



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
April 12, 2023  
6:00 PM

**A. AGENDA ITEMS**

1. Cabana Falls Winery - Permission to Offer Samples and Sell Alcohol at Keene Farmer's Market
2. Keene Family YMCA - Request for Road Closure - Summit Road - June 4, 2023
3. Keene SwampBats - Request to Discharge Fireworks - July 3, 2023
4. Pathways for Keene - Request for License - 4 on the 4th Road Race - July 4, 2023
5. Request to Use City Property - 2023 Keene Pride Festival
6. Fireworks Restaurant - Request to Serve Alcohol - Sidewalk Cafe
7. Relating to the Sale, Possession and Display of Fireworks Ordinance O-2023-07
8. Relating to Amendments to the Planning Board Subdivision Regulations Ordinance O-2023-08

**B. MORE TIME ITEMS**

1. Relating to Amendments to the Rural District Minimum Lot Size - Ordinance O-2023-02
2. Relating to Amendments to the Land Development Code, Accessory Dwelling Units Ordinance O-2023-06

**NON PUBLIC SESSION**

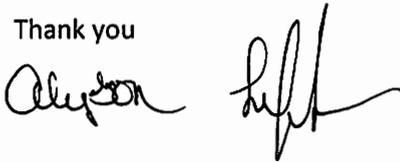
**ADJOURNMENT**

3.7.23

Good Morning!

I and my husband are the owners of Cabana Falls winery in Jaffrey NH. We would again like to participate in the Keene Farmers Market for the 2023 season. We enjoyed our season at this market last year for 2022 and found it very successful. We are hopeful that the City of Keene also found us to be successful in representing them and ourselves respectfully and responsibly so that we can hold tastings and selling again this year. The one question we would like you to consider as last year we did 1 flavor for tasting a week but we would love to do 2 flavors 1-sweet & 1 more traditional as we found we had interest for both kinds.

Thank you

Two handwritten signatures in black ink. The first signature is 'Alyson' and the second is a stylized signature, possibly 'Jeff'.

In City Council March 16, 2023.  
Referred to the Planning, Licenses and  
Development Committee meeting of April 12,  
2023. Meeting will be held at 6PM in Council  
Chambers, Keene City Hall.

A handwritten signature in black ink that reads 'Patricia Castle'.

City Clerk

March 3, 2023

To the City of Keene,

The Farmers Market of Keene has granted permission to Cabana Falls to attend the market and sell wine for the 2023 season.

Signed,

A handwritten signature in black ink, appearing to read "Kirsten Anderson". The signature is written in a cursive, flowing style.

Kirsten Anderson

Coordinator of the Farmers market of Keene



FOR YOUTH DEVELOPMENT  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

## the KEENE FAMILY YMCA

March 26, 2023

To Whom it may concern,

The Keene Family YMCA is requesting a full road closure of Summit Road in Keene NH on Sunday June 4, 2023 from 8:00am-12:00pm for a Youth Triathlon Race. The closure will start just past the Y entrance to the end of the road. We will be using Summit Road as a loop (up and Back) for the bike portion of the race and the remaining race will take place on the YMCA property.

We will work with the City Protocol team to use city barriers to close off Summit Road just after the Y entrance and Summit Ridge off Summit Road. We will work with the police department regarding a police detail for the hours they are racing (9-1030am). We will have about 30 volunteers assisting as course marshals.

The YMCA will communicate with our neighbors regarding the road closure and will have volunteers ready to assist with cars to and from their homes as needed.

Kelly Fleurette  
Senior Program Director  
Keene Family YMCA  
200 Summit Rd  
Keene, NH 03431

[kfleurette@keene-ymca.org](mailto:kfleurette@keene-ymca.org)  
603-283-5240



January 18, 2023

Keene City Council

Mayor Hansel

Dear City Councilors and Mayor Hansel,

The Keene SwampBats request your approval to host a Class B fireworks display on Monday July 3<sup>rd</sup> 2023. This event is part of Keene's Annual Fireworks Celebration, also known as Independence Eve.

The fireworks will take place at Alumni Field on Arch Street, immediately following the regularly scheduled SwampBats game. The fireworks display will begin at approximately 9:45pm. We will supply a Letter of Approval from the SAU29 and an insurance rider naming the City of Keene as a co-insured.

Thank you in advance for your consideration.

