



Joint Planning Board and Planning, Licenses & Development Committee

AGENDA

October 17, 2022

6:30 PM

City Hall, 2nd Floor Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – September 12, 2022
3. Public Workshop

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

4. Staff Updates
5. New Business
 - a. Keene Housing Needs Assessment
6. Next Meeting – Monday, November 14, 2022
7. Adjourn

1 City of Keene
2 New Hampshire

3
4
5 JOINT PLANNING BOARD/
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
7 MEETING MINUTES
8

Monday, September 12, 2022

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Pamela Russell Slack, Chair
Councilor Michael Remy
David Orgaz
Armando Rangel
Roberta Mastrogiovanni
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

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

Staff Present:

Jesse Rounds, Community
Development Director

Planning Board

Members Not Present:

Mayor George S. Hansel
Emily Lavigne-Bernier
Harold Farrington
Randyn Markelon
Gail Somers, Alternate
Tammy Adams, Alternate

9
10
11 **I) Roll Call**

12
13 Chair called the meeting to order at 6:30 PM and a roll call was taken. Councilor Giacomo asked
14 to join the session remotely as he was exposed to Covid.

15
16 **II) Approval of Meeting Minutes – August 8, 2022**

17
18 Chair Russell Slack offered the following corrections:

19 Page 2, line 36 delete the duplicate word “this”

20 Page 3, line 98 delete the word “as”

21
22 A motion was made by Councilor Phil Jones to approve the August 8, 2022 meeting minutes as
23 amended. The motion was seconded David Orgaz and was unanimously approved by roll call
24 vote.

26 **III) Public Workshop**
27

28 **Ordinance O-2022-11** – Relating to amendments to the Business Growth & Reuse
29 Zoning District. Petitioner, Randall Walter, proposes to amend Table 8-1 and Section 5.4.5 of
30 Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to permit
31 “Recreation/Entertainment Facility - Indoor” as a principal permitted use in the Business Growth
32 & Reuse Zoning District
33

34 Mr. Randall Walter Architect and Developer addressed the Committee and noted considerable
35 amount of work has gone into the development of the BGR District. Mr. Walters stated he had
36 made a similar application a while ago with reference to activities in the district. He noted there
37 are 29 individual parcels in the BGR District of different varieties. However, there is one thing
38 many have in common which has to do with scale. Mr. Walter stated he wanted to talk about the
39 scale of buildings in this district relative to indoor activities as it pertains to both children and
40 adults. Families are driving long distances to other communities for indoor activity.
41

42 Mr. Walter noted the City does have the rink which is located in this district but this pre-dates
43 the BGR District. However, things like bowling allies, laser tag, puzzle based games, indoor
44 golf, are seeking homes and felt the larger industrial buildings will be good fit for these types of
45 activities. Mr. Walter noted the Kingsbury property which is the heart of BGR is a 15-acre
46 indoor space located on a 21 acre parcel, which has a lot of opportunities. He further stated
47 within the indoor entertainment sector there are a couple of uses that can be considered to be
48 wholesome and others that could cause concern to the neighborhood. However, felt some of
49 these uses overlap with each other; a restaurant is permitted in the BGR but not a Night Club.
50

51 Staff comments were next. Community Development Director Jesse Rounds addressed the
52 Committee. Mr. Rounds stated this ordinance proposes to amend Chapter 100 Land
53 Development Code of the City Code of Ordinances to permit “Recreation/Entertainment Facility
54 - Indoor” as a principal permitted use in the Business Growth & Reuse Zoning District and also
55 seeks to amend Table 8-1 and Section 5.4.5 permitted uses in Article 8.
56

57 Mr. Rounds stated the BGR District was established in 2017 as part of the Marlboro Street
58 rezoning effort. The intent of the District is to serve as an additional downtown zoning district
59 that provides opportunity for redevelopment and revitalization of this area in an environmentally
60 sensitive manner that is sensitive to the scale of the surrounding neighborhoods.
61

62 Mr. Rounds stated BGR is a relatively small zoning district which contains 29 parcels which
63 support a variety of commercial uses including warehousing, office space, a municipal complex,
64 industrial uses, Keene Ice Arena, and some retail uses. The BGR District is surrounded by the
65 Residential Preservation District to the west, which is largely limited to single family dwellings,
66 the Neighborhood Business District is to the south along Marlboro Street, which promotes small-
67 scale commercial development. The Medium Density District and a small portion of the
68 Downtown Growth District are to the north. The Low Density District is to the east, which is a
69 single family zoning district.
70

71 The district as it exists right now allows for a number of uses such as Art Gallery, Art/Fitness
72 Studio, Gym, Bed and Breakfast, Office, with a focus on smaller scale retail.

73
74 Mr. Rounds went on to say in terms of this proposal being consistent with Comprehensive
75 Master Plan; the Plan states as follows:

76 *“To the east side of Main Street, along Marlboro Street, there are similar opportunities to*
77 *balance higher density housing with the existing single- and two-family residential*
78 *neighborhoods. There is also the opportunity to extend light commercial uses from the Main*
79 *Street roundabout to the Public Works Facility just before Optical Avenue. It also recommends*
80 *inclusion of a higher density of industrial / manufacturing / business / office uses should be*
81 *pursued with the provision of connections to adjacent neighborhoods, creating a walkable*
82 *area.”*

83 The plan reiterates on Page 118 that design details and sensitivity to surrounding neighborhoods
84 should be considered. The BGR District was intended primarily as an area to attract industrial
85 redevelopment and is surrounded by residential neighborhoods, hence, scale is important so as
86 not to overwhelm those areas. However, “Recreation/Entertainment Facility – Indoor” is a
87 commercial use that would support pedestrian traffic in the neighborhood, which is a positive
88 aspect. Staff is concerned about specific uses such as a Night Club which is not a use defined in
89 the code. This concluded staff comments.

