling unit per 1 acre. The maximum number of dwelling units on this property would increase from 2 units to 12 units, provided the city sewer is extended to the site. While this is not a significant increase in housing, it will help to address the need for additional housing in Keene.

The proposed site is located on the west side of Whitcomb's Mill Road. Whitcomb's Mill Road can be accessed via Rt. 9 or from Arch Street. There is an existing one-lane bridge on Whitcomb's Mill Road where it crosses White Brook. There are no sidewalks on Whitcomb's Mill Road, however, there is direct access to the Cheshire Rail Trail.

The ITE Trip Generation Manual estimates traffic associated with 12 additional single family dwelling units to be up to 114 vehicle trips per day with 9 trips during the AM peak hour and 12 trips during the PM peak hour. This small volume of traffic will not have a significant impact on the safety or capacity of Whitcomb's Mill Road or the street network adjacent to the site.

The sewer discharge from 12 single family dwellings will be approximately 2800 gallons per day. An extension of an 8" sewer main to this property will provide adequate sewer capacity for a full buildout of the property.

Justification: The 2010 Master Plan for the City of Keene identifies housing as a critical component to support the economic vitality of the community. On page 48 of the Master Plan, it states: *“Quality housing is vital to achieving a sustainable community because it:*

- *Attracts and retains a skilled and educated workforce*
- *Denotes strong and safe neighborhoods*
- *Contributes to the region’s overall quality of life*
- *Contributes to the community’s tax base*
- *Reduces the community’s contribution to global climate change and uses resources efficiently”*

The location of this property next to the Cheshire Rail Trail promotes walking/running, hiking and biking and provides a safe pedestrian connection not only to downtown Keene, but to other neighborhoods in the West Keene area. Connectivity is recognized in the Master Plan to promote community and quality of life.

The Future Land Use Map recommends this area, in part, as a Low density residential area. The proposed re-zoning to Low Density-1 is consistent with this recommendation.

The proposed re-zoning to Low Density-1 is consistent with the recommendations of the Keene Master Plan. It will encourage new housing on the city sewer system. The location on Whitcomb’s Mill Road will safely accommodate the additional traffic that may be generated. The direct access to the Cheshire Rail Trail system will encourage walking/running, hiking and biking and provide connectivity to the existing community.