Respectfully,

Kevin D. Watterson, President

Keene SwampBats

Pathways for Keene, Inc  
P. O. Box 226  
Keene, New Hampshire 03431

Mayor George Hansel  
Keene City Council  
City Of Keene  
3 Washington Street  
Keene, New Hampshire 03431

To the Honorable Mayor Hansel and City Councilors,

Pathways for Keene requests a license to hold our 21st Annual 4 on the 4th Road Race on July 4, 2023. The course will be the same as in previous years with walkers beginning at 7:30AM and the runners leaving at 8:00AM. It is a fun morning for all. The money raised returns to the City's trail system, and this year to the Cheshire Transportation Trail and work towards the installation of the Prowse Bridge over Route #101.

Thank you for your consideration.

Sincerely

A handwritten signature in cursive script that reads "Sarah Greene". The signature is written in a dark ink and is positioned above the printed name and title.

Sarah Greene  
President



The Honorable Mayor and City Council  
Keene City Hall  
3 Washington St.  
Keene, NH 03431  
Re: 2023 Keene Pride

After the incredible success of Keene Pride Fest 2022, we would like to continue the annual tradition for 2023. Keene Pride Week will take place between 9/9/23 and 9/17/23. We are requesting use of city property on Sunday 9/17/23 for Keene Pride Fest.

The week-long pride event will culminate on Sunday September 17, 2023 with a “block party” from 12pm – 6pm which will include entertainment, food, and local vendors. For this day, we request from the City:

- Close the street surrounding Central Square
- Close Roxbury Street from Central Square to the Green Energy Solutions building
- Request proper barriers from Public Works Department to provide adequate safety
- Request use of City Power/Electricity
- Request the support of Police and Fire
- Request City Water in the event that vendors require

We believe this will be a highly desirable attraction that will bring tourism to local businesses. We plan on marketing this event to the Monadnock Community and beyond. We also plan to leverage the beauty of the fall foliage season in conjunction with the event to draw more people.

As required, we will provide a \$1 Million certificate of insurance to the City, and work closely with City staff to ensure this event is safe and enjoyable for all.

We would like to stress that this is intended to be a family friendly event. Our intention is to reach out to local schools to be involved with helping to decorate and plan. The primary purpose of Pride is to celebrate diversity, bring awareness and support our LGBTQIA+ community; however, ALL are welcome and encouraged to attend.

Adam Toepfer  
Board President

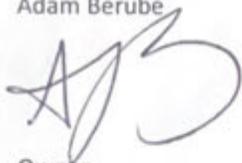
April 4, 2023

To whom it may concern,

I am writing today to request permission to serve alcohol to our guests on our sidewalk patio.

Thank you,

Adam Berube

A handwritten signature in black ink, appearing to be 'AB' with a large flourish.

Owner  
Fireworks Restaurant



# CITY OF KEENE

In the Year of Our Lord Two Thousand and \_\_\_\_\_ Twenty Three

AN ORDINANCE \_\_\_\_\_  
Relating to the Sale, Possession and Display of Fireworks

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

**That the ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the underlined text in Chapter 42. "Fire Prevention and Protection", Article III. "Fireworks and Explosives" as follows:**

**Sec. 42-61. Sale, possession and display of fireworks.**

No person within the city shall offer for sale, expose for sale, give or transfer to another, with or without consideration, display or have in his possession or custody, any ~~class B special~~ Non-Permissible Fireworks, packaged or unpackaged, ~~or class C permissible and non-permissible consumer fireworks, packaged or unpackaged, or both,~~ without first obtaining a permit for sale, possession and display of fireworks from the city council and in accordance with the guidelines set forth under state and federal regulations.

**A. Consumer Fireworks Conditions and Restrictions:**

Any person wishing to discharge New Hampshire Permissible (Consumer) Fireworks shall comply with the following specific conditions and restrictions regarding their use. This is in addition to any applicable state law requirements.

1. The person discharging fireworks must possess proof that he is the landowner of the location where the fireworks discharge will occur or has written permission from the landowner.
2. Fireworks shall not be ignited or possessed by minors (anyone under the age of 21).
3. The person discharging fireworks must be at least 21 years of age or older (Pursuant to state statute).
4. The person discharging fireworks must possess and make available upon request a valid photo identification listing their name, address and date of birth.

5. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only. A Copy of the receipt of purchase must be kept and made available upon request.
6. The person discharging fireworks shall only purchase the quantity of fireworks needed for the planned display. Storage of Permissible fireworks is prohibited.
7. Fireworks shall be ignited a minimum of 50 feet from any public way, overhead utilities, structures, woodlands, property lines or boundaries.
8. The person discharging the fireworks is required to have a means of fire extinguishment readily accessible.
9. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
10. Notwithstanding any other provision of City Code to the contrary, Permissible Fireworks shall only be discharged or used between the hours of 10:00 AM and 10:00 PM.
11. Fireworks can only be discharged on days when the Fire Danger Day is Class One, Two, or Three as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection.

**B. Enforcement.**

1. Any sworn law enforcement officer of the city, county or state, as well as the fire chief or their designee shall be empowered to enforce this ordinance.
2. Persons found in possession of, or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160 – B. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the NH Department of Safety and hold a valid Display Fireworks Permit issued in accordance with RSA 160-B and Saf-C 5000, or any other ordinance. Nothing in this ordinance shall preclude any sworn police officer from enforcing any section of NH RSA 160 – B, or NH RSA 160 – C.

In City Council March 16, 2023.  
Referred to the Planning, Licenses and Development  
Committee.



City Clerk

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George S. Hansel, Mayor



**City of Keene**  
*New Hampshire*

March 17, 2023

Keene Mayor & City Council  
3 Washington Street  
Keene, NH 03431

**Re: Amendments to the Planning Board Subdivision Regulations**

To the Mayor and City Council:

On February 27, 2023, the Keene Planning Board voted unanimously to adopt amendments to the Subdivision Regulations in Article 19 of the Land Development Code (LDC) following a public hearing on the proposed amendments. The amendments that were adopted are as follows:

1. Section 19.2.4 of Article 19, "Preservation of Existing Features" was amended to include additional information about the type of features that should be protected and possible mechanisms the Planning Board could require to protect those features;
2. Section 19.2.8, "Utilities" was amended to include additional submittal requirements for proposals that would create a new lot(s) not served by City sewer; and
3. Section 19.3.2.B, "Perimeter Building Setback" of the Conservation Residential Development Subdivision Regulations was amended to require that existing tree canopy within the perimeter setback along external roads be preserved.

In accordance with Section 25.4 of the LDC "Amendments to the Land Development Code," the Planning Board respectfully requests that the City Council incorporate the adopted amendments into Article 19 of the City of Keene Land Development Code (Chapter 100 of the City Code of Ordinances).

Enclosed, please find a copy of a draft ordinance with the amended regulations.

Sincerely,

Pamela Russell-Slack  
Chair of the Keene Planning Board



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Planning Board Subdivision Regulations

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

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 in Article 19 – Subdivision Regulations, as follows:

1. That Section 19.2.4 “Preservation of Existing Features” of Article 19 be amended to include information about additional studies or mitigation that may be required by the Planning Board, as follows:

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features, such as surface waters, steep slopes, rare and/or unique scenic points, stone walls, rock out-croppings, ~~and historic landmarks.~~ **or any of the attributes listed in Section 19.3.4 “Primary and Secondary Conservation Areas” of this Article. In order to ensure that the objectives of this section are met, the Planning Board may require additional studies or mitigation, including but not limited to the following:**

- 1. The Board may require the designation of a “no-cut buffer” along public rights-of-way to preserve existing vegetation and provide a visual screen for new development. Any property that has been clear-cut within the preceding ten (10) year period, or any property that will be clear-cut as a result of any proposed or future development, may be required to conduct revegetation or other mitigation to provide a visual buffer along the public rights-of-way.**
- 2. The Board may require that the proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations and mitigate or avoid impacts to significant existing features or views/vistas.**

2. That Section 19.2.8 “Utilities” of Article 19 be amended to add a new subsection after subsection B, as follows. The intent of this proposed change is to ensure that any new proposed lot that would not be served by City sewer service has adequate land area and suitable soils for siting an individual sewage disposal system.

**C. In areas not currently served by City sewer, it shall be the responsibility of the applicant or their agent to provide:**

- a. Adequate information (e.g. test pits and percolation tests) to demonstrate that the land and area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.**

- b. **In accordance with Env-Wq 1000, for subdivisions with lots smaller than 5 acres, subdivision approval from the New Hampshire Department of Environmental Services shall be required.**
3. That Section 19.3.2.B “Perimeter Building Setback” of Article 19 be amended as follows. The intent of this proposed change is to provide a vegetated buffer between the existing public right-of-way and any new development that occurs as part of a Conservation Residential Development (CRD) Subdivision, as well as to help maintain the existing rural character of roads within the zoning districts where CRD subdivisions are permitted to occur.
- 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. **The area within the perimeter setback along external roads shall be designated as a “no cut” area in order to preserve existing tree canopy.**

In City Council April 6, 2023.  
Referred to the Planning, Licenses  
and Development Committee.