90
91 Councilor Remy asked whether there was a different noise ordinance for downtown versus the
92 BGR District. Mr. Rounds stated he wasn’t sure – the Councilor stated he felt the BGR was 10
93 pm and the downtown was 11pm which would hence be a natural cutoff for the night club issue.

94
95 Mr. Kost noted to language which calls for the district to be oriented towards pedestrian and
96 bicycle access and asked for explanation of that language as it pertains to the industrial district.
97 Mr. Rounds felt the Comprehensive Master Plan was looking toward the extension of the Rail
98 Trail being able to access these properties as well as slower speeds onto the main roads.

99
100 The Chair asked for public comment next. With no comments from the public Chair Russell
101 Slack closed the public hearing.

102
103 Councilor Remy addressed the noise ordinance issue and stated the 11 pm noise ordinance is
104 effective through Water Street. Looking at the BGR map 100 Nights property would be exempt
105 from the 10 pm cut off and falls under the 11 pm cutoff. He added 163 Washington Street is the
106 only property that is in the BGR District and in the 11 pm zone.

107
108 Chair Bosley stated she is excited the applicant brought this item forward and encouraged staff to
109 review this list for acceptable uses for this area. She felt the entire community will benefit from
110 seeing some development in this area especially in the Kingsbury property. She indicated she has
111 young children who have limited indoor activity options and her family travels as far as Nashua
112 to attend such activities. She applauded the applicant for thinking outside the box and added the
113 term night club would not stop her from voting in favor of this item.

114
115 Councilor Jones with reference to the noise ordinance stated to tag off of what Mike said first,
116 the Noise Ordinance is a complaint driven ordinance. Somebody could play music until 2am and

117 if no one complains it just happens so I don't think it's a real issue, I think we've only had 2
118 complaints and that was a long time ago on Colorado Ave.

119
120 He further stated the Economic Development Plan that was complete a few years recommended
121 more activities for young people in the community and felt this would be another way to attract
122 young people to the community.

123
124 Chair Russell Slack stated she is in favor of this proposal as she supports anything that improves
125 business growth and housing growth.

126
127 Councilor Giacomo noted the rail trail goes right through the middle of the BGR District which
128 he felt was a positive aspect to commute people to various recreational opportunities. The
129 Councilor also noted to the new Pat Russell Park and the new skate park both of which will be
130 very close to the rail trail and continue right into the BGR District. He further stated he feels this
131 proposed use is more in line with what this district is intended for versus some of the industrial
132 uses which are part of its history not necessarily part of its future. Councilor Giacomo stated he
133 was in favor of this proposal.

134
135 A motion was made by Councilor Michael Remy that the Planning Board recommends that
136 Ordinance O-2022-11 is consistent with the Community Goals and Comprehensive Master Plan.
137 The motion was seconded by David Orgaz and was unanimously approved.

138
139 A motion was made by Chair Kate Bosley that the Planning Licenses and Development
140 Committee recommends that the Mayor set a public hearing on Ordinance O-2022-11. The
141 motion was seconded by Councilor Philip Jones and was unanimously approved by roll call vote.

142
143 **IV) Staff Updates Next Meeting – Tuesday, October 11, 2022**

144
145 **V) New Business**
146 None

147
148 There being no further business, Chair Russell adjourned the meeting at 7:02 PM.

149
150 Respectfully submitted by,
151 Krishni Pahl, Minute Taker

152
153 Reviewed and edited by,
154 Jesse Rounds, Community Development Director

MEMORANDUM

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

Overview

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

- Reduce the minimum lot size for the Rural District from five acres to 2 acres.
- Change the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Amend Table 8-1, “Permitted Principal Uses by Zoning District,” and the “Permitted Uses” sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Add three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modify the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.
- Remove the requirement to submit a “Yield Analysis Plan” as part of a CRD application.
- Add additional submittal and filing requirements for CRD applications that include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of the proposed changes to the Rural District is to expand opportunity for housing development while maintaining and protecting environmentally sensitive areas, such as steep slopes, wetlands, and other surface waters. The intent of the proposed density incentive options within the CRD regulations is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock. In addition, this ordinance would fix a couple of glitches that were recently identified by staff within the Zoning Ordinance and CRD Regulations.

