



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

Monday, September 8, 2025

7:30 PM

City Hall, 2nd Floor Council Chambers

A. AGENDA ITEMS

1. Roll Call
2. Approval of Meeting Minutes – July 14, 2025
3. Public Workshops:
 - a. **Ordinance O-2025-26 Relating to Land Development Code Application Procedures.** Petitioner, City of Keene Community Development Department, proposes to amend sections of Article 26 of the LDC to include additional application types, update mailed notice requirements, and adding a new section related to change of governmental land use notifications.
 - b. **Ordinance O-2025-28 Relating to Zone Change.** Petitioner, Adam Wright, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the properties located at 0 Winchester St (TMP #592-019-000), 291 Winchester St (TMP #592-020-000), 371 Pearl St (TMP #592-021-000), 305 Winchester St (TMP #593-003-000), 363 Pearl St (TMP #593-004-000), 347 Pearl St (TMP #593-005-000), 339 Pearl St (TMP #593-006-000), and 331 Pearl St (TMP #593-007-000) from Low Density to Commerce. The total area of land that would be impacted by this request is ~2.6 ac.
 - c. **Ordinance O-2025-29 Relating to Cross Site Access Exception from the Parking Lot Pavement Setback.** Petitioner, City of Keene Community Development Department, proposes to amend Sec. 9.4.2.A of the LDC to create an exception to the parking lot pavement setback requirement to allow for cross site access drive aisles across property lines.
4. New Business
5. Next Meeting – October 14, 2025

B. MORE TIME ITEMS

1. Private Roads
2. Neighborhood / Activity Core areas (“Neighborhood Nodes”)
3. Short Term Rental Properties

A. ADJOURNMENT

City of Keene
New Hampshire

JOINT PLANNING BOARD/
PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Monday, July 14, 2025

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Armando Rangel
Kenneth Kost
Stephon Mehu, Alternate

Planning Board

Members Not Present:

Sarah Vezzani
Ryan Clancy
Michael Hoefer, Alternate
Randyn Markelon, Alternate
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Robert C. Williams
Edward J. Haas

Planning, Licenses &

Development Committee

Members Not Present:

Philip M. Jones, Vice Chair
Andrew M. Madison

Staff Present:

Mari Brunner, Senior Planner

I) Roll Call

Chair Bosley called the meeting to order at 6:46 PM and a roll call was taken. Mr. Mehu was invited to join the meeting as a voting member.

II) Approval of Meeting Minutes – June 9, 2025

A motion was made by Councilor Haas to accept the June 9, 2025 meeting minutes. The motion was seconded by Councilor Williams.

Mayor Kahn offered the following corrections:

Page 220, first paragraph, last line – word “wan” should be corrected to read as “was”.

Page 10, Line 403 – Correction to Councilor Remy’s name.

Line 514 – instead of “above the ground floor” it should say “on the ground floor”

Councilor Farrington noted – Councilor Williams needs to be noted as being present at the meeting.

The motion made by Councilor Haas was unanimously approved.

III) Continued Public Workshops:

a. **Ordinance O-2025-20 Relating to Setbacks and Build-to Dimensions.** Petitioner, City of Keene Community Development Department, proposes to amend Sec. 1.3.3 of the LDC to clarify that the Front, Side, and Rear setbacks apply to any building or structure on a lot. Further, this ordinance proposes to amend the definitions for “Build-To Line” and “Build-To Zone” (BTZ) to state that they apply to any principal structure with some exceptions. Lastly, this ordinance proposes to amend Sec. 8.4.1.C to state that accessory structures shall not be located in the BTZ.

Senior Planner Mari Brunner addressed the Committee. Ms. Brunner referred to page 26 in the packet and stated to change “any” to “all.” She then added that this ordinance came from Staff in response to an interpretation from the Zoning Board of Adjustment regarding the definitions for Build-To Zone and front setbacks where they made the determination that because the definition uses the phrase “a building,” that the definition only applies to one building on a lot. They asked Staff to come back with a clarification. It was originally proposed to say *any building*, but the revised version says *all buildings or structures*.

The Committee also discussed the following concept under Build-To Zone: the BTZ only applies to all principal buildings or structures with the carve out for buildings that are not able to be placed in the Build-To Zone because of the presence of other principal buildings or structures. The change from last time was to also include proposed buildings. It now reads *Build-To Zone is the area on a lot, measured perpendicularly from the lot line, within which all principal buildings or structures must locate, unless they cannot be located within the Build-To Zone, due to the presence of existing or proposed principal buildings or structures*.

Ms. Brunner noted the next change that was presented last time was to clarify that we don't want accessory buildings in the Build-To Zone as it would create a hardship for property owners.

