



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

AGENDA - AMENDED

April 10, 2023

6:30 PM

City Hall, 2nd Floor Council Chambers

1. **Roll Call**
2. **Approval of Meeting Minutes** – March 13, 2023
3. **Public Workshops**
 - a. **Ordinance O-2022-19-A** – Relating to amendments to the City of Keene Land Development Code - Zoning Regulations & Application Procedures. 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 clarify language within the zoning regulations in Articles 9, 11, and 13 of the LDC; Amend Article 15 “Congregate Living & Social Service Conditional Use Permit” to add a new section entitled “Conditional Use Permit Waiver,” and; Amend Section 25.4.3 of Article 25 “Application Procedures” to modify the process for amending the sections of the LDC that are outside the zoning regulations.
 - b. **Ordinance O-2023-06** – Relating to amendments to the Land Development Code, Accessory Dwelling Units. Petitioner, City of Keene Community Development Department, proposes to amend Sec. 1.3.3 of Article 1 and Section 8.4.2 of Article 8 of Chapter 100 “Land Development Code” (LDC) of the City Code of Ordinances to amend the definition of detached accessory dwelling units (ADUs); modify the dimensional standards for ADUs; and expand the areas of the city where they are permitted.
4. **Presentation & Workshop: City of Keene Housing Needs Assessment** – The City’s consultant, Camoin Associates, will present a draft final report and housing strategy. The Committee will discuss in small groups and provide feedback on the proposed strategies. More information about the Housing Needs Assessment project, including the draft report and draft housing strategies, is available online at keeneh.gov/community-development/housing.
5. **New Business**
6. **Next Meeting** – Monday, May 8, 2023
7. **Adjourn**

1 City of Keene
2 New Hampshire

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

Monday, March 13, 2023

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Pamela Russell-Russell-Slack,
Chair
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

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

Staff Present:

Jesse Rounds, Community
Development Director
Mari Brunner, Senior Planner
Dan Langille, Assessor

Planning Board

Members Not Present:

Mayor George S. Hansel
Councilor Michael Remy
David Orgaz
Harold Farrington
Randyn Markelon
Gail Somers, Alternate
Tammy Adams, Alternate

9
10 **I) Roll Call**

11
12 Chair Bosley called the meeting to order and a roll call was taken.
13

14 **II) Approval of Meeting Minutes – January 9, 2023**
15

16 Councilor Michael Giacomo made a motion to approve the January 9, 2023 meeting minutes as
17 presented. The motion was seconded by Councilor Raleigh Ormerod and was unanimously
18 approved.

19 **III) Virtual Presentation: City of Keene Housing Needs Assessment** - The City's consultant,
20 Camoin Associates, will present preliminary data and findings and discuss project outreach
21 efforts. More information about the Housing Needs Assessment project is available online at
22 keenenh.gov/community-development/housing
23

24 Dan Stevens, the Director of Camoin Associates, addressed the Committee first to provide an
25 update and overview of where they are with the City's Housing Needs Assessment. Mr. Stevens

26 stated that Camoin Associates is an economic development and real estate consulting firm based
27 out of Saratoga Springs, New York. He indicated that his colleague, Jordan Boege, is also present
28 tonight. He indicated they have been working very closely with city staff and stated that they have
29 completed quite a bit of data research and collected public input through a survey.
30 They are now moving into Phase III of the project, where all this information is being used to
31 create a Housing Strategy for the City.

32
33 He indicated some of variables that the data would show are population demographic changes,
34 economic changes, job trends, current housing stock, and market trends. He indicated the
35 community lines up with other communities but noted that there are some interesting demographic
36 differences. With respect to commuting patterns, Mr. Stevens stated approximately 12,000 workers
37 commute into Keene, while about 5,500 commute outside of Keene. He indicated there are various
38 reasons people commute into a City and noted that affordable housing is one of those reasons.

39
40 He referred to a graph that showed the amount of housing constructed in Keene grouped by age
41 and noted that the largest proportion of the houses were constructed in 1939 or earlier. He noted
42 that the age of housing, the quality, and the condition is an issue for housing in Keene. He added
43 the recent change in remote working and working patterns also have an implication of housing
44 needs; the number of people working from home has increased between 2011 and 2021 – pandemic
45 related impacts playing a large role in this.

46
47 Median Home Prices – From 2016 – 2019 the prices were pretty stable. The onset of the pandemic
48 brought on a significant price hike (growing 45% in the past three years).

49
50 Rents – Rents have seen a dramatic increase, low income housing has increased from \$1,200 to
51 \$1,500 per month.

52
53 Short Term Rentals – He noted that the prices of short-term rentals have stayed relatively flat –
54 there are about 50 active rentals in the City right now. 28% are full time.

55
56 Mr. Boege addressed the community survey findings next. Mr. Boege stated there was a good
57 response to the survey (354 responses total). 56% of the respondents were ages 55 or older and
58 were spread across income levels between \$45,000 - \$135,000 per household. According to the
59 survey responses, there were three top housing issues: cost of property taxes, cost of utilities, cost
60 of rent/mortgage. 20% of respondents indicated that their housing is in need of major
61 improvements/repairs. 37% indicated that current housing will not meet their needs for the next
62 ten years. Over 50% also indicated they spend 30% of their household income on housing and 9%
63 indicated they have had flood related damage to their housing.

64
65 Mr. Stevens addressed the Committee again and addressed the topic of affordability. A typical
66 household in Keene would need an additional \$18,000 in income to purchase a typical home in
67 Keene. For a typical worker, a home would need to be priced at around \$63,300 to be affordable.
68 An hourly wage earner would need to make \$21 an hour to be able to afford a rental unit in Keene.
69 There are many jobs in Keene that don't pay this rate and this is indicative of the housing gap.

70

71 Mr. Stevens stated they also did a quantitative analysis to determine the number of houses in need.
72 He shared the following figures.

- 73 • There are 3,103 cost burdened households in Keene;
- 74 • There are 84 displaced worker households (ones who would prefer to live close to their
75 employment but can't find something they can afford);
- 76 • 321 future household growth – looking ahead ten years at population growth;
- 77 • 274 households in future obsolete housing – in the ten years the portions of housing that
78 would become obsolete;
- 79 • 59 households in substandard housing – households in inadequate housing conditions.

80
81 Mr. Stevens next referred to housing needs broken down by income level and housing type. He
82 noted at the low income level of the spectrum is where most of the City residents are cost burdened
83 – but there is housing need across the income spectrum. He indicated they also did a separate
84 analysis of housing needs of households that need some type of new or improved housing situation.
85 In terms of the new housing that needs to be added, it has been estimated to that 1,400 additional
86 units will need to be added to the City in the next ten years (140 units per year). This number will
87 be required to put a meaningful dent in the housing need and would require policies and procedures
88 to make this happen. This number would be for both owner and renter occupied.

89
90 Mr. Stevens went on to say in addition to the survey, the consultant talked with quite a few
91 stakeholders – Southwestern Community Services, Keene Housing, the Monadnock Interfaith
92 Project, Keene State College, Cheshire Medical Center, and C&S Wholesale Grocers. Some of the
93 themes they took away from speaking to stakeholders were the mismatch between income and
94 housing costs, the City becoming an active partner to address some of these issues, the minimal
95 room for new development within the city, opportunities for renovation of older housing stock,
96 and the impact of lack of housing on employers.

97
98 In closing, Mr. Stevens stated that they are in the process of putting the housing strategy piece of
99 the project together. They will be back before the Joint Committee on April 10th and at a Housing
100 Open House at Hannah Grimes on April 20th.