Overview of Rural District & Proposed Changes

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

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

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

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

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

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

3.1.5 Permitted Uses			
RESIDENTIAL USES		SECTION	
Dwelling, Manufactured Housing	P ¹		8.3.1.B
Dwelling, Single-Family	P		8.3.1.D
Manufactured Housing Park	P		8.3.1.F
COMMERCIAL USES		SECTION	
Animal Care Facility	P		8.3.2.B
Bed and Breakfast	SE		8.3.2.G
Greenhouse / Nursery	P		8.3.2.L
Kennel	P		8.3.2.P
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION	
Group Home, Small	CUP		8.3.4.F
OPEN SPACE USES		SECTION	
Cemetery	P		8.3.6.A
Community Garden	P		8.3.6.B
Conservation Area	P		8.3.6.C
Farming	P		8.3.6.D
Golf Course	P ¹		8.3.6.E
Gravel Pit	SE		8.3.6.F
INFRASTRUCTURE USES		SECTION	
Solar Energy System (Small-Scale)	P ¹		8.3.7.A
Solar Energy System (Medium-Scale)	CUP		8.3.7.B
Solar Energy System (Large-Scale)	CUP		8.3.7.C
Telecommunications Facilities	P ¹		8.3.7.E

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

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

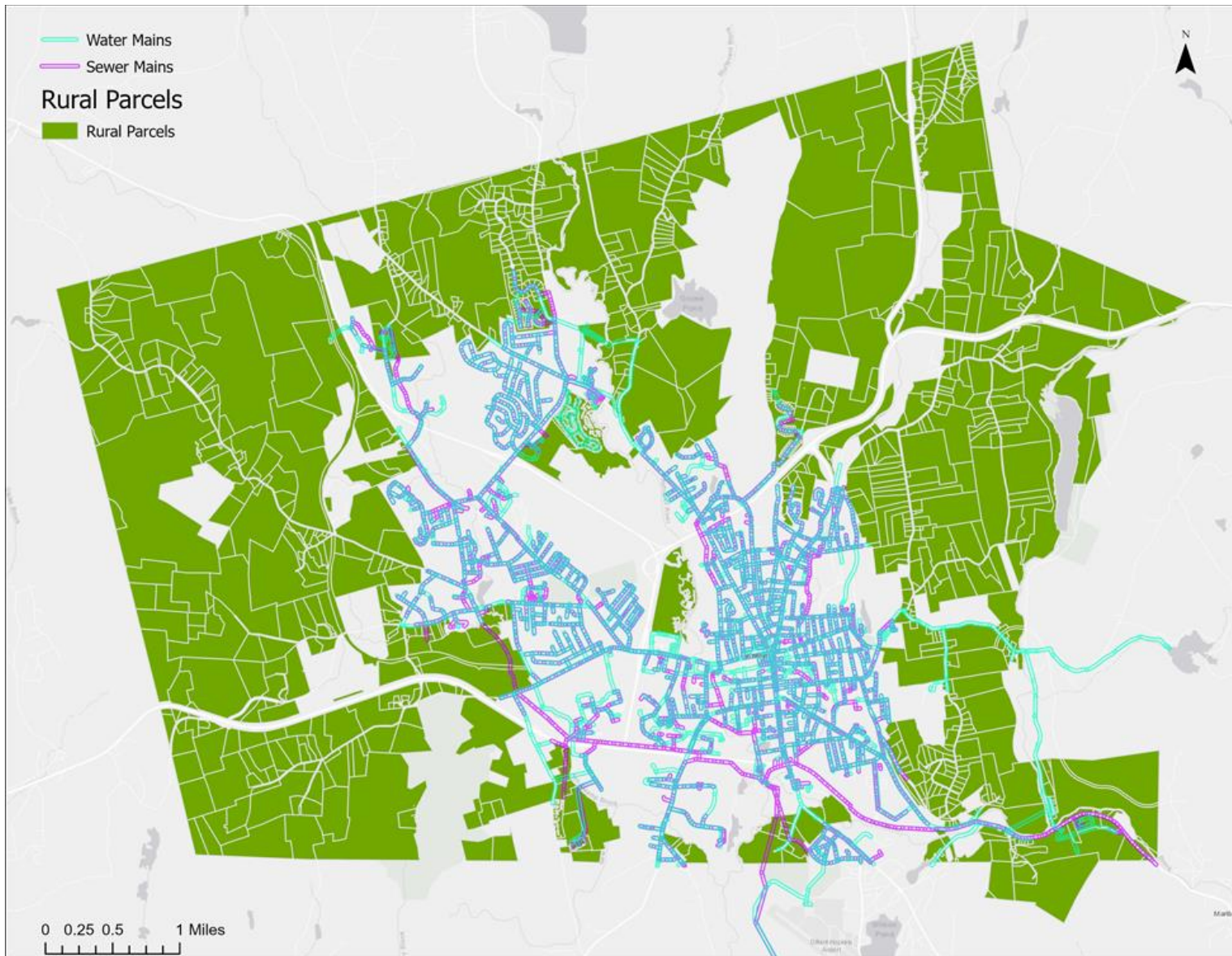


Figure 2. Map displaying parcels located in the Rural District (shown in green), the location of City sewer infrastructure (shown in purple), and the extent of the City water infrastructure (shown in light blue). Areas City sewer and City water overlap are shown in the darker blue color.