She indicated Staff also went through the code in any place where it mentions a Build-To Zone or a Build-To Line dimensional requirement but labels it as a setback. It has now been changed to match what it actually is. Language also does not reference maximum distance, it only refers to minimum distance in the setbacks.

With that the Chair asked for public comment.

Mr. Jared Goodell of 160 Emerald Street addressed the Committee and asked permission to address a few questions to Staff. He noted in the language in I a. it says *that a building setback is the required minimum distance all buildings or structures must be located from a lot line which is an occupied and unrestricted by any portion of the building or structure, unless expressly permitted by this LDC*. Ms. Brunner in response stated the intent here is to completely separate setbacks from Build-To dimensional requirements. This would not apply to a Build-To Zone or a Build-To Line. Chair Bosley added this is an attempt to start severing the blurriness between the

term *Setback*, *Build-To Zones* and *Build-To Lines*; it is just for buildings that would be subject to setbacks. Mr. Goodell stated his concern is that in the residential districts, setbacks are an issue but Build-To Line and Build-To Zone isn't necessarily in the residential district and asked in the residential districts, if you can still build multiple structures on one lot because it is not expressly permitted by the LDC. Ms. Brunner stated the definition of setback does not control the number of houses that can be placed on a lot, but in the City of Keene, in the residential district, only one principal structure is permitted per lot. However, you are permitted accessory buildings.

Mr. Goodell next referred to language for Build-To Line (item C) and Build-To Zone (item e). The language is all principal buildings or structures. He noted principal buildings is a defined term,

structures is a defined term, and principal structures is a defined term.

He asked if the term principal buildings or structures means principal building or structures as defined; does structures mean principal structure as it is written now. Ms. Brunner stated that was the intent. The Chair asked whether there was definition difference between structure and principal structure. Mr. Goodell stated a principal building or principal structure is the same definition: *structure that is central to the fundamental uses of the property and is not accessory to the use of another structure on the same premises. Whereas a structure is anything constructed or erected which requires location on or in the ground, or attached to something having location on or in the ground, including signs, billboards, fences and swimming pools.* He noted a fence would be considered a structure. The Chair felt this would be something that should be amended.

Mr. Goodell next referred to the term "proposed" and stated he is aware this was added because of a question that he had raised at the previous meeting: Item E Build-To Zone. He stated he wanted to be clear on what proposed means. If there is a lot and somebody wants to build three structures on it, but they want to construct the one in the rear first, this is allowed outside of the Build-To Zone. He felt somebody could propose something and abandon it and asked whether there was a cleaner way to meet this intent. Ms. Brunner explained, in the code, it is impossible to write it so that it will capture every situation. She stated she was open to suggestions for wording it, but at the end of the day, there is always going to have to be some interpretation. She explained what she was trying to address with this is a situation where a development that was going to be happening simultaneously, and it includes buildings that are proposed within the Build-To Zone.

Councilor Remy suggested a bond to make sure the rest of the project gets completed.

Councilor Haas asked whether the Planning Board reviews any financials of developers when they propose a project such as this. Planning Chair Farrington stated the Planning Board does not review financials for applicants but there are a number of situations where security is required for things like boundaries and landscaping.

Mr. Kost felt when someone is constructing a multifamily primary building, if they first construct something in the rear and stop construction they will end up leaving a lot of value on the table and felt that would be an incentive to complete the work.

Chair Bosley asked whether there were fines or violations outlined in the LDC if someone was not in compliance. Ms. Brunner stated if it is something that is shown on an approved site plan

and they are not in compliance with their site plan, then there is technically an enforcement mechanism but added it takes a lot of Staff effort. With reference to security, she stated the City only imposes security that the City can use to replace, for instance, landscaping or to address stormwater issues. However, for constructing a building, Staff would not recommend requiring a security.

Mr. Goodell suggested a phased permit to make sure the different items are completed. For example, if this item was under the purview of the Planning Board, add a condition that the principal building within the Build-To Zone has to be completed within two years.

Councilor Haas felt the Committee is working on two separate issues here. One is the Build-To Zone or Build-To Line, which is an executable building requirement. The other is the financial stability of the developer, which the Committee does not have a way to consider; if a developer starts a project but can't moved forward due to financial constraints, it could result in the City seizing the property or looking at other financial remedies, which he felt needs to be separate from what the Committee is trying to address in the Land Development Code.

Mr. Goodell reiterated that right now it says "proposed," which means somebody could go to the 4th floor and indicate that they are going to construct something in the future, but right now a building will be constructed in the rear of the site.