101
102 Chair Bosley asked whether the consultant will have any ideas for policy changes to impact some
103 of these findings at the next meeting. Mr. Stevens answered in the affirmative.

104
105 Councilor Ormerod referred to the 54 active short-term rentals and asked where this data was
106 derived from. Mr. Stevens stated it comes from a data source referred to as Air DNA (private data
107 source). This source scans active Air BNBs and provides the information. The Councilor asked
108 about those rentals that were priced at nearly \$2800 and asked what size these rentals were. Mr.
109 Stevens stated that the price may be that high primarily because of professionals displaced out of
110 the community.

111
112 Councilor Jones asked Mr. Stevens if he was familiar with what urban economists call SMSA
113 (“standard of metropolitan statistical area”), which looks at the City and what interacts with the
114 City. Councilor Jones noted that housing is part of that. He felt if the outskirts of Keene are looked
115 at, those statistics could change. Mr. Stevens stated when a housing needs assessment like this is
116 looked at, it is correct if it is looked at regionally. However, the quantitative analysis focuses

117 particularly on the City and informs city leaders about what they need to do. A housing needs
118 assessment would not require the City to accommodate the needs of its neighbors. However, there
119 are exceptions to that. For example, when people are commuting into Keene for employment. In
120 that case, the City is in fact shifting its housing burden onto its neighbors. Through this analysis,
121 what they are trying to model is to bring those displaced workers back to the community.
122

123 Chair Bosley asked whether the consultants have done assessments for other communities in New
124 Hampshire. Mr. Stevens stated this is their first assessment in New Hampshire, but noted that they
125 have done one in Brattleboro. The Chair asked how Keene compares to Brattleboro. Mr. Stevens
126 stated one of the items that stands out for him is the cost burden per household is relatively higher
127 than he has seen in other communities – Keene does not have the highest, but the figure does stand
128 out for him.
129

130 Councilor Giacomo asked what data is coming out of the survey versus what data is coming out
131 of Air DNA. He used the example of homes that could use work and whether this number could
132 be self-selecting or whether the consultants looked at the age of houses and their condition and
133 based the number off of that. Mr. Stevens stated for that particular analysis, they did not go off the
134 survey results; they look at the age of housing in the community, tax assessment data, etc.
135

136 Mr. Kost referred to the 3,000 houses that are cost burdened and asked what this number translates
137 to in terms of percentage. Mr. Stevens stated it is about 1/3 of the homes.
138

139 Chair Russell-Slack referred to what Councilor Jones had stated and felt Keene should focus on
140 surrounding towns and noted that Swanzey is proposing to build 400 units, which she felt would
141 impact Keene's numbers. She also noted the Planning Board has approved projects that would be
142 moving forward soon. She indicated that the entire State is looking at the housing crisis. Chair
143 Bosley clarified from staff whether it was Southwest Region Planning Commission who recently
144 completed a housing study for the region. Ms. Brunner answered in the affirmative and added all
145 Regional Planning Commissions in the state are completing regional housing needs assessments,
146 but noted that she wasn't sure when this was going to be completed. Chair Bosley stated it would
147 be great if Keene could coordinate to request a presentation.
148

149 Councilor Ormerod asked that with respect to the cost burdened household, how that divides
150 between renters versus homeowners. Mr. Stevens stated they have this number in the report but
151 didn't have it available today. He added that a greater percentage of renters are cost burdened
152 versus homeowners. Mr. Boege stated that according to census data, 34% of Keene houses are tax
153 burdened, including 26.5% of owner-occupied households and just under 43% of renter
154 households. Chair Bosley stated that she had seen data that indicated that there was significant
155 increase in the cost of homeownership (around 45%) over the last four years compared to a 20%
156 increase in the rental cost. She asked if the consultants had data on wage changes (are employers
157 starting to catch up?). Mr. Stevens stated he will provide this information at the next meeting.
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159 This concluded the presentation.
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IV) Public Workshop

Ordinance O-2023-02 – Relating to amendments to the Rural District Minimum Lot Size. Petitioner, City of Keene Community Development Department, proposes to amend Sec. 3.1.2 of Article 3 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.

Chair Bosley stated the public comment at this time will be limited to three minutes. She indicated she will not tolerate any disrespectful language from anyone.

Community Development Director, Jesse Rounds, and City Tax Assessor, Dan Langille, were the first two presenters. Mr. Rounds stated the proposal before the Committee is to change the minimum lot size in the Rural District from five acres to two acres. He referred to a slide that showed areas in the Rural District with prohibitive slopes, land locked parcels, and wetlands removed (development potential in the Rural District).

Mr. Rounds stated a lot of public comment was received the last time this item was before the Board and noted that those concerns have been broken into five categories:

Impact to Rural Character – Concern that changing lot size would increase development along the main road and change the feel of the Rural District. Mr. Rounds stated that staff looked at the Land Development Code to see if there were existing regulations that would permit the Planning Board to protect that rural character. He noted that there are existing regulations that would protect rural character, including those addressing no cutter buffers, specifying where a house could be located, etc.

There are also more than 10,000 acres of Conservation Easements in the Rural District, which is land that will be permanently conserved and will never be developed.

There are also existing tax protections on properties that are in current use (which must be ten acres in size or greater) that have development restrictions on them.

Subdivision Regulations are another tool the Planning Board has.

Unwanted Densification – Concern that there would be more density seen in an area of Keene where density is not required. Staff recognizes there is densification required in Keene’s downtown and that is in fact happening. In addition, within the Land Development Code, there are controls to increase the distance between homes. There are also larger existing lots that won’t see densification.

Misplaced Development – Why does development need to be placed in the Rural District – why can’t it be placed in higher density areas of the City? Mr. Rounds stated the higher density areas are already seeing densification; the Planning Board and City Council amended the Land Development Code, which allows for residential dwellings to be located above commercial properties in the Commerce District and increased densification downtown. Accessory Dwelling

209 Units were also encouraged, which is another tool residents can use to increase densification. Mr.
210 Rounds added what is being proposed for the Rural District are single family homes, which is a
211 pattern of development that already exists in the Rural District that is just being repeated.
212

213 Environmental Impact – The concern is that development would have an impact on the
214 environment – staff agrees with that. However, this is why there are environmental regulations in
215 place, such as the Surface Water Protection and Hillside Protection Ordinances, which act to limit
216 development in these areas. In addition to this, the State has its own restrictions. Another restriction
217 would be if a lot cannot support a septic system – you cannot develop on that property. Mr. Rounds
218 further stated that any homeowner can seek a conservation easement on their property, which is a
219 private action and allows individuals to protect their land in the Rural District.
220

221 Mr. Rounds referred to a slide, that showed the parcels that would be impacted by this change. The
222 parcels between four acres and 9.999 acres are the ones that would have a tax implication and they
223 make up less than 20% of the parcels in the Rural District. The remaining parcels are either smaller
224 than four acres and thus cannot be subdivided or larger than ten acres and are can therefore be
225 protected from this implication by various methods.
226

227 Housing Benefits

- 228 • The City wants to allow for a variety of housing types – from studios all the way up to
229 single family homes.
- 230 • Permit property owners to take advantage of additional unused acres – At the present time,
231 anyone who owns five acres can't subdivide their property; however, under the new
232 regulations they would be able to.
- 233 • Development will need to be sensitive to steep slopes and surface water restrictions – The
234 Planning Board has the power to evaluate any of these potential impacts.
235

236 Mr. Rounds reiterated – the housing needs analysis showed that 4,500 houses were either cost
237 burdened or considered substandard housing. Of the 1,400 units that were referred to, 300 of the
238 units cost more than \$300,000 and are located in the Rural District. Mr. Rounds added the
239 assessment showed there is a housing need across the entire spectrum.
240

241 Dan Langille, the City Tax Assessor, was the next to address the Committee. Mr. Langille
242 indicated when that zoning changes happen, state law (RSA 75.1) requires that all properties have
243 to be taxed at market value. He explained that market value is determined by how property is
244 bought and sold and that is applied to all properties in the City and that is how the assessed value
245 is determined.
246

247 He explained that assessments have to be adjusted annually to reflect changes. Mr. Langille noted
248 what the Assessing Department does is that they look at the market potential of properties when
249 determining their assessed value.
250

251 How is land assessed? You first look at the primary size of a lot. For example, with a seven acre
252 parcel, currently five acres will be the primary site and two acres will be residual land. With the
253 zoning change, two acres will be the primary site, four acres secondary site (potentially) and one
254 acre will be residual land.