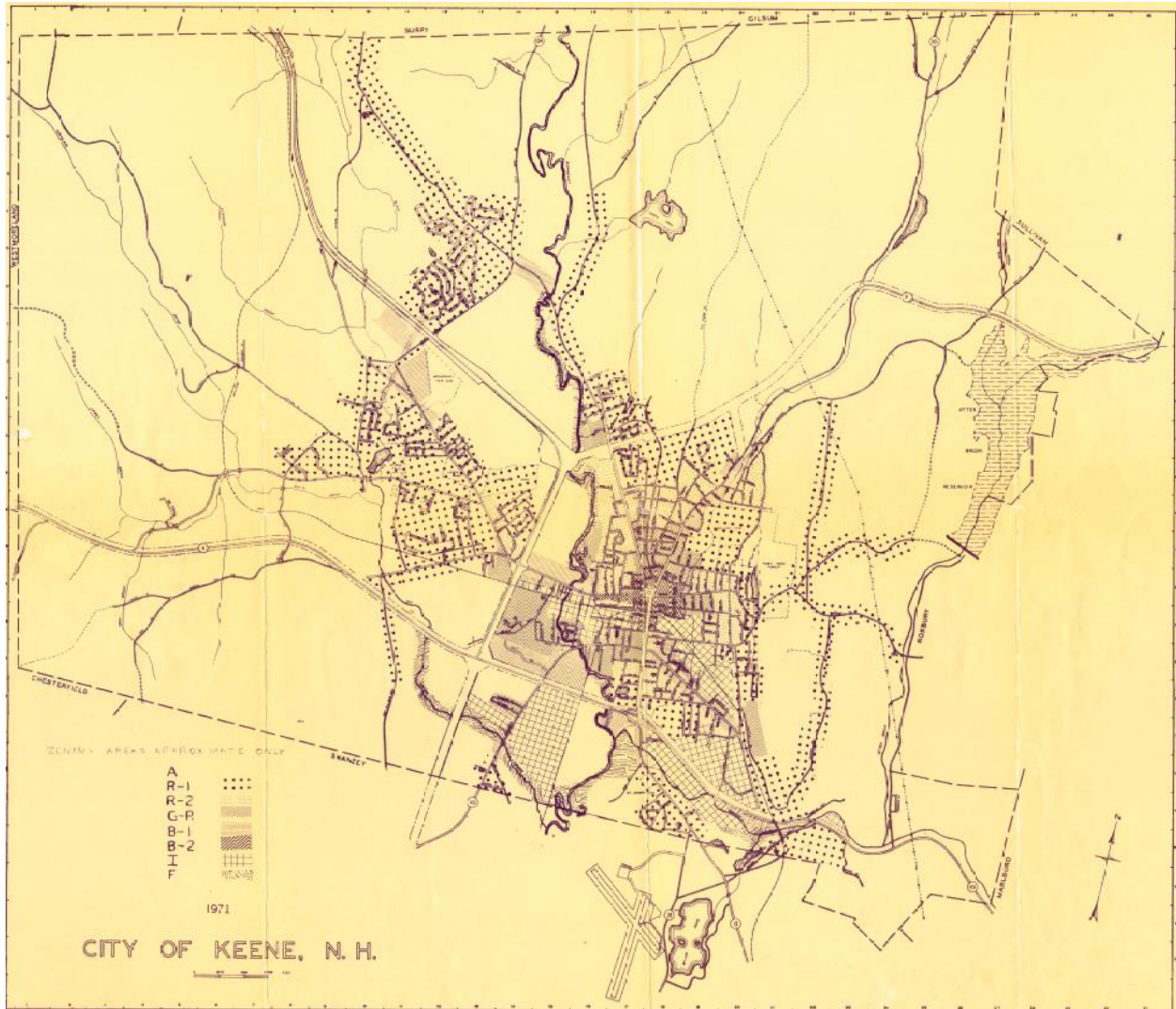


Figure 3. Scanned image of the 1971 Zoning Map for the City of Keene, NH. The legend key is as follows: A = Agricultural (areas shown in solid white), R-1 = Single Residence, R-2 = Single-Two Family Residence, G-R = General Residence, B-1 = Roadside Business, B-2 = Central Business, I = Industrial, and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

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

Overview of Conservation Residential Development Subdivision & Proposed Changes

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

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

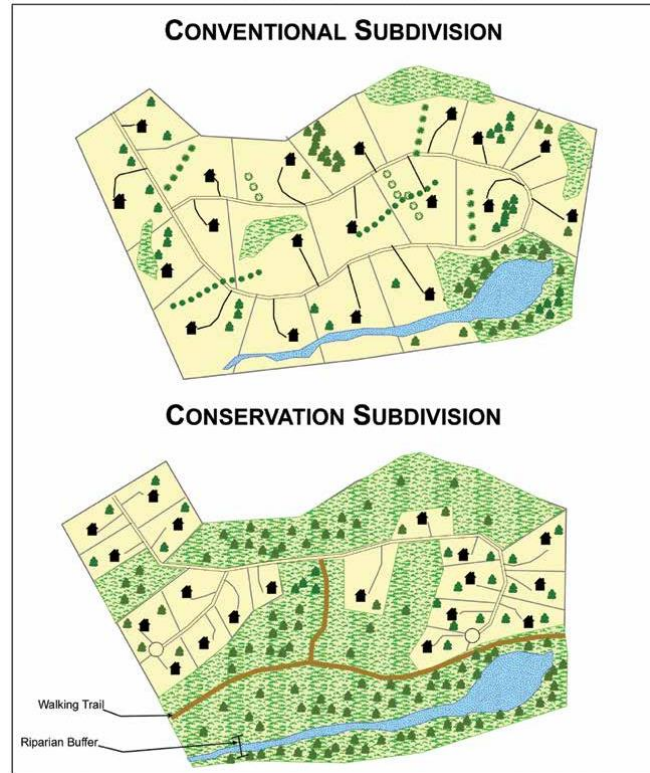


Figure 4. Comparison of conventional and conservation subdivision. Image source: Lehigh Valley Planning Commission Model Ordinance for Conservation Subdivisions (Dec. 2015).