Mr. George Hansel of 84 Elm Street addressed the Committee next and stated he felt the Committee was overcomplicating the Build-To Line. He stated he sees the Build-To Line as someone who is looking at the code and trying construct a development or design a site plan. He stated

for the Build-To Zone, he understood that as, if you get a building into the zone, then the City should be satisfied from that perspective. He felt it is really up to the designer to decide whether it is one building, two buildings or anything else. He cautioned the Committee of trying to overregulate and try to design the project. Mr. Hansel pointed out that if he was constructing three

buildings on a lot and one of them was in the Build-To Zone, he has met the requirement.

Chair Bosley in response stated the Committee is trying to accomplish that exact fact and felt the language being proposed does allow for that. She noted the concern is an unethical builder who uses the word "proposed" to only construct a building in the rear of the lot which is not in the Build-To Zone, even though they proposed additional buildings in the Build-To Zone.

What is being required is that a structure be built in the Build-To Zone and other structures can be constructed on the lot.

Mr. Hansel suggested the following language: *Build-To Zone in an area of the lot measured perpendicularly from the line within which one principal building or principal structure must locate.*

He felt the language being proposed at the present time is problematic.

With no further comments, the Chair closed the public hearing.

Councilor Remy questioned why the Committee did not consider language that would indicate if there was a very wide lot and three buildings could be at the Build-To Line, unless there was a need to locate, for example, a driveway. He felt the intent was to construct as much to the Build-To Zone as possible.

Mr. Hansel responded by saying at the present time, in the code, you have the Build-To Zone and then you have a percentage. In certain districts, there is a percentage of frontage that has to be met. Ms. Brunner stated this is only for the building facade. It is not the percentage of the lot. Mr. Hansel agreed and added this is where the City is indicating its preference for a certain percentage of the building facade to be taking up the frontage of the lot line.

Mr. Kost felt if you require that only 50% of a lot has to be along the Build-To Line, the City will end up with these “broken tooth” kind of streetscapes and the City would lose the urban structure effect it is trying to achieve. If there are multiple buildings and you fill up the front, but you have a deep enough lot, there could then be structures located to the rear.

The Chair stated she agrees with Staff that the City cannot regulate for every potential issue and also cannot regulate for an unethical person. She felt there needs to be another mechanism to enforce something like that.

Councilor Haas stated he stumbled over the word *or* when the Committee was discussing principal buildings or structures; whether principal was inclusive as an either/or, or would the separate structures be interpreted as not being principal and likes idea of applying principal to both. Councilor Remy felt this should be addressed as a scrivener's error and not have to go through an amendment. Ms. Brunner noted this ordinance is not yet an A version and changes can be made at this time.

A motion was made by Mayor Kahn that the Joint Committee suggest an amendment to sections C and E for Ordinance O-2025-20-A that adds the word *principle* in front of structures as well as including all red line changes. The motion was seconded by Kenneth Kost and carried on a unanimous vote.

A motion was made by Harold Farrington that the Planning Board finds that Ordinance O-2025-20-A is consistent with the Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

A motion was made by Councilor Williams that the PLD Committee request the Mayor set a public hearing on Ordinance O-2025-20-A. The motion was seconded by Councilor Haas and was unanimously approved.

b. Ordinance O-2025-15 Relating to Amendments to the Land Development Code to Encourage Housing Development. Petitioner Jared Goodell proposes to amend various sections of the LDC to modify the definitions of the Front, Side, and Rear Setbacks and the Build-to Zone; Reduce the minimum lot size in the Neighborhood Business District to 5,000 sf; Increase the density allowed in the Medium Density District to 6 units per lot; Allow dwelling units on the ground floor in the Downtown Growth District for lots with frontage on “Type B” streets; and, Establish rules for applying zoning regulations to split-zoned parcels. The sections proposed to be modified include 1.3.3, 5.3.1, 5.3.2, 8.3.1(C), and 19.2 of the LDC.

Ms. Brunner referred to Page 30 and stated the first change was to completely remove the proposed changes to the setbacks and Build-To Line and Zones and instead to have them all in one ordinance.

The second item was the purpose of the Neighborhood Business District. At the last workshop, one of the items that Staff raised was the fact that the purpose statement very intentionally calls Neighborhood Business District an additional Downtown District and explained that the intent is to make sure it is clear that it is eligible for the 79-E Program. Based on the applicant's testimony, the reasoning behind changing this purpose statement was to make sure that it refers to the fact that Residential Uses are allowed in this District. The amended language would read as follows:

The Neighborhood Business District is intended to serve as an additional Downtown Zoning District that promotes smaller sized businesses, professional uses and residential uses, which support adjacent neighborhoods and workplaces with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have City water and sewer service.