255
256 Mr. Langille stressed all conditions of a land are looked at, as not all properties can be subdivided
257 even though it falls under the subdivision regulations. He added that the City would look at each
258 parcel individually in the Rural District to see which ones can be subdivided and which ones cannot
259 be subdivided.

260
261 Mr. Langille went over some hypothetical value demonstration: At the present time, an average
262 five acre lot is valued at around \$65,000 and a two acre lot is valued at around \$45,000. With the
263 zoning change, the five acre lot would increase to about \$85,000: The two acre primary site will
264 be valued at \$45,000, secondary site around \$35,000 (80% of \$45,000) and the one acre residual
265 land at \$5,000.

266
267 Mr. Langille indicated that even if this zoning change was to be approved next week, the values
268 won't automatically change. Staff would have to look at each parcel one at a time. When
269 revaluation is done, the City looks at one to two years of sales before parcels are reassessed. This
270 concluded staff's presentation.

271
272 Chair Bosley asked for clarification on the current use rule; is it your housing lot and ten acres or
273 just ten acres gives you the ability to put property in current use. Mr. Langille stated you need to
274 have ten acres in its natural state; the primary house is excluded. Chair Bosley asked whether there
275 are tools staff can provide a property owner if they have concerns about their assessment. Mr.
276 Langille answered in the affirmative.

277
278 Chair Bosley stated her hope is that staff will take every measure to make sure the property owners
279 who are affected by this change are assisted appropriately. Mr. Langille stated staff does its due
280 diligence in working with property owners.

281
282 Mr. Kost noted even though zoning allows a site to be subdivided, there could be other factors that
283 won't allow for that subdivision. However, this information won't be known until perhaps an
284 engineering study is completed and land can't be properly assessed until such work is completed.
285 Mr. Langille stated staff will look at topography, wetlands, etc. and make a determination.
286 However, if additional information is provided to refute that, an adjustment can always be made.

287
288 Councilor Johnson asked if there are two homes on a lot but there is room only for one septic;
289 could a septic be shared. Mr. Rounds stated if it is large enough, then they could have an agreement
290 to share a septic system.

291
292 Ms. Lavigne-Bernier referred to the land value that went from \$65,000 to \$85,000, which increased
293 the property by \$20,000 worth of value; she asked what this tax increase would be. Mr. Langille
294 stated at the City's tax rate of \$31, the tax increase would be around \$620.

295
296 Councilor Ormerod asked if the zoning change went from five acres to two acres, how many more
297 households could the City accommodate. Mr. Rounds stated in terms of properties under five acres,
298 a number of those are vacant now and these could be developed without a variance. He added
299 developing a property would be entirely up to a property owner, hence estimating this number
300 might be difficult. Councilor Ormerod questioned why the City is doing this change, if it doesn't

301 know what the benefits are going to be. Mr. Rounds stated any time a zoning change is made, the
302 City cannot predict the exact number of properties that would be impacted. The City does not make
303 those market decisions. What the City does is that it provides an environment in which private
304 property owners can make the best decision for their property. Councilor Ormerod stated he would
305 like to see for the next meeting an estimated number.
306

307 Ms. Brunner agreed Mr. Rounds is correct, in that the City cannot create a build out scenario. She
308 indicated there are many constraints in the Rural District, but there are many lots which can be
309 subdivided and get two or more lots. What the City is hoping for with this change are for smaller
310 subdivisions. The City is looking at the Rural District as the last area in Keene where single family
311 homes can be built. In the rest of Keene, we are looking at more infill style development; single
312 family homes being converted to two to three family or densifying lots. Chair Bosley stated Keene
313 is recognizing its housing needs and is creating an environment to assist with this need; however,
314 nothing can be forced.
315

316 Councilor Ormerod stated he agrees that the City cannot do a complete engineering build out
317 analysis, but noted that there will be people who will do that work and come back to City. He
318 stated he would like to at least have an estimate of what this is going to be.
319

320 Councilor Giacomo referred to the slide that included the prohibited features and asked if this map
321 included current use as well as conservation land. Mr. Rounds stated he did not include this because
322 it is not a permanent feature and went on to say that of the 13,000 acres in the Rural District, 10,000
323 acres are in current use. The remaining areas already have homes or constraints on them.
324

325 Chair Russell-Slack asked staff to explain what “current use” means. Mr. Langille explained that
326 current use is when you own ten or more acres of land and you leave it in its natural state. It can
327 be farmland, forestland, wetlands, etc. The benefit is that the landowner agrees not to develop it
328 and there is a significant tax benefit to this. Councilor Giacomo clarified that when property is
329 taken out of current use there are back taxes that would need to be paid and those funds are used
330 to create additional conservation land. Mr. Langille stated it is not back taxes that need to be paid,
331 it is a one-time penalty (10% of the value of the land at that time) and those funds are used to turn
332 more land into permanent conservation land. Chair Russell-Slack asked how often land is taken
333 out of current use and put into conservation. Mr. Langille stated he has been with the City for ten
334 years and has maybe seen one a year.
335

336 The Chair next asked for public comment and reminded the public of the three minute time limit.
337

338 Mr. Matthew Hall of 431 Hurricane Road addressed the Committee and stated he heard Mr.
339 Rounds indicate that the only change being proposed is the change from five acres to two acres
340 and asked whether he heard reference to 50 feet of frontage. Mr. Rounds stated 50 feet of road
341 frontage is the current requirement and will be the same requirement going forward as well. Mr.
342 Hall stated the City is trying to address a housing shortage, which he indicated is to be applauded,
343 but cautioned the City of creating hardship for property owners who own four acres and above.
344 He noted that if these landowners would now have to hire an engineer to defend a mistaken
345 assessment of development potential – this will be shifting the burden from one group to another.
346 He did not feel this would be a step forward, but rather masking a problem. He questioned whether

347 the comments and letters from the public regarding this zoning change that were presented as part
348 of O-2022-19 A and B will be included in the record for O-2023-02. He asked that these comments
349 be included.

350

351 Mr. Hall agreed that current use properties do have a lower tax rate, but also have considerably
352 lower burden on a town. They don't demand public services and create fewer demands on the
353 public.

354

355 Ms. Pamela Parrish of 123 Meadow was the next speaker. Ms. Parrish stated she is active with the
356 Monadnock Interfaith Project (MIP) and stated this statement is on behalf of MIP.