Proposed changes to CRD Dimensional Standards

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

Proposed Density Incentive Options

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

Open Space Density Incentive:

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

Solar Density Incentive:

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

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

Workforce Housing Density Incentive:

The intent of this incentive is to encourage developments that provide affordable workforce housing. “Workforce Housing” is proposed to be defined as housing that is sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County (owner-occupied) or rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County (rental). In order to be eligible for this incentive, a development must guarantee that at least 20% of the total number of units (including any units allowed by a density bonus) will be workforce housing.

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

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

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

Other Proposed Changes

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

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



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Keene Community Development Date: 6/14/2022

Address: 3 Washington Street, Keene, NH

Telephone: (603) 352-5440 Email: mbrunnere@keene-nh.gov

Existing Section Reference in Chapter 100, Land Development Code: 3.1.2, 19.3, 25.10

Does the amendment affect "Minimum Lot Size"? Yes No

Does the amendment affect "Permitted Uses"? Yes No

Does the amendment affect a zoning district that includes 100 or fewer properties?*

(For assistance in determining answer, Please contact Community Development)

Yes No
LD-1 District

I, Mari Brunner hereby certify that I have contacted Community Development to confirm whether the amendment affects a zoning district that includes 100 or fewer properties, and I certify that the information I have provided on this application is true and correct.

Attest: Mari Brunner
Petitioner's Signature

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

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



APPLICATION TO AMEND THE ZONING ORDINANCE

Date Received by City Clerk: _____ Ordinance Number: _____

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

Public Hearing to be held _____

APPLICABLE FEES:

Application Fee @ \$100.00 \$ _____

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

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

Total Fees submitted to City Clerk \$ _____

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

CITY OF KEENE
NEW HAMPSHIRE

O-2022-09 Relating to Amendments to the City of Keene Land Development Code, Rural District and Conservation Residential Development Subdivision Regulations

The attached materials include the full text of Ordinance O-2022-09 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-09. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

The proposed changes include:

- Reducing the minimum lot size for the Rural District from five acres to 2 acres.
- Changing the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Adding three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modifying the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.
- Amending Table 8-1, “Permitted Principal Uses by Zoning District,” and the “Permitted Uses” sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Removing the requirement to submit a “Yield Analysis Plan” as part of a CRD application.
- Adding additional submittal and filing requirements for CRD applications that include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of these proposed changes is to expand opportunity for housing development in the Rural District while maintaining and protecting environmentally sensitive areas. In addition, the intent of the proposed density incentive options is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock.

Twenty-Two
Relating to Amendments to the Land Development Code

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows:

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	5 acres <u>2 acres</u>
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

2. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
3. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
4. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.
5. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

6. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

C. Density. ~~The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.
2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.

8. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to add a footnote that states “New lots in the Rural District that are created as part of a CRD that are less than 1 acre in size may utilize an approved Subsurface Disposal System.”

9. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”

10. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	4 acres 2 acres	50%
	3 acres	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹ Density bonus(es) may be granted as specified in Section 19.3.6

11. That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P ¹ (max of 3 dwelling units per structure)	P ¹ (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

P1 = Use permitted with workforce housing density incentive

12. That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

Section 19.3.6: Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.

B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:

- 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
- 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
- 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
- 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**

- C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include “multifamily dwelling” (max of 3 units per structure).**
- 1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:**
 - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.**
 - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.**
 - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.**
 - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner’s insurance and condominium fees (if applicable) will not exceed 30% of household income.**
 - 2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:**
 - a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.**
 - b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.**
 - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.**
 - d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.**
 - 3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a**

local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.

13. That Section 25.10.5 “Submittal Requirements,” sub-section C “Conservation Residential Development Subdivision Applications” of Article 25 be amended as follows:

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
- ~~3. A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
 - ~~a. The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~
- 4 ~~3~~. A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- 5 ~~4~~. A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
 - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - b. The location, species and size of all landscaping materials proposed to be installed on the site,

including street trees.

- c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6 **5.** Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.

6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:

- a. **A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
 - b. **A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**
7. **Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**
- a. **A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
 - c. **Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
 - d. **The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**

14. That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:

- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.

George S. Hansel, Mayor

ARTICLE 3. RESIDENTIAL ZONING DISTRICTS

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3.1 RURAL (R)

3.1.1 Purpose

The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.

3.1.2 Dimensions & Siting

Min Lot Area	2 acres
	5 acres
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

3.1.3 Buildout

Max Building Coverage	10%
Max Impervious Coverage	20%

3.1.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.1.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Manufactured Housing	P ¹	8.3.1.B
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
Manufactured Housing Park	P	8.3.1.F
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Bed and Breakfast	SE	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Kennel	P	8.3.2.P
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Cemetery	P	8.3.6.A
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
Farming	P	8.3.6.D
Golf Course	P ¹	8.3.6.E
Gravel Pit	SE	8.3.6.F
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

CRD = Permitted by Conservation Residential Development

3.2 RESIDENTIAL PRESERVATION (RP)

3.2.1 Purpose

The Residential Preservation (RP) District is intended to return this area of the City to neighborhoods composed predominantly of moderately dense single-family residential development. This district serves as an additional downtown zoning district that promotes pedestrian-scale development, walkability, bikeability, and urban green space where possible. All uses in this district shall have city water and sewer service.

3.2.2 Dimensions & Siting

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

3.2.3 Buildout

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

3.2.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.2.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

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

3.3 LOW DENSITY (LD)

3.3.1 Purpose

The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have city water and sewer service.