City Clerk

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George S. Hansel, Mayor

# ARTICLE 19. SUBDIVISION REGULATIONS

19.1 GENERAL PROVISIONS ..... 19-2

19.2 REVIEW STANDARDS..... 19-3

19.3 CONSERVATION RESIDENTIAL  
DEVELOPMENT SUBDIVISIONS..... 19-4

**19.1 GENERAL PROVISIONS**

**19.1.1 Authority**

In accordance with the authority vested by the City Council and with the provisions of NH RSA 674:35-42, the Planning Board shall have the authority to regulate the subdivision of land in the City of Keene.

**19.1.2 Applicability**

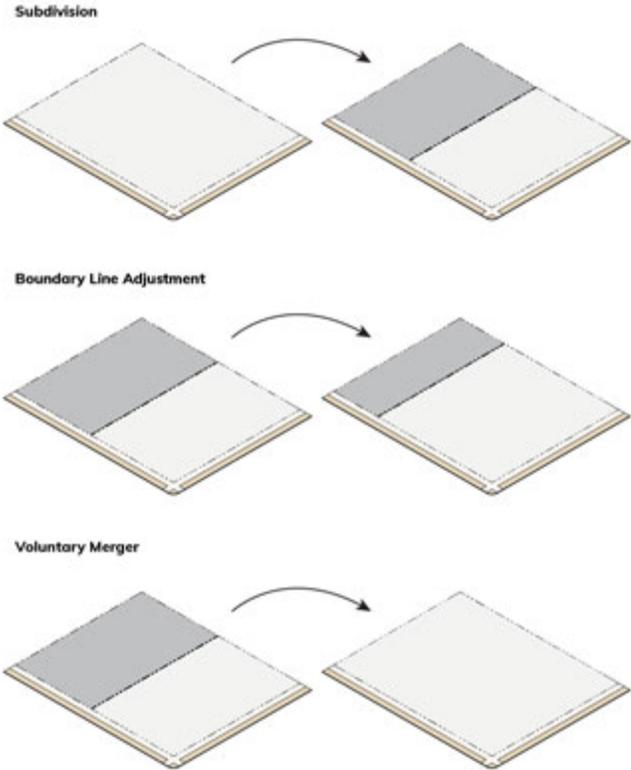
The standards included in this Article shall apply to all subdivisions of land, including the division or consolidation of lots and the alteration or adjustment of lot boundary lines.

**19.1.3 Subdivision Review**

Subdivision review by the Planning Board shall be required for the following types of subdivisions. The application, review and approval processes for subdivision review are included in Article 25 of this LDC.

- A. Subdivision.** Subdivision means the division of a lot, tract or parcel of land into 2 or more lots, plats, sites, units or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development.
- B. Boundary Line Adjustment.** A boundary line adjustment, also referred to as a lot line adjustment, is the alteration or adjustment of boundary lines between 1 or more contiguous, preexisting approved or subdivided lots.
- C. Voluntary Merger.** A voluntary merger is the consolidation of 2 or more contiguous pre-existing approved or subdivided lots owned by the same property owner.
- D. Conservation Residential Development Subdivision.** A type of subdivision that is intended to encourage the beneficial consolidation of land development and the preservation of open space by applying less restrictive lot dimensional requirements than the underlying zoning district in exchange for placing an undeveloped portion of land into permanent open space. 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 for a conservation residential development specified in this Article, shall be reviewed as a conservation residential development.



**19.1.4 Five-Year Exemption**

Approved subdivisions shall be protected from future amendments to regulations for a 5-year period, provided that active and substantial development has occurred on the site, in accordance with NH RSA 674:39.

## 19.2 REVIEW STANDARDS

The Planning Board shall apply the following standards in its review of subdivision applications.

### 19.2.1 Lots

- A. Lot size and configurations shall meet all requirements of the Zoning Regulations.
- B. All lots shall have frontage on a state highway (excluding limited access highways), a Class V road, or a street within an approved subdivision plan.
  - 1. Road frontage shall not be less than 50-ft, unless expressly allowed in this LDC.
- C. Subdivisions shall not be approved on roads shown on city records and plans as discontinued, discontinued subject to gates and bars, or Class VI roads.