357

358 *"One thing that most of us have in common is that we would like a safe, warm place to call home,*
359 *that is in our price range. Home is a place to sleep, unwind, recharge and a home base that we*
360 *live our lives from. Our community will be strongest if each of our residents has a place to call*
361 *home that they can afford. As we know we are facing a housing crunch in Keene. Today on*
362 *indeed.com there are 1,201 jobs available in Keene and on apartments.com has only 33*
363 *apartments open. This is a huge disparity. Another statistic many of us have heard is that Cheshire*
364 *County currently has a .6% vacancy rate. A healthy rate is 3%. For us to thrive economically as*
365 *a community, as families and people, we need enough housing. At MIP, we are grateful that the*
366 *City continues to put forward smart zoning changes in all of our districts. We need to be intentional*
367 *about this zoning that will allow for thoughtful development. We also recognize that historically,*
368 *two acres was the lot size for Rural District in Keene until it was changed to five acres a few*
369 *decades ago. Tonight we would like to share that we support the proposed minimum lot size change*
370 *from 5 acres to 2 acres in the Rural District. We are grateful to hear and wish to encourage you*
371 *to prioritize concentrating development to maximize affordable housing and to protect our*
372 *environment and open space natural areas. We all need housing: young adults, seniors, families,*
373 *daycare workers, school teachers, small business owners - all of the community. We appreciate*
374 *the City of Keene's efforts and encourage you to support this proposed change."*

375

376 Ms. Parrish added that on a personal note, having to pay for something related to the potential
377 development of your land is a little scary.

378

379 Mr. Tad Lacey of Daniels Hill Road addressed the Committee next. Mr. Lacey referred to what
380 staff stated, which was that of the 1,121 parcels, 80% would not see their taxes affected, which
381 means that 20% would be affected and he felt that was a lot of people. He felt a tier of people will
382 be adversely affected and would be faced with having to deal with their mortgage companies to
383 escrow their taxes, etc. He felt the City could be causing some damage to certain property owners
384 due to this change. Mr. Lacey went on to say that most of the land that is available to build on is
385 in current use and this is where the disparity lies. Mr. Lacey stated the issue is not the lack of land,
386 it is providing landowners the incentive to make it available.

387

388 Ms. Laura Tobin of Center Street stated that change is always difficult, and people are afraid of
389 their taxes increasing. She indicated that when she asked the Department of Health and Human
390 Services what their budget was, it was indicated to her they did not have a budget, but that they
391 bill the City when they have a need to house people. This means the more people that are housed,
392 the higher the property taxes would be. She talked about the impact on roads due to people

393 commuting into the City, which can also add to the tax burden. She felt the local economy will be
394 impacted when there is lack of housing for workers. Encouraging people to live in this community
395 and supporting what has been created is important.
396

397 Rev. Derek Scalia of 16 Hillside Avenue was the next speaker. Rev. Scalia stated he is before the
398 Committee on behalf of MIP. He stated he is in support of the proposed changes. He felt what is
399 being proposed is not new for Keene – the Rural District had a minimum lot size of two acres prior
400 to the change to five acres in 1977 to reduce Keene's population growth, which increased by 12%
401 between 1950 and 1960 and then by 16% between 1960 to 1970. Once the lot size was changed,
402 Keene's population growth fell to 4% between 1970 – 1980 and 2% in the 2000s. According to
403 NH Business Review, the vacancy rate in 2021 was 0.9% and as of 2022 it has fallen to 0.5%.
404 Because of this imbalance, the housing costs have increased, which is a huge problem. Rev. Scalia
405 felt that the proposed change could make a difference to some people. Rev. Scalia felt doing
406 nothing will only exacerbate the issue.
407

408 Mr. Nathaniel Stout of 446 Hurricane Road stated that nobody has mentioned the master plan, a
409 project the City spent multiple years on, which included many participants. Mr. Stout stated he
410 and his wife own 7.3 acres and stated he does not disagree about the need for housing and added
411 that no one has mentioned demographics. He questioned what happens in 5 to 10 years, is the City
412 going to sacrifice a radically rural area due to a trend?
413

414 Mr. Paul Roth representing Cheshire Medical Center began by calling the Committee's attention
415 to Dr. Don Caruso's letter November 4, 2022. He extended his appreciation to the Committee's
416 hard work and stated that Cheshire Medical Center is in support of this proposed change and felt
417 this is a positive move for the economy and in turn for Cheshire Medical Center.
418

419 Mr. Walter Lacey of Daniels Hill Road referred to Dr. Caruso's letter and stated that he had
420 questioned Dr. Caruso as to how much of the 50 acre site on Maple Avenue was going to be
421 devoted to housing. Mr. Lacey felt Cheshire Medical Center has the opportunity to be part of the
422 solution and felt this was not addressed by Cheshire Medical Center. Mr. Lacey went on to say
423 there is a confusion about conservation easements – a conservation easement benefits the
424 community.
425

426 Mr. Cole Mills of 68 Langley Road addressed the Committee next. He felt staff did not provide
427 accurate information to the Committee – 219 properties times \$1,500 - if all those properties
428 qualify to be subdivided, he felt that would equate to about \$340,000 total. He went on to say that
429 going from five acre to two acre minimum zoning in the Rural District would not have the impact
430 of providing affordable housing, but rather it will destroy a part of what makes Keene a special
431 and diverse community. By reducing the minimum lot size to two acres, a 20 acre lot could
432 potentially be subdivided to allow for 10 houses to be built where only four could be built under
433 the current Rural District zoning, which has a minimum lot size of five acres. By reducing the
434 minimum zoning with the CRD Modification, you place tremendous stress on a part of the City
435 that is not served by public water or sewer, has a of lack sidewalks, has narrow scenic roads, and
436 is furthest from police, fire, and public transportation services. There are also environmental and
437 noise impacts to consider, as you will have increased traffic and activity in these quiet
438 neighborhoods. Two acre zoning does nothing to solve the housing shortage. He indicated that not

439 having enough available land is not the problem. It does cost however, to drill a well and septic.
440 Recently built homes on lots less than five acres have sold for between \$400,000 - \$550,000.

441
442 He further stated that currently other things that do not make Keene affordable is the cost to build;
443 interest rates, which are now between 6%-7% for a thirty-year mortgage; and Keene property taxes,
444 which even at 31.1% continue to be one of the highest in the State. For the past 30 years, Keene's
445 population stayed between 22,000-23,000 people. During that time, we have had substantial
446 housing come online, including privately owned college dormitories, senior housing, and the
447 conversion of several industrial public buildings to apartments. During that time, Keene State
448 College has dropped from about 5,500 students to 3,000 students. This has opened up housing in
449 the center of the City that was once surrounded by students. The City is also not considering
450 projects that have been approved, such as Whitcomb's Mill or 310 Marlboro Street. In other words,
451 Keene has more homes now compared to the history of this community, but has had flat population
452 growth.

453
454 He added that the reason Cheshire Medical Center is having a difficult time hiring people is very
455 simply because there is large shortage. 200,000 nurses per year would need to be hired just to
456 maintain a status quo. He felt that people are not going to move to an area where there is just one
457 hospital, they will move to areas where there is more opportunity.

458
459 Chair Russell-Slack felt the comment by Mr. Mills regarding staff was an unnecessary comment.

460
461 Councilor Johnson stated that as indicated by Chair Bosley, nobody is being forced to do this and
462 added that a committee similar to this committee has been working on this issue for a long time.

463
464 With no further public comment, the Chair closed the public hearing.

465
466 Councilor Ormerod felt the that the Rural District is under densified and even with under
467 developed lots, if we were to count them, the proposed change would be worth it to get Keene to
468 its 140 units per year. He felt that Keene is in a crisis and noted that Keene needs young people to
469 get to something more normal. He stated that he supports this zoning change.

470
471 Chair Bosley addressed the Committee and stated the Committee has a few options tonight. At the
472 end of tonight's meeting if the Committee wants to move this item forward to the PLD Committee,
473 then it will need to make a motion to request a public hearing in front of the full City Council and
474 the Planning Board will need to determine how this item aligns with the Master Plan. The other
475 options would be to continue the workshop to amend the ordinance. The Chair stated this item has
476 been addressed several times and she sees on a daily basis what housing constraints are doing to
477 the economy as an employer and as a homeowner. She felt all zones need to be reviewed to help
478 make housing available in the community. She stated there is a lot of need for single family homes
479 in Keene.