Ms. Brunner stated the next change is with respect to the minimum lot area as discussed at the last workshop. Currently 50% of the parcels in this district are less than 8,000 square feet in size and the lot size goes down to 5,000 square feet. Staff felt for a 5,000 square foot lot, it might be prudent to also reduce the setbacks to make sure the lots are actually buildable. What is being proposed is as follows: to change the front Build-To Zone to be zero to 10 feet, reduce the minimum rear setback to 10 feet, retain the corner side Build-To Zone as a 5 to 10 foot, and reduce the minimum interior side setback to five feet.

Just for those smaller lots to open up more land to be developed.

The Mayor stated he is in favor of what is being proposed, except for the five-foot side setback. He explained maintaining a three-story building only with a five-foot setback using a ladder could be difficult.

Chair Bosley asked for an example of five-foot setback elsewhere in the City. Ms. Brunner did not think the City has five-foot setbacks in existence anywhere else in the City but there are plenty of locations with zero-foot setbacks, such as the Cottage Court. Chair Bosley felt workers could potentially use staging if they needed to access upper floors or ladders that could be secured to the roof. Ms. Brunner stated she could check with building code Staff how a situation such as this could be handled.

Councilor Remy referred to a Scrivener's error and to strike out 8,000.

Councilor Haas felt the five-foot setback would be further complicated should there be a fence on the property line, which could reduce it down to a three-foot setback, making it more difficult to get on a ladder,

Ms. Brunner referred to the next section with the definition of multifamily dwelling. The original proposal states that up to six dwelling units would be allowed if each dwelling unit is not more than 600 square feet in gross floor area. She stated after discussing all the other things that control unit size, the Committee decided to go up to 600 square feet and strike the square foot requirement. There was also some discussion about requiring more than three units to go to the Planning Board. Ms. Brunner stated Staff is recommending against that, only because there can be situations where, for example, an adaptive reuse of the building where it is internal conversion and there are no changes to the site.

The other change to the definition of multifamily was with respect to allowing units on the ground floor. Based on the discussion at the last meeting, it now reads, *in the Downtown Growth District, while units may be permitted on the ground floor if located behind tenantable commercial space*. Ms. Brunner explained this takes out the different street types as long as there is some sort of commercial space along the street and does not get into how deep that space needs to be.

The Mayor referred to the idea of six units on a Medium Density lot and stated he is referring to the east side neighborhood and their concerns with density. He felt six units seemed like a lot on a 5,000 square foot lot and the neighborhood concern about creating more density in the neighborhood.

Chair Bosley stated it was discussed at the last meeting that there is a mechanism created to enable this type of development, which is referred to as Cottage Court. However, if you start changing the exterior of the building, amount of impervious surface, or parking requirements it would trigger Planning Board review, which does give the public an opportunity for input.

Mr. Kost stated he had raised the concern about parking. For example, if there are going to be six units, there is going to be more parking required, which could eventually see people parking on grass and on impervious surfaces. Chair Bosley clarified that the City of Keene code does not allow people to park on grass or impervious surface, and this is something code enforcement would address.

She agreed it does happen. She went on to say that there is going to be state legislation that is going to change the density in our neighborhoods, regardless of the number of units that are being allowed. The legislation that is passed allows for up to 16 unrelated people to live in a unit instead of four. The Chair indicated this is why the Committee needs to start looking at what the definition of a unit means. The Chair referred to example of units that are non-conforming now that could be conforming for rental purposes and felt this is something the City should try and get ahead of based on living conditions these units would start causing.

Councilor Haas asked whether there is a limit to living units in any other district. Ms. Brunner stated in the Low-Density district and the Rural District you are only allowed to have a single-family home as well as an ADU. This would mean up to two units in those districts. Medium Density is the next one, which is currently at three units, and High Density does not have a cap.

Councilor Williams stated, as a resident of the east side, some of these large buildings in the past had quite a few more people living in them than they do today. He felt there is a certain amount of logic in figuring out how we can partition those buildings so that they can fit the number of people in which they used to fit.

Ms. Brunner continued with her presentation and asked if there were any questions about the tenantable commercial space in the Downtown Growth District.

Mr. Kost stated he likes the idea of street facing retail or other things that are interesting for people to look at and the idea of locating residential in the rear. He stated his concern is something he has seen in dynamic cities that are growing and are active. For example, where

there are streets of empty storefronts that cannot be filled with retail uses. The Chair stated this is a living document that can be revisited at any time if the City sees there are such problems happening.

The next item Ms. Brunner addressed is with respect to parcels that fall into more than one Zoning District.

The first change was to the nonconformity section of the code and to the rules of interpretation.

The reason for this is a lot that is split-zoned is not necessarily non-conforming.

The proposal is to move it to section 1.3 of Article 1: Rules of Measurement and Exceptions.