3.3.2 Dimensions & Siting

Min Lot Area	10,000 sf
Min Lot Width at Building Line	70 ft
Min Road Frontage	60 ft
Min Front Setback	15 ft
Min Rear Setback	20 ft
Min Side Setback	10 ft

3.3.3 Buildout

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

3.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

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

CRD = Permitted by Conservation Residential Development

3.4 LOW DENSITY 1 (LD-1)

3.4.1 Purpose

The Low Density 1 (LD-1) District is intended to provide for low intensity residential development, which is primarily detached single-family dwellings on lots of 1-acre or larger in areas on the outer edge of available city water and sewer service. All uses in this district shall have city sewer. City water is required if sufficient volume and pressure is available as determined by the Public Works Department.

3.4.2 Dimensions & Siting

Lots Without City Water Service

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

Lots With City Water Service

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

3.4.3 Buildout

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

3.4.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

CUP = Permitted by Conditional Use Permit

CRD = Permitted by Conservation Residential Development

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P¹ = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit **CRD = Permitted by Conservation Residential Development** - = Not Permitted

Use Definition & Standard Section

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

access to the cistern and supporting facilities shall conform to the Keene Fire Department hydrant specifications.

3. Individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R may be installed; however, in no case may the installation of such a system be made a requirement of approval.
4. Any other public or private fire protection water supply system approved by the Fire Chief and determined by the Planning Board to provide a similar or greater level of fire protection than the options provided in (1) and (2) above.

19.2.8 Utilities

- A. When required by City Code, all subdivisions will be serviced by City water and sewer. All necessary water and sewer lines shall be installed to the required specifications of the Public Works Department and shall include service lines running from the water and sewer mains to the property line to service each lot. In addition, utility rights-of-way shall be provided in accordance with Article 22 of this LDC.
- B. All lots smaller than 1-acre in size shall be connected to City sewer service, unless otherwise expressly allowed in this LDC.

19.3 CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISIONS

19.3.1 Purpose

The purpose of a conservation residential development subdivision is to promote the conservation of natural resources while providing greater flexibility and creativity in the design of residential development than would be possible using conventional zoning and subdivision practices.

This purpose is accomplished by allowing for clustering of dwelling units at a higher density than would be allowed by the underlying zoning district, provided a portion of the existing tract of land to be subdivided is permanently designated as open space.

19.3.2 Dimensional Standards

- A. **Minimum Dimensional Requirements.** All conservation residential development subdivisions shall meet the minimum dimensional requirements specified in Table 19-1. If not specified in Table 19-1 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.
- B. **Perimeter Building Setback.** A building setback shall be required around the perimeter of the existing tract proposed for subdivision (excluding access points) as specified in Table 19-1. The land area included in the perimeter setback may be counted toward the calculation of open space.
- C. **Density.** ~~The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~
 1. **The number of dwelling units allowed within a conservation reservation development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.**

Table 19-1: Dimensional Requirements for Conservation Residential Development Subdivisions

		Rural District	Low Density-1 District (without city water)	Low Density-1 District (with city water)	Low Density District	
TRACT	Min tract size	10 acres	5 acres	5 acres	5 acres	
	Min tract frontage	100 ft	100 ft	100 ft	50 ft	
	Perimeter Building Setback	From external roads	100 ft	30 ft	30 ft	30 ft
		From other tract boundaries	50 ft	20 ft	20 ft	20 ft
Min Lot Area		1 acre 32,000 SF	16,000 sf	8,000 sf	6,000 sf	
LOT	Min Road Frontage	40 ft	40 ft	40 ft	40 ft	
	Min Lot Width at Building Line	75 ft	75 ft	60 ft	60 ft	
	Min Front Setback	15 ft	15 ft	15 ft	15 ft	
	Min Rear Setback	20 ft	20 ft	15 ft	15 ft	
	Min Side Setback	10 ft	10 ft	10 ft	10 ft	
	Max Building Coverage	30%	35%	40%	45%	
	Max Impervious Coverage	35%	40%	45%	60%	

- A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a density of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.**

D. Open Space Reserve

- All conservation residential development subdivisions shall permanently reserve at least 50% of the area of the existing tract as open space.
- Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.
- Any land designated for roads within the open space may not be used in the

Table 19-2: Density & Open Space Requirements

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	4 acres 2 acres	50%
	3 acres	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹Density bonus(es) may be granted as specified in Section 19.3.6

calculation of the open space area.

19.3.3 Permitted Uses

A. Residential Uses. Table 19-3 identifies the uses allowed on building lots in a conservation residential development subdivision.

Table 19-3: Conservation Residential Development Permitted Uses

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P 1 (max of 3 dwelling units per structure)	P 1 (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

P1 = Use permitted with Workforce Housing density incentive

B. Open Space Uses. Uses allowed on land designated as open space in a conservation residential development subdivision shall be limited to the following uses. Use of the designated open space area may be further restricted by the owners of the open space.

1. Conservation
2. Agriculture
3. Forestry
4. Passive Recreation

19.3.4 Primary & Secondary Conservation Areas

Plans for a conservation residential development subdivision shall identify and delineate primary and secondary conservation areas on the existing tract, as defined below. Delineation of lands to be used to meet the open space requirements of the conservation residential development subdivision shall be based on an analysis and prioritization of primary and secondary conservation values identified on the tract.

A. Primary Conservation Areas. Primary conservation areas shall consist of all slopes over 25% gradient; surface waters, including streams, wetlands, vernal pools, ponds, and any

buffers associated with them; and, springs and floodways.