480
481 Councilor Giacomo stated that his biggest concern going into this was the financial aspect and
482 appreciated the Tax Assessor's comments tonight. He added that the tax burden on the 219
483 households is a concern for those households. He felt that if a property owner can demonstrate
484 their property cannot be built on, the tax burden will not affect that property owner. He added that

485 switching from five acres to two acres is not as big of a change as he was expecting it to be. The
486 Councilor stated that he appreciates Mr. Matthew Hall's letter regarding a compromised solution
487 of going to four acres rather than two and stated he was open to looking at that.
488

489 Ms. Lavigne-Bernier asked whether going from five acres to three acres was an option. Ms.
490 Brunner stated the reason staff proposed going to two acres is because historically it has been two
491 acres. She added that as a good practice, the City should not have too many non-conforming lots
492 in a district because it can cause hardship for property owners. 58% of the lots in the Rural District
493 are less than five acres today and over a third of them are less than two acres. Hence, staff felt two
494 acres made sense for historic reasons and wanted to get as few non-conforming lots as possible.
495 Even with the change to two acres, there will still be about 35% of the lots that would be non-
496 conforming.
497

498 Ms. Brunner went on to say that in the 1960's, the Rural District was referred to as the Agricultural
499 District and at that time the minimum lot size was one acre, then it went up to two acres. Due to
500 high population growth and the impact it was having on City services, it was changed to five acres.
501 The City is now trying to undo this action, as the City has ample sewer services and other City
502 services available and the school district is trying to find more students. She added that an analysis
503 was not done to change it to three acres but stated that staff could work on that.
504

505 Ms. Lavigne-Bernier noted concern about the 2% of potential landowners that would be impacted
506 by this change but felt that this would also benefit the community overall.
507

508 Mr. Kost stated that a lot of compelling discussion has happened today. The last comments made
509 by Ms. Brunner really resonate - all of this is public policy and changes to the land use codes are
510 put in place to accommodate certain things. In the past, we wanted to slow down growth, but now
511 we are looking at the opposite scenario. Mr. Kost felt that this is public policy and an important
512 aspect to keep in mind.
513

514 Chair Russell-Russell-Slack reminded the Planning Board that what it votes on tonight is whether
515 this ordinance is consistent with the Comprehensive Master Plan and asked staff to elaborate on
516 that. Ms. Brunner stated she does not have the exact contents of the master plan, but noted that it
517 does address housing affordability, housing in general, the importance of open space, and
518 protecting environmentally sensitive areas. Chair Russell-Slack stated that the Comprehensive
519 Master Plan that the City is following is outdated and does not address the housing crisis the City
520 currently is in. Mr. Rounds stated the master plan will be updated in the coming years and
521 apologized for not referencing the master plan in his presentation, as he was focusing more on the
522 comments rather than the history. He added that when this zoning change was addressed the first
523 time, Ms. Brunner did touch on the master plan quite extensively.
524

525 Chair Russell-Slack referred to what Mayor Hansel stated in January, which was that he was on
526 the Statewide Housing Stability Council, which kicked off the localization of the housing
527 discussion and at that time the State was short by approximately 20,000 units. This was prior to
528 Covid and since then the number has increased drastically. The Mayor stated he feels bad that the
529 staff has to defend bringing this issue forward as it is, as it is a very controversial topic. He felt
530 that this item, this particular ordinance needs to be brought before the Council to be voted up or

531 down and he hoped that staff will continue to give the community the opportunity to how it wants
532 to handle this housing crisis.

533
534 A motion was made by Harold Farrington that the Planning Board find Ordinance O-2023-02
535 consistent with the City's Comprehensive Master Plan. The motion was seconded by Kenneth Kost
536 and was unanimously approved.

537
538 A motion was made by Councilor Giacomo that the Planning, Licenses, and Development
539 Committee request that the Mayor set a public hearing on Ordinance, O-2023-02. The motion was
540 seconded by Councilor Ormerod. Councilor Jones stated he does not agree with the ordinance but
541 he will vote to move it to a public hearing.

542
543 This motion was unanimously approved.

544
545 Chair Bosley stated that the public will have the opportunity to address this item as part of a public
546 hearing before the City Council. After the public hearing, the item will go before the Planning,
547 Licenses, and Development Committee for additional public comment before it goes before
548 Council for a final vote.

549
550 Chair Russell-Slack stated that this is her last Joint Committee meeting, as her term ends with the
551 Planning Board at the end of March. Chair Bosley thanked Chair Russell-Slack for all her service
552 on the Board.

553
554 **5. New Business**

555
556 None

557
558 **6. Next Meeting - Monday, April 10, 2023**

559
560 **7. Adjourn**

561
562 There being no further business, Chair Bosley adjourned the meeting at 8:48 PM.

563
564 Respectfully submitted by,
565 Krishni Pahl, Minute Taker

566
567 Reviewed and edited by,
568 Megan Fortson, Planning Technician
569 Jesse Rounds, Community Development Director

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Mari Brunner, Senior Planner

Date: April 4, 2023

Subject: Draft City of Keene Housing Needs Assessment Report and Housing Strategy

Recommendation

Review the draft Housing Needs Assessment Report and Housing Strategy prior to the April 10, 2023 Joint Committee meeting. The draft report is available online at <https://keeneh.gov/community-development/housing>. The housing strategy will be posted on this webpage on April 5, 2023.

Background

The City of Keene has contracted with Camoin Associates to complete a comprehensive housing needs analysis for the City of Keene that articulates the critical issues, opportunities, and solutions to address the community's housing needs. A draft of this assessment is ready for review online at <https://keeneh.gov/community-development/housing>. The draft report documents existing housing conditions within the City of Keene, identifies market and other forces that affect housing supply and demand now and over the next 10 years, and identifies gaps or deficiencies in maintaining equitable access to safe, resilient, and reliable housing to as many City residents as possible. A draft housing strategy will be shared by the consultant by April 5, 2023 and will be posted online in the same location.

Representatives from Camoin Associates will present the draft strategies at the April 10, 2023 Joint Committee Meeting to garner feedback from this Committee on the specific actions and strategies proposed. Following this meeting, on April 20 there will be a community housing open house from 3:30-5:30 pm at the Hannah Grimes Center located at 25 Roxbury Street. The public will have an opportunity to provide feedback on the proposed strategies at the open house. Late that day at 7:00 pm, the consultants will present the final report to City Council to accept as informational.

Following the release of the final report and housing strategy, Community Development Department staff will begin discussions regarding implementation using the Phase III Invest NH Housing Opportunity Program grant, which was for regulatory development.

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Mari Brunner, Senior Planner

Date: April 3, 2023

Subject: O-2022-19-A Relating to Proposed Amendments to the Land Development Code – Zoning Regulations and Application Procedures

Overview

This ordinance was first reviewed by the Joint Committee on January 9, 2023. During the public workshop on January 9, the ordinance was modified to include a proposed change to Section 9.2.7.C.2 of Article 9 of the LDC (see below for more information). An “A” version of the ordinance was referred to City Council for a public hearing, which was held on February 16, 2023. No public comment was received at the public hearing. The ordinance was then referred to the PLD Committee, which recommended that City Council refer the ordinance back to the Joint Committee for further review and recommendation to City Council. At the March 16, 2023 City Council meeting, the Council voted unanimously to amend the Committee recommendation to refer this ordinance back to the Joint Committee to consider severing from the Ordinance the proposed amendment to add a waiver provision to Article 15, Congregate Living and Social Service Condition Use Permits.

