



City of Keene Planning Board

AGENDA

Monday, November 14, 2022

6:30 PM

City Hall, 2nd Floor Council Chambers

I. **Call to Order** – Roll Call

II. **Final Vote on Conditional Approvals**

III. **Public Hearings**

Proposed amendments to the Planning Board Regulations – The City of Keene Community Development Department proposes to amend sections of Article 19, “Subdivision Regulations” and Article 25.10 “Subdivision Review” of the Land Development Code to add density incentive options to the Conservation Residential Development (CRD) subdivision 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; 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; and, Remove the requirement to submit a “Yield Analysis Plan” and add additional submittal and filing requirements for CRD applications.

IV. **Staff Updates**

V. **New Business**

VI. **Upcoming Dates of Interest**

- Planning Board Steering Committee – November 15, 11:00 AM
- Planning Board Site Visit – November 23, 8:00 AM – To Be Confirmed
- Planning Board Meeting – November 28, 6:30 PM

MEMORANDUM

To: Planning Board
From: Mari Brunner, Senior Planner
Date: November 7, 2022
Subject: Proposed Amendments to the Planning Board Regulations

Recommendation

That the Planning Board adopt the amendments as proposed to Section 19.3 “Conservation Residential Development Subdivisions” and Section 25.10 “Subdivision Review” of the Land Development Code, and recommend to City Council that these amendments be incorporated into Chapter 100 of City Code (“Land Development Code”).

Overview

The City of Keene Community Development Department proposes to amend the Keene Planning Board regulations related to Conservation Residential Development Subdivisions (CRD) as follows:

- Add three density incentive options, including an open space density incentive, a solar incentive, and workforce housing incentive;
- Modify the permitted uses within the CRD Regulations for the Rural and Low Density-1 Districts to include multifamily dwelling with limitations (limited to 3 units);
- 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;
- Remove the requirement to submit a Yield Analysis Plan; and
- Add additional submittal and filing requirements for CRD applications.

These proposed changes have already been discussed and reviewed as part of the public process for Ordinance O-2022-09-B. Per Section 25.4.3.B of the Land Development Code (LDC), the proposed changes to Article 19 require a public hearing before the Planning Board in accordance with NH RSA 675:6, in addition to City Council approval. The City Council has held two public hearings on the ordinance, and is expected to render a decision following a recommendation from the Planning, Licenses and Development Committee.

Attached to this memorandum are the specific sections of the Planning Board Regulations within the LDC affected by this proposed change. These attachments show the text that is proposed to be added with in bold, and highlighted, and the text that is proposed to be removed with strike through.

Background

In order to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock, the Community Development Department proposes to create three density incentive options within the CRD Regulations 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, they 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 proposed amendments include allowing 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.

The proposed amendments would also affect the CRD dimensional requirements for the Rural District. The CRD Regulations include less restrictive lot dimensional requirements than the underlying zoning district in order to allow for clustering of units and more flexibility in the placement of units. 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). The Community Development Department 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.

Prior to the adoption of the Land Development Code, the maximum allowed density for a CRD 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.

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

be contiguous, but consideration shall be given to connections between non-contiguous areas.

- c.** Where possible, any designated open space will be located so that it is adjacent to other open space or protected lands that abut the existing tract.
- 3.** Each proposed lot in the conservation residential development subdivision shall have reasonable access to the open space, but need not front directly on such land.

C. Open Space Ownership & Maintenance

- 1.** Land designated for open space in a conservation residential development subdivision shall not be further subdivided and shall remain as open space in perpetuity.
- 2.** All designated open space and any associated facilities in a conservation residential development subdivision shall be permanently protected by covenants or easements as approved by the Planning Board or its designee.
 - a.** All designated open space and any other common lands, roads and/or facilities shall be deeded to and maintained by a Homeowner's Association, a non-profit organization, or some other entity as approved by the Planning Board or its designee.
 - i.** The designated open space and any other common features shall be held, managed and maintained by the developer until such time as they are transferred to the designated entity under an agreement approved by the Planning Board or its designee.

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