Ms. Brunner stated that in reviewing what was discussed at the last meeting, the language did not quite accomplish what she said it did in the meeting. The language states as follows:

Where an existing lot of record falls into more than one zoning district, the provisions of each district shall be applied separately to each portion of the lot. With the following exception:

A. For lots or portions thereof, which are not large enough to be subdivided, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot, to the portions of the lot that cannot be subdivided.

Under this language, there are some directions to the interpreter that would normally be the Zoning Administrator as to what this means.

For the purposes of this subsection, only when determining if a lot or portion thereof is large enough to be subdivided, the following shall be considered:

1. Each portion of the lot in each zoning district shall be evaluated separately to determine whether new legal lots could be created that are not split zoned.

2. Any portion of a lot that could be subdivided legally based on the underlying zoning district shall comply with requirements of the underlying zoning district.

Ms. Brunner explained Split-Zone parcels happen for a variety of reasons, such as through voluntary mergers, boundary line adjustments, etc. A property owner can get lots that fall into more than one Zoning District. Ms. Brunner noted to a rendering and stated in this situation, the property owner has two options under these regulations. They could apply the requirements of the Low-Density District, the portion of the lot in yellow, and apply the Commerce District requirements to the portion of the lot that is shown in pink. Or they could choose to apply the provisions of the Low Density District to the entire lot, because the commerce portion is not large enough to be subdivided and be its own lot.

Ms. Brunner referred to the Mint Car Wash site which is located in three different Zoning Districts. The purple section is in the Industrial Zone, the orange is in High Density and the pink is in Commerce. The orange portion (High Density) is large enough to be subdivided because the minimum lot size in High Density is only 6,000 square feet. The Commerce portion is about the same size as the High-Density portion, but it is not large enough to be subdivided because the minimum lot size for Commerce is 15,000 square feet.

Under this language, the property owner could either have the provisions of High Density applied to the portion that is in High Density, Commerce portion to Commerce and the Industrial portion to Industrial, or they could apply the requirements of Industrial to the Commerce portion of the lot, but not the High-Density portion of the lot. The only option in this situation would be for the property owner is to go through a map amendment or live under these regulations.

Councilor Haas asked whether Staff has had requests for actions such as what was just described.

Ms. Brunner stated the City has always applied the rules of the underlying Zoning District to each portion of the lot that is in that Zoning District. She stated this has happened many times, which causes hardship for the property owner. The property owner has had to apply for a variance or design the project under the current regulations. She felt what is being proposed works and added that anything that gives guidance to providing flexibility is helpful.

The Chair asked for comments from the Petitioner next. Mr. Jared Goodell of 160 Emerald Street began by stating that the additional Downtown Zoning District, which was added back to the purpose statement, would make sense to move it out of the Commerce Districts into Article 4, the Downtown Districts.

At the present time it lives in Article 5, which is Commerce.

With reference to the Mayor's comments, Mr. Goodell noted the maximum height for Neighborhood Business is two stories, or 35 feet, and wasn't sure if this would address the Mayor's concerns.

#3 - There was a discussion about the impact of a neighborhood and noted to what Councilor Williams stated that there are these large buildings, which are too big for what people need now. The intent is to repurpose those to be more efficient.

In that same section, Item C, Downtown Growth District, *dwelling units may be permitted on the ground floor if located behind tenantable commercial space*.

Mr. Goodell stated he wanted to make sure that it is known what "behind" means. He referred to a drawing and asked for clarification. Ms. Brunner stated it is meant to say that there is tenantable commercial space between the unit and the street.

The Chair clarified if the facade was commercial space, a step back be required to have commercial space as well, running parallel with other residential space if those exist. Ms. Brunner stated the way it is written currently does not give that type of flexibility.

Mr. Goodell asked for clarification of that language as he has a building configured like this (appendage on the side of the building) and he would like to rent for residential. This concluded Mr. Goodell's comments.

Committee discussion was next.

Chair Bosley stated the initial portion of this ordinance is stricken and rewritten under the City's ordinance that the Committee heard earlier.

The new first item becomes the Neighborhood Business Definition.

Item 2 is Minimum lot area change and there is an amendment to strike the 8,000.

The Chair asked whether there was any concern about changing the setbacks that the Mayor raised. The Chair stated she did look at a solution to the problem, which would be scaffolding, usually about 18 inches wide.

The Mayor stated his understanding is that Staff would discuss this issue with code enforcement Staff and bring it back to the Committee. He agreed scaffolding is an option but many repair and maintenance services don't use or own scaffolding. He stated he also agrees with Councilor Haas' concern with fencing. Chair Bosley felt a decision should be made tonight because this ordinance goes to Council, then a public hearing will be scheduled after which the item goes

before the PLD Committee. If changes are made at the PLD Committee, it will come back before the Joint Committee again. She added she is comfortable with five feet and added there are many buildings in the City with 0-foot setbacks that people are able to access using creative solutions, like scaffolding.