Background

Since the LDC went into effect in September 2021, City staff have identified several sections within the zoning regulations that could benefit from clarification. These include the following:

- Section 9.2.7.C.2 of Article 9 – “Major Reduction Request” to remove the requirement for the ZBA to make findings with respect to the general special exception criteria in addition to the parking-specific criteria when reviewing a request for a major parking reduction.
- Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot;
- Section 11.6.1.3 of Article 11 - Surface Water Protection, to eliminate redundant language;
- Section 13.1.3.C, “Exemptions” of Article 13 – Telecommunications Overlay District to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review; and
- Section 13.2.5 “Camouflaged Telecommunications Facilities” and Table 13-1 of Article 13 – “Telecommunications Overlay District” to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

This ordinance also proposes to amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver.” The City Council has recommended that the Joint Committee remove this proposal from the ordinance.

In addition, this ordinance proposes to amend Section 25.4.3 of Article 25 – Application Procedures to modify the process for amending the LDC. The intent of this proposed amendment is to clarify that Articles 19-28 of the LDC do not need to be amended through the Zoning Ordinance amendment process. Specifically, Article 19, 20, and specific sections of article 25 shall follow the Planning Board regulation amendment process and Article 21 and specific sections of Article 25 shall follow the Historic District Commission regulation amendment process. Finally, Articles 22-28 shall follow the standard City Council ordinance amendment process.

The materials attached to this memo include the full text of Ordinance O-2022-19-A 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-2022-19-A. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: 12/13/2022

Address: 3 Washington St. Keene

Telephone: (603) 352-5440 Email: jgrounds@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: Art. 9 Sec 9.3

Does the amendment affect "Minimum Lot Size"? [] Yes [x] No

Does the amendment affect "Permitted Uses"? [] Yes [x] No

Number of parcels in Zoning District*: N/A

Handwritten notes: Art. 13 Sec. 13.1+13.2, Art. 15 Sec. 15.5 TB 13-1, Art. 25 Sec. 25.4, Art. 11 Sec. 11.6

Petitioner's Signature (with handwritten signature)

Validation of Number of parcels by the Community Development Department

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 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.

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held

Twenty-Two

Relating to Amendments to the Land Development Code

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, Chapter 100, as amended, is further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

A. Delete the stricken text in Section 9.2.7.C.2 “Major Reduction Request” of Article 9 – Parking and Driveways, as follows.

2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings ~~in addition to those required for a special exception.~~

- a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
- b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.

B. Amend Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot, as follows.

The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

C. Delete the stricken text in Section 11.6.1.3 of Article 11 - Surface Water Protection, as follows. This proposed change is to eliminate redundancy with Section 11.5.I.1 of Article 11.

Construction of new roads, driveways (~~excluding single and two family driveways~~), and parking lots.

D. Delete the stricken text and add the bolded underlined text to Section 13.1.3.C, “Exemptions” of Article 13 – Telecommunications Overlay District, as follows. The intent of this proposed change is to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review.

~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities, provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.

E. Add the bolded underlined text to Section 13.2.5 “Camouflaged Telecommunications Facilities” of

Article 13 – Telecommunications Overlay District as follows, and update Table 13-1 to reflect this change. The intent of this proposed change is to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted (Mounted on an existing building or structure other than a tower)	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted (Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

"CUP" = Requires Conditional Use Permit

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

" - " = Facility Not Permitted

"SPR" = Requires Site Plan Review

- F. Amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver” after Section 15.4, as follows. The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis.

15.5 Conditional Use Permit Waiver

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

- 1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**
- 2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver**

would not be contrary to the spirit and intent of this Article.

- 3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

- G. Amend the following sections of Section 25.4 “Land Development Code Amendments,” Sub-section 25.4.3 “Procedure,” and add a new section “D” for amendments to Articles 22-28.

25.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~** For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 19, and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations," and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ and Sections 25.10 through 25.14 of Article 25 of this LDC, the following procedures shall apply.
1. Planning Board Public Hearing. In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
 2. Introduction to and Review by Council. Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
 3. Filing. Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD)** ~~Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with ~~OSI~~ **OPD** shall not affect their validity.
- C. Article 21 and Section 25.15 of Article 25 – “Historic District Regulations” and “Historic District Certificate of Appropriateness.”** For amendments proposed to Article 21 and Section 25.15 of Article 25 of this LDC, the following procedures shall apply.

1. Historic District Commission Public Hearing. In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
2. Introduction to and Review by Council. Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. Filing. . Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD)** ~~Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with ~~OSI~~ **OPD** shall not affect their validity.

D. Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.

- 1. Introduction to and Review by City Council. The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.**
- 2. Filing. Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.**

George S. Hansel, Mayor

- a. **Reserve Area.** An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot.
- b. **Proximity to Alternative Modes of Transportation.** The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
- c. **Shared Parking.** The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
- d. **Proximity to On-Street Parking.** Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

B. Administrative Reduction Request Procedure

- 1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
 - a. The size and type of the proposed use(s).
 - b. The anticipated rate of parking turnover.
 - c. The anticipated peak parking and traffic loads for all uses.
 - d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
 - e. Additional information and/or technical

studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.

- 2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 25.9 of this LDC.

C. Major Reduction Request

- 1. Requests for reductions in required parking that exceed 10% and are less than 50% shall be considered by the Zoning Board of Adjustment through the special exception process.
- 2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings. ~~in addition to those required for a special exception.~~
 - a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
 - b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
- 3. The applicant for a special exception shall submit a parking study conducted by a NH licensed engineer that clearly demonstrates the need for a reduction in required parking. The parking study shall address the following.
 - a. A description of the proposed use(s).
 - b. Days and hours of operation of the use(s).
 - c. Anticipated number of employees and number of daily customers or clients.
 - d. The anticipated rate of turnover for proposed spaces.
 - e. The availability of nearby on-street parking or alternative modes of transportation (e.g. public transit, multi-

9.3 DRIVEWAY DESIGN STANDARDS

9.3.1 Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in Section 22.5 of this LDC.

9.3.2 Driveway Dimensions

Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements, the following standards shall apply to driveways for single- and two-family dwellings.

1. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.
2. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

4. Any disturbance to the surrounding buffer area is repaired and restored upon completion of construction.
5. A minimum 30-ft buffer is maintained from surface waters in lots in the Rural, Conservation, and Agriculture Zoning Districts, and a 10-ft buffer is maintained from surface waters in all other zoning districts.
6. Any alteration to a surface water is made in accordance with all applicable state and federal laws, administrative rules, and regulations.

11.6 CONDITIONAL USE PERMIT

11.6.1 Activities Subject to Conditional Use Permit

- A. A surface water protection conditional use permit issued by the Planning Board shall be required for the following uses or structures when proposed to be located within the Surface Water Overlay Protection District.
 1. Construction of a new structure or expansion of an existing structure, with the exception of those structures specified in Section 11.5, which expands the footprint of such structure within the Surface Water Protection Overlay District
 2. Creation of new lots by subdivision that would require the disturbance or crossing of lands within the Surface Water Protection Overlay District.
 3. Construction of new roads, driveways ~~(excluding single and two-family driveways)~~, and parking lots.
 4. Construction of new stormwater management facilities and structures or improvements, including but not limited to, sedimentation/detention/retention ponds, drainage swales, and erosion control devices.
 5. Construction of compensatory flood storage excavation under Article 23 that requires the issuance of a wetland permit.