- B. Secondary Conservation Areas.** Secondary conservation areas shall consist of the following list of attributes.
1. Significant natural areas of species defined by the New Hampshire Natural Heritage Inventory as endangered, threatened, or of special concern.
 2. Slopes in excess of 15% where disturbance and resulting erosion and sedimentation could be detrimental to water quality
 3. Woodlands, particularly those performing important ecological functions, such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 4. Areas with topographic and soil conditions affording high rates of infiltration and percolation.
 5. Groups of trees and large individual trees of botanic significance.
 6. Prime agricultural soils as defined by the USDA Natural Resource Conservation Service.
 7. Historic features that are designated on the NH State Register of Historic Places, or the National Register of Historic Places or Historic Landmarks.
 8. Cultural features, such as stone walls, barn foundations, and cellar holes.
 9. Existing or planned recreational trails on or throughout the tract that connect to other locations in the City.
 10. Visually prominent topographic features such as knolls, hilltops, ridges, outlooks, and scenic viewsheds.
 11. Highest condition habitat areas as defined by the NH Wildlife Action Plan, as amended.
 12. Drinking water supply areas.

19.3.5 Design Criteria

- A. General Criteria.** In addition to the standards for review listed in Section 19.2 of this Article, the following review criteria shall apply to applications for conservation residential development subdivisions.
1. All proposed development shall be located outside of primary conservation areas, and shall be designed to minimize impact to any identified secondary conservation areas.
 2. Streets shall be constructed in accordance with the standards in Article 22 of this LDC, and shall connect to an existing street network.
 3. All structures shall be accessed from interior streets, rather than from roads bordering the perimeter of the tract.
 - a. In the event that a waiver of this standard is granted, shared driveways shall be incorporated where feasible.
- B. Open Space Standards.** The location and layout of all open space within a conservation residential development subdivision shall require Planning Board approval and comply with the following standards.
1. The areas of land designated to meet the open space requirement of any conservation residential development subdivision shall not be used for siting of individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic.
 2. In delineating the required open space area(s), an interconnectedness of the conservation values shall be maintained and fragmentation of the open space into small, disconnected parcels shall be avoided.
 - a. The lot area of any parcel designated as open space shall not be less than 1-acre.
 - b. All areas of open space do not need to

19.3.6 Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

- A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**
- B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**
 - 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
 - 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
 - 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
 - 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**

C. Workforce Housing Density Incentive. Conservation Residential Development

Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).

- 1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:**
 - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.**
 - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.**
 - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.**
 - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will**

not exceed 30% of household income.

non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.

2. **Workforce Housing, Rental.** A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
 - a. **Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.**
 - b. **Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental price of the unit shall be restricted to the affordable rental price for a period of 30 years.**
 - c. **All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.**
 - d. **Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.**
3. **Assurance of Continued Affordability.** In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other

25.10 SUBDIVISION REVIEW

25.10.1 Description

Subdivision review allows for the orderly division or consolidation of lots, as well as the alteration or adjustment of lot boundary lines.

25.10.2 Initiation

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

25.10.3 Authority

- A.** The Planning Board shall have the authority to hear and decide on applications for subdivision review including boundary line adjustments and conservation residential development subdivisions.
- B.** For voluntary merger applications, the Planning Board designates the Zoning Administrator as their designee to review and decide on such applications, and in their absence, the Community Development Director.

25.10.4 Applicability

Subdivision review shall be required for the following types of subdivisions.

- A. Subdivision.** Any division of a lot, tract or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development.
- B. Conservation Residential Development Subdivision.** Applications for subdivision review consisting of 3 or more proposed lots and the layout and construction of a new road, where the existing parcel to be subdivided is located in either the Rural, Low Density, or Low Density-1 zoning districts, and meets the minimum lot size requirements specified in Article 19, shall follow the conservation residential development subdivision process set forth in Section 19.3 of this LDC.

- C. Boundary Line Adjustment.** The adjustment of boundary lines between 1 or more contiguous, preexisting approved or subdivided lots.
- D. Voluntary Mergers.** The merger of 2 or more contiguous pre-existing approved or subdivided lots owned by the same property owner.

25.10.5 Submittal Requirements

An applicant for subdivision review shall submit a completed application on the appropriate form to the Community Development Department, and shall provide sufficient information to enable City staff and the Planning Board to evaluate the proposal for compliance with this LDC. Submittal requirements for the different types of subdivision review are included below.

A. Voluntary Merger Applications

A completed voluntary merger application shall include the following.

- 1.** A completed and notarized voluntary merger form.
- 2.** A map, drawn to scale, displaying the layout and boundaries of the lots proposed to be merged.
- 3.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances.

B. Subdivision & Boundary Line Adjustment Applications

A completed application for subdivisions and boundary line adjustments shall include the following.

- 1.** A written narrative describing the type, scope and scale of the proposal including the following information.
 - a.** The sizes of the existing and proposed lot.
 - b.** Existing and proposed uses.
 - c.** The location of access points for the existing and proposed lots.