Councilor Remy stated he agrees with the Chair because, at times, someone would construct a square building or a rectangular building on a non-square lot. He felt this would be up to a property owner for the options they would use to access and maintain their building.

Ms. Mastrogiovanni did not feel five was enough room and felt there could be safety concerns. She stated she understands the need to compress as much as we can, but if we start shrinking everything down she wasn't sure what that would look like.

Councilor Haas referred to the five-foot setback issue and raised the issue about additional construction that goes into a firewall. He added that without knowing about the different properties that might be available under five feet, he was not uncomfortable with changing it. The Chair stated, for example, in the firewall scenario, a developer could choose not to go with five feet. She felt this was not a requirement, it is an opportunity.

Mr. Kost noted the original intent of this ordinance was to get more buildable space and get more living units. Maintenance was one consideration but felt the ordinance should be voted on and then look at other cities or towns and see how it is being handled.

A motion was made by Councilor Remy that the Joint Committee move to amend Ordinance 0-2025-15 to align with all recommended Staff changes, including adjusting the minimum interior side setback to five feet. The motion was seconded by Kenneth Kost. The motion carried on a 9-1 with Mayor Kahn voting in opposition.

Ms. Brunner asked whether the Committee was comfortable with what Mr. Goodell had raised regarding the tenantable space being located behind a commercial space (the location he had indicated in his drawing, offset from the main property). Councilor Remy stated his motion was to amend the A version and felt it could be amended further. Chair Bosley did not feel that it is something that has been considered in the past. Councilor Haas stated the Committee had skipped over 1 and 2 under Item 3. The Chair stated it was all amended under the A version the Committee just voted on. Councilor Williams felt it would be prudent to edit that idea of what "behind" is, as long as it is behind the Build-To Zone. The Chair asked Staff if there was a Build-To Zone in Downtown Growth. Ms. Brunner answered in the affirmative and stated she didn't have a copy of the code but for purposes of discussion, it could be zero to five feet for a Type A and zero to 10 feet for a Type B. Another option could be to say that X percentage of the building along the street facade has to be tenantable commercial space. She stated she would like to review that number further. Councilor Remy stated it could also say *as long as it is setback from tenantable commercial space*.

Councilor Haas asked whether the City has a percentage factor in the Downtown Growth District; for example, a percentage factor of how much of the building needs to be in the Build-To Zone or on the Build-To Line. Chair Farrington stated in the LDC for a Type A street it is a zero to five-foot Build-To Zone and for Type B Street it is 5 to 15-foot Build-To Zone, unless located on a corner lot. Ms. Brunner

added the minimum Type A street Build-To Percentage is 80% and the minimum Type B street is 60%.

Public space gets count towards the Build-To Percentage.

Mr. Kost clarified the intent of that is to have a facade along the street, which is a Build-To Zone, although it does allow indentations, public space, etc.

Chair Bosley stated the impetus behind what is being discussed is to try to increase the number of residential units that we can get into neighborhoods, and this is why in the Commercial Zone, something similar was adopted. She stated she is comfortable with what Councilor Williams suggested if the building is set back and we have that street frontage.

A motion was made by Chair Bosley to amend the language in Section 3, 2C. in the Downtown Growth District to state that dwelling units may be permitted on the ground floor if located behind tenantable commercial space or behind the Build-To Zone. The motion was seconded by Councilor Remy and was unanimously adopted.

Councilor Haas stated he was not comfortable going to six dwelling units per lot in the Medium Density District. He stated he recognizes there are many large, not fully occupied homes in that area that could be filled out with more living spaces and encourages property owners to do that and create more housing units on their own. He felt the City does have vehicle to do this; through Planning Board review or through a Cottage Court application. He stated he was not comfortable opening up the neighborhood in this manner. This could cause a cascade of additional residents loading into the neighborhood. He stated he was in favor of densification and wants to see it brought forward but felt the council needs to take slower steps.

He went on to say he is also concerned when it is stated there will be no change to impervious surfaces and parking and violations will be left up to code enforcement officials who he indicated are already challenged. Chair Bosley stated in order to get to six units, an occupancy permit for six units would need to be obtained with verifiable six parking spaces on the ground. She stated she agrees with Councilor Williams that large homes are not being used like they used to be and felt opportunities need to be created for young professionals. Councilor Haas stated he agrees but felt it needs to be done carefully and is always concerned with something being done by right.

Mr. Kost stated that at times, these large homes tend to be neglected and locating six units could improve the homes. Councilor Williams stressed the importance of creating smaller units from these bigger homes to improve the housing crisis.