- B. A surface water protection conditional use permit shall not be required for impacts to areas within the Surface Water Protection Overlay District that are under the jurisdiction of the NH Department of Environmental Services and when the state has issued a wetlands permit or shoreland permit.

11.6.2 Conditional Use Permit Standards

The Planning Board shall issue a surface water protection conditional use permit for the activities described in Section 11.6.1, if it finds that all of the following criteria have been met.

- A. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District.
- B. Encroachment into the buffer area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.
- C. The nature, design, siting, and scale of the proposed use and the characteristics of the site, including but not limited to topography, soils, vegetation, and habitat, are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource.
- D. The surface water buffer area shall be left in a natural state to the maximum extent possible. The Planning Board may establish conditions of approval regarding the preservation of the buffer, including the extent to which trees, saplings and ground cover shall be preserved.
 1. Dead, diseased, unsafe, fallen or invasive trees, saplings, shrubs, or ground cover may be removed from the surface water buffer area.
 2. Tree stumps and their root systems shall be left intact in the ground, unless removal is specifically approved in conjunction with a surface water protection conditional use permit granted by the Planning Board. The stumps and root balls of exotic, invasive

13.1 GENERAL

13.1.1 Purpose

The purpose of the Telecommunications Overlay District is to establish general guidelines for the siting of telecommunications towers and antennas, and the removal or upgrade of abandoned or outdated facilities, in order to reduce adverse impacts such facilities may create, including impacts on aesthetics, environmentally sensitive areas, flight corridors, historically significant areas, health and safety of persons and property, and economic prosperity through protection of property values.

13.1.2 Applicability

- A. This Article shall apply to all telecommunications facilities within the City, with the exception of those facilities listed in Section 13.1.3.
- B. The Telecommunications Overlay District includes Zone 1, Zone 2, and Zone 3, which are displayed on the View Preservation Overlay Map dated March 2019 (see Figure 13-1). This map is adopted as an overlay to the official Zoning Map, as may be amended.
- C. Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in this LDC or the City's ordinances and regulations.

13.1.3 Exemptions

The following shall be exempt from the requirements of the Telecommunications Overlay District.

- A. Concealed or camouflaged facilities located on property owned, leased, or otherwise controlled by the City, not including the public right-of-way. This infrastructure shall only be permitted in locations of the City delineated in Figure 13-1 View Preservation Overlay Map. For this exemption to apply, a license or lease approved by City Council authorizing such antenna or tower shall be required.

- B. Private use residential satellite dishes, antennas for wireless internet access, private wireless ham communication antennas, or the installation of any tower or antenna less than 70-ft in height that is owned and operated by a federally licensed amateur radio station operator.
- C. ~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.
- D. Concealed Facilities that are located inside a building or structure and are concealed entirely from view.

13.1.4 Conformity

- A. All telecommunications facilities shall be constructed, installed, and maintained in compliance with local building codes, city ordinances, as well as all applicable state and federal regulations, including the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- B. If federal standards or regulations applying to towers and antennas are amended, the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with the revised standards or regulations within 6-months of their effective date, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 - 1. Failure to bring towers and antennas into compliance with revised federal standards or regulations shall constitute grounds for their removal at the owner's expense through execution of the posted security.

13.2.5 Camouflaged telecommunication facilities

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

13.2.6 Ground-Mounted Towers & Antennas

The installation of new ground-mounted towers and antennas which are not camouflaged, or a substantial modification to an existing tower or mount that is not camouflaged, is not allowed in Zone 1 or Zone 2 of the View Preservation Overlay (Figure 13-1), or in a designated historic district and shall require the issuance of a building permit, telecommunications conditional use permit, and major site plan review.

13.3 DIMENSIONAL REQUIREMENTS

The dimensional requirements for telecommunications facilities subject to this Article shall be as stated in Table 13-2.

13.4 DESIGN STANDARDS

13.4.1 Aesthetic Standards

With the exception of those that are concealed entirely from public view, telecommunication facilities shall not stand out in terms of color and materials, scale, height, mass or proportion against a contrasting background. Specifically, telecommunication facilities shall comply with the following.

- A. The relative height, mass or proportion of telecommunications facilities shall be compatible with the building or structure it is located on or the immediate surroundings.
- B. If installed on a historic structure, telecommunications facilities shall not alter character defining features, distinctive construction methods, or original historic materials of the structure and shall be fully reversible.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted <i>(Mounted on an existing building or structure other than a tower)</i>	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted <i>(Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)</i>	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

indoor and/or outdoor waiting or intake areas, if applicable.

6. An analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.
 7. The estimated parking demand for the proposed use and the number of parking spaces to be provided on-site.
 8. A description of the staffing of the facility, including the number of on-site managers, if any.
 9. The proximity of the facility to other known congregate living and social service uses within 750-ft (measured from the property line).
 10. For congregate living uses, the average length of stay for residents/occupants of the facility.
 11. A description of the services provided to the clients or residents of the facility, including any support or personal care services provided on- or off-site.
- B. Documentation of all required state or federal licenses, permits, and certifications.

15.5 CONDITIONAL USE PERMIT WAIVER

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.

3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

25.4 LAND DEVELOPMENT CODE AMENDMENTS

25.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 18 of this LDC, shall be as described in Section 25.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 19, 20 and Sections 25.10 through 25.14 of Article 25, and from the Historic District Commission with respect to amendments to Article 21 and Section 25.15 of Article 25, shall take action on proposed amendments to this LDC.

25.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~ For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 19 and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations" and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ **and Sections 25.10 through 25.14 of Article 25** of this LDC, the following procedures shall apply.

- 1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
- 2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
- 3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD) Strategic Initiatives (OSI)** for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD OSI** shall not affect their validity.
- C. **Article 21 and Section 25.15 of Article 25 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 21 of this LDC, the following procedures shall apply.
 - 1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic

District Commission denies the proposed amendments, the process shall come to an end.

a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the **Planning and Development (OPD)** ~~NH Office of Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD** ~~OSI~~ shall not affect their validity.

D. **Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.**

1. **Introduction to and Review by City Council.** The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
2. **Filing.** Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Evan Clements, Planner

Date: April 4, 2023

Subject: O-2023-06 Relating to Amendments to the Land Development Code, Accessory Dwelling Units

Overview

This Ordinance proposes to amend Sec. 1.3.3 of Article 1 and Section 8.4.2 of Article 8 of Chapter 100 “Land Development Code” (LDC) of the City Code of Ordinances to amend the definition of detached accessory dwelling units (ADUs); modify the dimensional standards for ADUs; and expand the areas of the city where they are permitted.

Background

This ordinance proposes to amend Article 1 – Introductory Provisions and Article 8 – Permitted Uses by removing the distinction between attached and detached Accessory Dwelling Units (ADUs), increasing the allowable gross floor area to 1,000 sq. ft., removing the minimum required gross floor area, expanding the locations where ADUs are allowed to any location where a single family home exists, and reducing the amount of parking that is required from 2 parking spaces to 1 parking space. The rear yard setback for ADUs is also proposed to be reduced to 10 ft. These proposed changes will allow for greater opportunity for property owners to construct ADUs and expand housing options throughout the City of Keene.