- d. An explanation of how the proposal complies with the applicable standards in this LDC.
2. A complete plan set signed and stamped by a NH licensed surveyor (7-copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which shall include the following materials.
 - a. A location map of the proposed subdivision or boundary line adjustment.
 - b. An existing conditions plan (at a scale of 1-in = 100-ft or a larger scale) showing all parcels affected by the proposal, and depicting the following information.
 - i. Contours of at most 5-ft intervals
 - ii. Owner names and tax map parcel numbers for all abutters.
 - iii. Boundaries and acreage of the existing lot(s) subject to review.
 - iv. Surface waters, including wetland areas delineated by a NH certified wetland scientist, and any manmade waterways, ponds, ditches, etc.
 - v. Precautionary and prohibitive slopes.
 - vi. Delineation of 100-year floodplain and floodways as shown on current FIRM maps.
 - vii. Location of any public streets, rights-of-way, and easements.
 - viii. Location of existing structures, wooded and vegetated areas, site features (e.g. fences, walls, ground-mounted equipment, utilities, stormwater facilities, wells, septic systems, stone walls, etc.), driveways, and parking areas on the subject property, and to the extent practicable on directly abutting properties.
- c. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
 - i. Owner names and tax map parcel numbers for all direct abutters.
 - ii. Boundaries and acreage of the proposed lots subject to review.
 - iii. Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
 - iv. The location of proposed structures and site features, lot lines, public streets, rights-of-way, easements, driveways and parking areas.
3. Any additional information the Planning Board, or its designee, may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
 4. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the Planning Board, or its designee, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses.
 5. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located

within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

6. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
7. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, which shall be Certified Mail.

C. Conservation Residential Development Subdivision Applications

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
3. A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.
 - a. The yield analysis shall be performed by applying a conventional subdivision

~~layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~

4. **3.** A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any proposed roads, sidewalks, and trails.
5. **4.** A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
 - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.
 - c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
6. **5.** Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not

adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.

7. **6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**

- a. **A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
- b. **A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**

8. **7. Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**

- a. **A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
- b. **Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
- c. **The Planning Board shall request additional information if, in their**

judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.

25.10.6 Submittal Requirement Exemptions

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

25.10.7 Application Submittal Deadline

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

25.10.8 Procedure

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

A. Voluntary Merger Procedure

- 1. Except where such merger would create a violation of then-current ordinances or regulations, all voluntary merger applications shall be approved administratively, and no public hearing shall be required.
- 2. No new survey plat need be recorded, but a

notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board, or its designee, shall be filed for recording in the County Registry of Deeds, and a copy sent to the City of Keene Assessing Department.

3. No such merged parcel shall thereafter be separately transferred without subdivision approval.

B. Boundary Line Adjustment Procedure

1. All boundary line adjustment applications shall be reviewed by the Planning Board without a public hearing. However, mailed notice to abutters and other persons requiring notice is required.
2. An updated survey showing the boundary line adjustment, and all metes and bounds of the revised parcels shall be prepared by the applicant following approval from the Planning Board, and shall be filed with the Community Development Department for recording in the County Registry of Deeds.

C. Subdivision & Conservation Residential Development Subdivision Procedure

1. **Presubmission Meeting.** Applicants for subdivision review that propose the creation of 3 or more lots shall attend a pre-submission meeting at least 2-weeks prior to the Planning Board submittal deadline.
2. **Staff Determination of Application Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
 - a. If the missing application materials or information are necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information by the revision deadline of 14 calendar

days prior to the corresponding regularly scheduled Planning Board meeting date.

3. **Departmental Review.** Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the City's Engineering Division, Fire Department, Police Department, Zoning Administrator, and Building and Health Official for technical review.

- a. City staff will be requested to return comments on the application to the Community Development Department within 5-business days of the distribution date.
- b. The Community Development Director, or their designee, shall communicate departmental comments to the applicant, as soon as they are all received.

4. **Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date. The revision deadline shall not be waivable.

5. **Site Visits.** At the discretion of the Community Development Director or Planning Board Chair, a formal Planning Board site visit to the subject property may be scheduled prior to the Planning Board public hearing on the application.

6. Compliance with Zoning.

- a. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.
- b. Applications shall be in compliance with the Zoning Regulations prior to the

issuance of public notice for the public hearing.

7. **Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for subdivision review to the Planning Board for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).
8. **Board Determination of Application Completeness.** The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.
 - a. The Planning Board shall consider advice from the Community Development Director, or their designee, in reaching a determination of application completeness.
 - b. If the Planning Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board.
9. **Public Hearing.** Upon reaching a finding that an application is complete, the Planning Board may open the public hearing for the application.
10. **Decision.** The Planning Board shall finish its review of an application within 65 calendar days of the meeting at which the Board accepted the application as being complete. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under NH RSA 676:4 can be extended by mutual agreement of the Board and the applicant, so long as the applicant requests the extension in writing.

25.10.9 Filing

- A. Building permits shall not be issued until approved subdivision plans have been signed by the Planning Board Chair or Vice Chair. Said signature shall signify that the plan has

been duly approved by the Board and that all conditions precedent to plan signature have been met as specified in the approval.

- B. Prior to Planning Board Chair or Vice Chair signature of a plan approved by the Board, the applicant shall:
 1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met as specified by the Board; and,
 2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department, including 2-copies of the approved subdivision plan printed on mylar in a format pursuant to NH RSA 478:1-a and displaying the owners signature(s).
- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.
- D. Unless otherwise specified in Section 25.10, the Community Development Department shall record the approved subdivision plan with the County Registry of Deeds.

25.10.10 Approval Standards

Subdivision review by the Planning Board, or its designee, shall include an analysis of land characteristics and access potential to determine if each proposed new lot or each lot affected is of such character that it can be accessed and used for building in a manner that avoids or mitigates the