A motion was made by Councilor Haas that the Joint Committee do not change Item 3. 2.A from three to six units and leave it at three units for now. The motion failed for lack of second.

The Chair asked whether there were any changes to Split-zoning. There were no changes.

A motion was made by Chair Bosley to amend the Ordinance to create an A Version. The motion was seconded by Councilor Williams and carried on a 9-1 vote with Councilor Haas voting in opposition.

Chair Farrington stated he felt that none of the changes being discussed had an impact on whether or not this conforms with the Master Plan.

A motion was made by Harold Farrington that the Planning Board accepts the A version of the Ordinance O-2025-15 as being consistent with the Master Plan.

The motion was seconded by Councilor Remy and was unanimously approved.

A motion was made by Councilor Williams that the PLD Committee request the Mayor set a public hearing on Ordinance O-2025-15.

The motion was seconded by Councilor Haas and was unanimously approved.

IV) New Business

None

V) Next Meeting

It was agreed that the next meeting would be on September 8, 2025. The August meeting will be cancelled due to Council's vacation.

VI) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 8:42 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Emily Duseau, Planning Technician



MEMORANDUM

To: Joint Committee of the Planning Board & PLD Committee

From: Megan Fortson, Planner

Date: August 29, 2025

Subject: O-2025-26 - Relating to Land Development Code Application Procedures

Overview:

This Ordinance proposes to amend various sections of Article 26 of the Land Development Code (LDC), “*Application Procedures*.” Proposed amendments include updating tables to include additional application types; amending the application procedures for Earth Excavation applications; changing the method for mailed notices; adding application and notice fees in the list of submittal items for Earth Excavation applications; and adding a new section detailing the procedure for Change of Governmental Land Use notifications.

While the purpose of recommending these changes is different for each item, the overall intent of this Ordinance is to update the Land Development Code to provide clearer information, improve convenience, and ensure consistency in the code for applicants and customers.

Background:

Application Procedures Overview:

The City of Keene Land Development Code Application Procedures are outlined under Article 26 of the document. The purpose of this section of the code is to provide a description of each development, information about the reviewing/issuing authority, submittal requirements, review process, and other procedures for all types of development applications.

Tables 26-1 & 26-2 – Development Applications Decision Authority & Public Notice Requirements:

Table 26-1 in Article 26 of the LDC outlines the review authority for various types and categories of development applications, including variances, subdivisions, site plan review applications, and conditional use Permits (CUPs), amongst others. Table 26-2 details whether mailed, published, or on-site notice is required and the number of days before the public hearing that this notice must be provided. These two tables are proposed to be updated to include additional application types, including Appeals of Written Zoning Interpretations, Floodplain Variances, additional Earth Excavation & Street Access Permit application types, and Change of Governmental Land Use notifications as well as consolidating the list of CUP application types. The intent of these proposed changes is to provide clear information about the decision authority and notice requirements for these types of applications.

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1-18 & 22-28				D / PH		PW					
	Articles 19 & 20		D / PH		D							
	Article 21				D	D / PH						
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision								D			
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
Other Permits	Floodplain Development											D
	Sign								D			
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing
 "PS" = Presubmission Meeting Required

Figure 1. Table 26-1 from Section 26.1.2 of the LDC, which outlines the decision authority for the various kinds of development applications.

Section 26.4.3.B - Earth Excavation Regulations & Application Procedures:

Section 26.4.3.B of the LDC details the review process for modifying various sections of the code. This section currently requires that any changes to the subdivision regulations and/or Site Development Standards go through a public hearing process with the Planning Board prior to being incorporated into City Code. The intent is to amend this section of the code to include the Earth Excavation regulations to ensure that changes to all sections of the LDC under the purview of the Planning Board go through the same review process.

Section 26.2.4.A.1 - Mailed Notice Requirements:

Section 26.2.4.A.1 of the LDC states that mailed notice for development applications must be sent via certified mail. The proposed amendment is to change the mailed notice requirement from certified mail to a certificate of mailing instead. Additionally, the subsequent sections of the code that currently state that certified mail is required will be changed to stated that “*mailed notice*” is required. This change is intended to improve the convenience and timeliness of notifications to abutters by removing the need to sign for the letter and will also reduce mailed notice costs to applicants.

Section 26.19.4 - Earth Excavation Submittal Requirements:

Section 26.19.4 of the LDC outlines the submittal requirements for Earth Excavation Permits, but does not include the notice or application fees. The addition of these fees is proposed to ensure consistency with the other sections of the LDC.