Respectfully Submitted,

James P. Phippard, agent for
Sandra R. Henry Trust



January 12, 2022

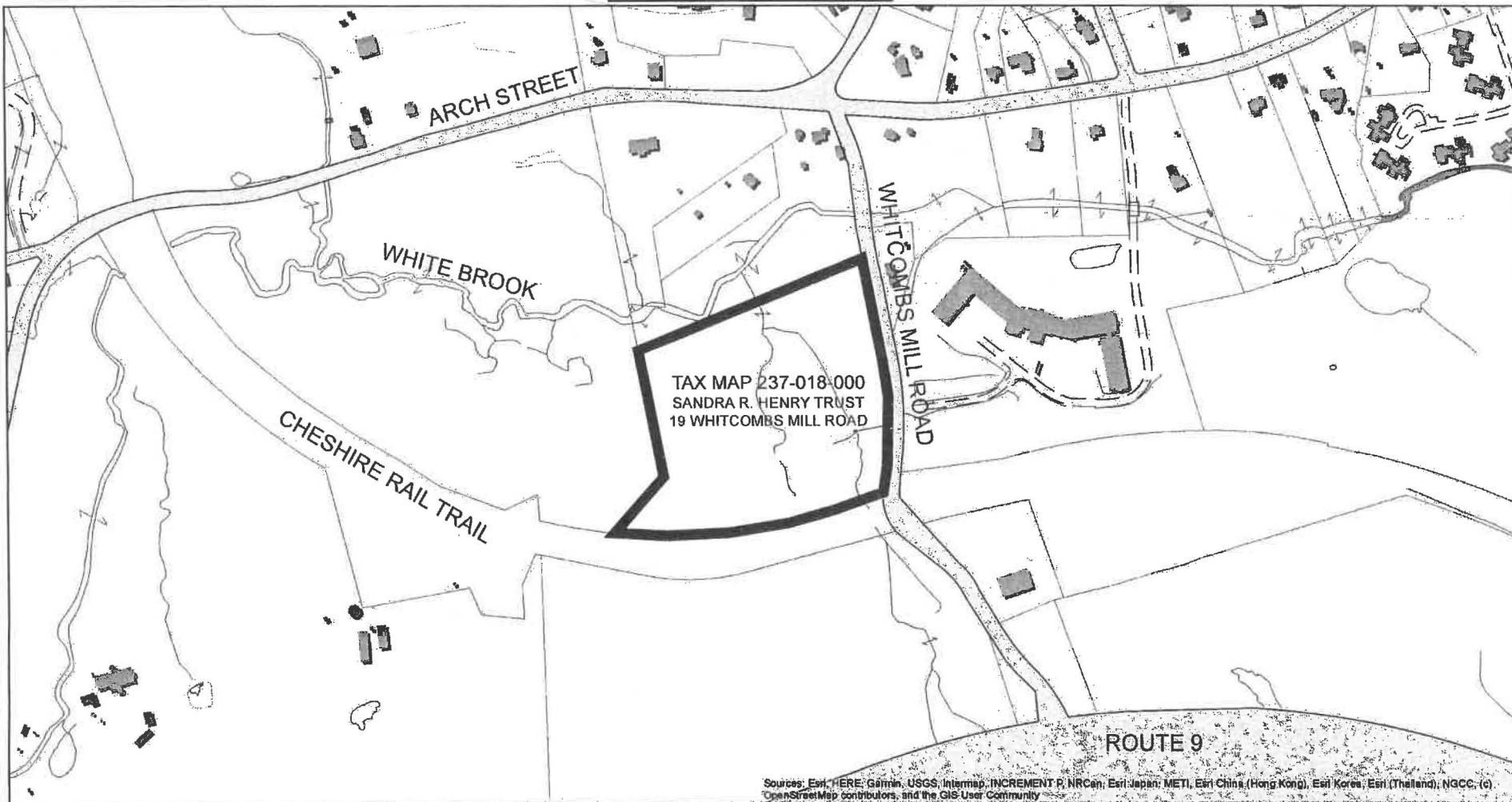
Keene, NH

1 inch = 300 Feet

0 300 600 900



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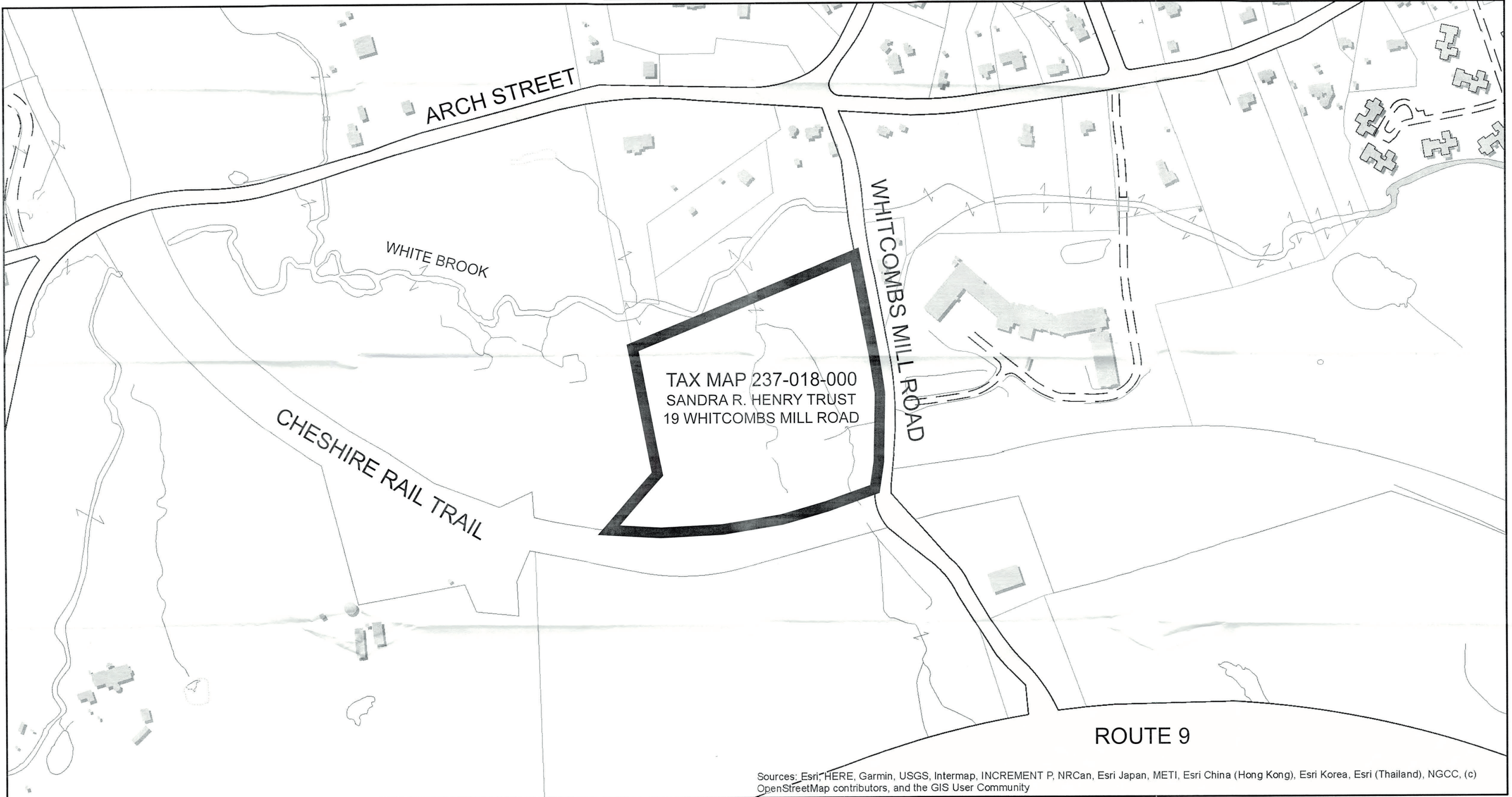
January 12, 2022