### 19.2.2 Character of Land for Subdivision

All land proposed for subdivision shall be of such a character that it can be safely used for building development purposes and would not pose a danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions.

### 19.2.3 Scattered or Premature Development

Subdivisions shall not promote scattered or premature development of land as would involve danger or injury to health, safety, or necessitate the excessive expenditure of public funds for the supply of associated services. In making such a determination, the Planning Board will take into account the capacity of the school system, adequacy of access streets, adequacy of water supply for fire-fighting purposes, distance from emergency services, and availability of other public services.

### 19.2.4 Preservation of Existing Features

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features, such as surface waters, steep slopes, rare and/or unique scenic points, stone walls, rock out-croppings, and historic landmarks, **or any of the attributes listed in Section 19.3.4 "Primary and Secondary**

**Conservation Areas" of this Article. In order to ensure that the objectives of this section are met, the Planning Board may require additional studies or mitigation, including but not limited to the following:**

1. **The Board may require the designation of a "no-cut buffer" along public rights-of-way to preserve existing vegetation and provide a visual screen for new development. Any property that has been clear-cut within the preceding ten (10) year period, or any property that will be clear-cut as a result of any proposed or future development, may be required to conduct revegetation or other mitigation to provide a visual buffer along the public rights-of-way.**
2. **The Board may require that the proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations and mitigate or avoid impacts to significant existing features or views/vistas.**

### 19.2.5 Monumentation

The owner or developer shall provide permanent reference monuments in accordance with Article 22 of this LDC.

### 19.2.6 Special Flood Hazard Areas

All subdivision proposals having lands identified as Special Flood Hazard Areas on current Flood Insurance Rate Maps (FIRM) shall be located and configured to be consistent with the need to minimize potential impacts from flooding. In addition, any public utilities and facilities associated with such proposals shall be located and constructed to minimize or eliminate flood damage.

### 19.2.7 Fire Protection & Water Supply

All subdivisions shall be provided with an adequate supply of water for fire protection purposes at the owner's expense. This requirement may be met by any of the following options, subject to the approval of the Fire Chief.

- A. Fire hydrants connected to a public water main with adequate fire flows and pressures appropriate to the type and scale of the proposed use that meets the requirements of the National Fire Protection Association (NFPA) and the Keene Fire Department.
- B. Private fire protection water supply systems when it is infeasible or economically unreasonable to connect a fire hydrant to a public water main as determined by the Planning Board. Private fire protection water supply systems may include the following.
  - 1. For non-residential, institutional, and multi-family dwellings, storage and distribution systems appropriate to the type and scale of the proposed use that comply with the standards of the National Fire Protection Association (NFPA) and the Keene Fire Department.
  - 2. For single-family dwellings, underground cisterns and associated dry hydrants that meet the standards of NFPA 1142. The location, design, and provisions for ownership, maintenance, and all season 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.
- C. **In areas not currently served by City sewer, it shall be the responsibility of the applicant or their agent to provide:**
  - a. **Adequate information (e.g. test pits and percolation tests) to demonstrate that the land and area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.**
  - b. **In accordance with Env-Wq 1000, for subdivisions with lots smaller than 5 acres, subdivision approval from the New Hampshire Department of Environmental Services shall be required.**

### 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

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

		Rural District <sup>1</sup>	Low Density-1 District (without city water)	Low Density-1 District (with city water)	Low Density District	
<b>TRACT</b>	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
<b>LOT</b>	Min Lot Area	32,000 sf	16,000 sf	8,000 sf	6,000 sf	
	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%	

<sup>1</sup> 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

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. **The area within the perimeter setback along external roads shall be designated as a “no cut” area in order to preserve existing tree canopy.**

**C. Density.**

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 density of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

**Table 19-2: Density & Open Space Requirements**

Zoning District	Density Factor per Dwelling Unit <sup>1</sup>	Min Open Space
Rural	2 acres	50%
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%

<sup>1</sup> Density bonus(es) may be granted as specified in Section 19.3.6

**D. Open Space Reserve**

1. All conservation residential development subdivisions shall permanently reserve at least 50% of the area of the existing tract as open space.
2. Any land designated for roads within the open space may not be used in the 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	P1 (max of 3 dwelling units per structure)	P1 (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.



### 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. For a period of 30 years, the resale value of the unit shall be restricted to either the affordable purchase price or the original purchase price plus two times the accumulated consumer price index, whichever is greater.
- 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 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 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.