The City’s Comprehensive Master Plan recommends that the community provide a balanced and diverse housing stock. Expanding the opportunity for ADU’s throughout the City by decoupling this development type from Zoning and allowing greater flexibility in their site placement and construction on residential lots allows property owners greater flexibility to meet this community goal. This kind of infill development, which is already allowed in residential neighborhoods, will allow for the modest creation of additional dwelling units while not overly impacting existing neighborhood character and feel. The Master Plan promotes this kind of development by stating:

“...residential infill allows for a change in density, not a change in intensity of residential use, which in turn supports the community’s goal to create a compact, walkable community and provide choice in housing.” (p. 49)

During Public Hearings for other housing related Ordinance proposals brought forward by the Community Development Department, a notable amount of residential feedback included comments related to encouraging greater buildout of the already urbanized City core. This proposed ADU expansion represents an achievable way to meet that community feedback. Continuing to allow, and expanding ADU development, by right, streamlines the construction of additional dwelling units that provide housing choice for new and existing City residents.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Dept. Date: 3/10/2023

Address: 3 Washington Street, Keene, NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Article 1, Section 1.1.3; Article 8, Section 8.4.2

Existing Section Reference in Chapter 100, Land Development Code: _____

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

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: N/A

Validation of Number of parcels by the
Community Development Department



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 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.

Date Received by City Clerk: _____ Ordinance Number: 0-2023-06

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

Public Hearing to be held _____

CITY OF KEENE
NEW HAMPSHIRE

**O-2023-06 Relating to Amendments to the City of Keene Land Development Code,
Accessory Dwelling Units**

The attached materials include the full text of Ordinance O-2023-06 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2023-06. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

This ordinance proposes to amend Article 1 – Introductory Provisions and Article 8 – Permitted Uses by removing the distinction between attached and detached Accessory Dwelling Units (ADUs), increasing the allowable gross floor area, removing the minimum required gross floor area, expanding the locations in which they are allowed, and reducing the amount of parking that is required. These proposed changes will allow for greater opportunity for property owners to construct ADUs and expand housing options throughout the City of Keene.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Accessory Dwelling Units

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, as follows.

1. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1, subsection 4.e “The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.” be amended as follows:
 - a. **iv. Accessory Dwelling Units, either detached or attached**
2. That Section 8.4.2.A “Accessory Dwelling Unit (ADU)” of Article 8, subsection 1 “Defined” be amended as follows:
 - a. Defined. An independent living unit ancillary to a single-family dwelling unit and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in **or as** a detached accessory building on the property.
3. That Section 8.4.2.2 “Use Standards” of Article 8, subsection c be amended as follows:
 - c. ~~Attached ADUs~~ **ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.**
 - i. ~~Attached ADUs shall only be permitted in the Agriculture, Rural, Low Density, Low Density 1, Medium Density, High Density, High Density 1, Neighborhood Business, Office, Residential Preservation, and Downtown Transition Districts.~~
 - ii. ~~Attached ADUs shall have a minimum gross floor area of 400-sf. In no case shall the gross floor area exceed 800-sf.~~

4. That Section 8.4.2.2 “Use Standards” of Article 8, subsection d be amended as follows:

~~d. Detached ADUs~~ **ADUs shall not exceed a maximum gross floor area of 1000-sf.**

~~i. Detached ADUs shall only be permitted in the Agriculture and Rural Districts.~~

~~ii. Detached ADUs shall have a minimum gross floor area of 400-sf, and, in no case, shall the floor area be greater than 50% of the gross floor area of the principal dwelling unit or greater than 1,000-sf, whichever is less.~~

5. That Section 8.4.2.2 “Use Standards” of Article 8, subsection f be amended as follows:

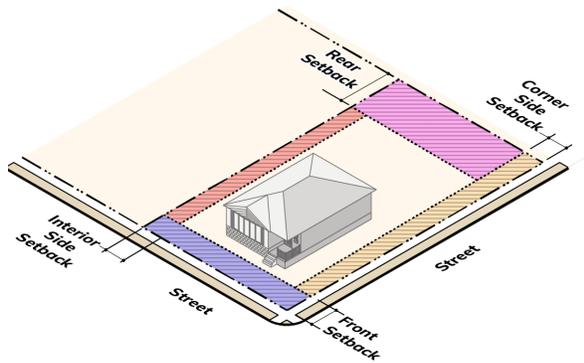
~~f. No more than 2 parking spaces shall be permitted for an ADU.~~ **Only 1 parking space shall be required for an ADU.**

6. That Section 8.4.2.2 “Use Standards” of Article 8, subsection k be added as follows:

k. An ADU is subject to the same overlying zoning district’s dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district’s dimensions & siting, buildout, and height requirements shall apply.

i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

George S. Hansel, Mayor



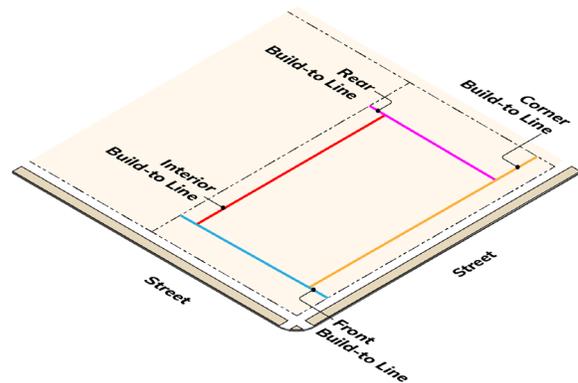
4. Structure Setback Exceptions.

- a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
- b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.
- c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.
- d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion of the front setback beyond the front of

the building.

- e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.
 - i. Pools, either above- or in-ground
 - ii. Decks, either detached or attached
 - iii. Garages, either detached or attached
 - iv. **Accessory Dwelling Units, either detached or attached**

- B. **Building Façade Line.** The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.
- C. **Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.



- D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are

8.4 ACCESSORY USES & STRUCTURES

8.4.1 General

- A. All accessory uses shall comply with the standards in Section 8.4.1.
- B. Accessory uses and structures may be permitted in conjunction with permitted principal uses. Permitted accessory uses and structures include those listed in Section 8.4.2 and additional accessory uses and structures that, as interpreted by the Zoning Administrator, meet the following criteria.
 - 1. Are clearly incidental and customarily found in connection with an allowed principal building or use.
 - 2. Are subordinate in area, extent, and purpose to the principal building or use served.
 - 3. Are located on the same site as the principal building or use served.
 - 4. Were not established on a lot prior to the establishment of a permitted principal use.
 - 5. Do not create a public or private nuisance.
- C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.
 - 1. No accessory use or structure may occupy any part of a front setback unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

8.4.2 Specific Use Standards

A. Accessory Dwelling Unit (ADU)

- 1. **Defined.** An independent living unit ancillary to a single-family dwelling unit and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in **or as** a detached accessory building on the property.
- 2. **Use Standards**
 - a. Only 1 ADU shall be permitted per lot.
 - b. There shall be no more than 2 bedrooms in an ADU.
 - c. **Attached ADUs ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.**
 - i. ~~Attached ADUs shall only be permitted in the Agriculture, Rural, Low Density, Low Density-1, Medium Density, High Density, High Density-1, Neighborhood Business, Office, Residential Preservation, and Downtown-Transition Districts.~~
 - ii. ~~Attached ADUs shall have a minimum gross floor area of 400-sf. In no case shall the gross floor area exceed 800-sf.~~
 - d. **Detached ADUs ADUs shall not exceed a maximum gross floor area of 1000-sf.**
 - i. ~~Detached ADUs shall only be permitted in the Agriculture and Rural Districts.~~
 - ii. ~~Detached ADUs shall have a minimum gross floor area of 400-sf, and, in no case, shall the floor area be greater than 50% of the~~

~~gross floor area of the principal dwelling unit or greater than 1,000-sf, whichever is less.~~

- e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.
- f. **No more than 2 parking spaces shall be permitted for an ADU. Only 1 parking space shall be required for an ADU.**
- g. An ADU shall have city water and sewer service, or, in the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
- h. A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
- i. The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
- j. Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
 - i. This notice shall be reviewed by the Zoning Administrator

for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.

- ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.
- k. **An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.**
 - i. **An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.**