Keene, NH

1 inch = 300 Feet

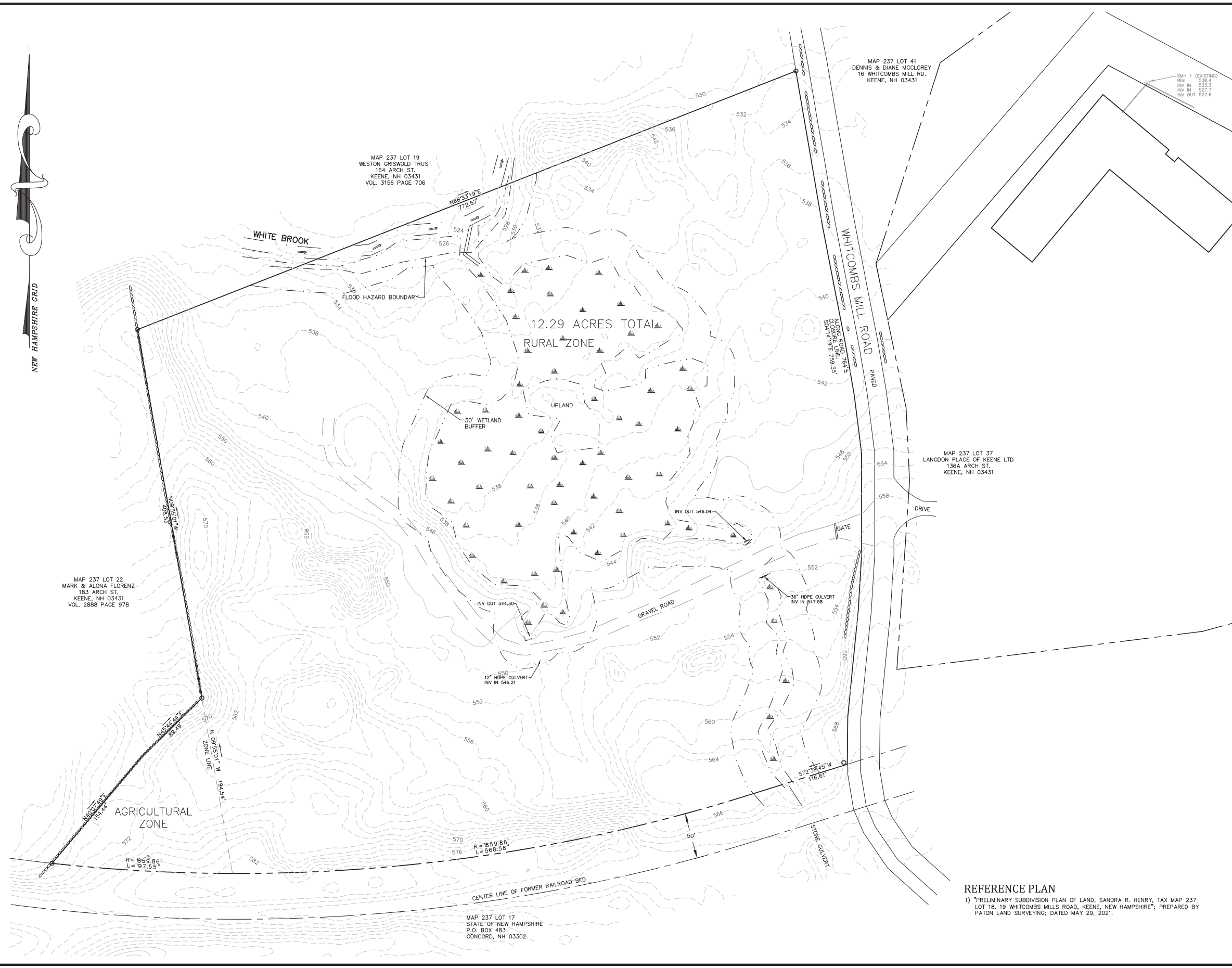


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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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REVISIONS:
OWNER/DEVELOPER: SANDRA R HENRY TRUST 19 WHITCOMBS MILL ROAD KEENE, NH
PLANNER: Brickstone Land Use Consultants, LLC <small>Site Planning, Permitting and Development Consulting 185 Winchester Street, Keene, NH 03431 Phone: (603) 357-0116</small>
CRD 19 WHITCOMBS MILL ROAD KEENE, NH
EXISTING CONDITIONS
SCALE: 1"=50'
DATE: FEBRUARY 22, 2022
SHEET 1

REFERENCE PLAN
1) PRELIMINARY SUBDIVISION PLAN OF LAND, SANDRA R. HENRY, TAX MAP 237 LOT 18, 19 WHITCOMBS MILLS ROAD, KEENE, NEW HAMPSHIRE; PREPARED BY PATON LAND SURVEYING; DATED MAY 29, 2021.