Section 26.21 – Change of Governmental Land Use Notifications:

A new section outlining the review process and submittal requirements for Change of Governmental Land Use applications is proposed to be added to Article 26 of the LDC. NH RSA 674:54 states that, “*The state, university system, community college system of New Hampshire, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitute a substantial change in use or a substantial new use.*”

Although submitted infrequently, updating Article 26 of the LDC to outline the procedure and submittal requirements for these types of notifications will provide clarity around this process for potential applicants and abutters receiving notifications.

Discussion:

This ordinance proposes to amend and update various sections of Article 26 of the Land Development Code to include new application types; reduce mailed notice costs to applicants;

Table 26-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹
	Mailed	Published	On-Site	
Zoning	Amendments to this LDC	●	●	10
	Amendments to Zoning Text or Zoning Map	●	●	10
	Variance	●	●	5
	Special Exception	●	●	5
	Equitable Waiver	●	●	5
	Expand or Enlarge Non-conforming Use	●	●	5
Sub-division Review	Subdivision	●	●	10
	Conservation Residential Development	●	●	10
	Boundary Line Adjustment	●		10
Site Plan Review	Minor Project	●	●	10
	Major Project	●	●	10
Conditional Use Permit	Hillside Protection	●	●	● 10
	Surface Water Protection	●	●	● 10
	Tele-communications	●	●	● 10
	Congregate Living & Social Services	●	●	● 10
	Solar Energy System	●	●	● 10
Historic District	Major Project	●	●	○ 5
Other	Earth Excavation Permit	●	●	10

○ = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

Figure 2. Table 26-2 from Section 26.2.4 of the LDC, which outlines the public notice requirements for each type of development application.

reduce barriers to abutters receiving notifications; and clarify City processes for both internal and external readers of the code. Explanations as to why these changes are proposed were addressed previously in this memo and are also included in the attached narrative.

Consistency with the Comprehensive Master Plan (CMP):

Although not explicitly addressed in the 2010 Comprehensive Master Plan, making updates to the procedure and application requirements in the Land Development Code will aid in clearly articulating the review processes for development applications to customers. As processes evolve over time and needs change, the Land Development Code will need to be updated accordingly to continue serving as an accurate and current representation of how the City facilitates the review of these types of projects.

Recommendations:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: *"To find proposed Ordinance, 0-2025-26, consistent with the 2010 Comprehensive Master Plan."*

Planning, License & Development Committee Motion: *"To recommend that the Mayor set a public hearing date."*

CITY OF KEENE
NEW HAMPSHIRE

O-2025-26 Relating Land Use Application Fees

This Ordinance proposes to amend various sections of Article 26 of the Land Development Code (LDC) in Chapter 100 of the City of Keene Code of Ordinances as follows:

- Update Tables 26-1 and 26-2 to include additional application types, including Appeals of Zoning Written Interpretations, Floodplain Variances, Earth Excavation & Street Access Permit application types, and Change of Governmental Land Use notifications, and consolidate the list of Conditional Use Permit (CUP) applications. The purpose of this proposed change is to provide clear information about the decision authority and notice requirements for these application types.
- Amend Section 26.4.3.B to include the Earth Excavation Regulations and application procedures. This change is proposed to ensure that any proposed modifications to the Earth Excavation Regulations will go through a public hearing process with the Planning Board prior to being incorporated into City Code.
- Amend Section 26.2.4.A.1 to change the certified mailing rate to a certificate of mailing rate and amend various sections of Article 26 to remove the language specifying that mailed notices must be sent via certified mail. This change is intended to improve convenience and timeliness of notification to abutters by removing the need to sign for the notice. This proposed change will also reduce mailed notice costs for applicants.
- Amend Section 26.19.4 to include application and notice fees in the list of submittal items for Earth Excavation applications. This change is proposed to ensure consistency with other sections of the LDC.
- Add a new section detailing the procedure for Change of Governmental Land Use notifications. The intent of this proposed change is to provide clarity to potential applicants regarding the process for Planning Board review of Governmental Land Use notifications.

The attached materials include the full text of Ordinance O-2025-26 and excerpted sections of the Land Development Code that are proposed to be amended with Ordinance O-2025-26. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty-Five

AN ORDINANCE Relating to Land Development Code Application Procedures

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. Amend Table 26-1 to include additional application types; consolidate the list of Conditional Use Permit applications; and correct Article references.

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1- 19 8 & 22 -28 <u>(Zoning Regulations)</u>				D / PH		PW					
	Articles 19 & 20 , <u>21, 25, 26.10-26.14 & 26.19</u> <u>(Planning Board regulations)</u>		D / PH		D							
	Article 22 4 & <u>26.15</u> <u>(HDC regulations)</u>				D	D / PH						
	<u>Articles 23-29</u>				<u>D</u>							
Zoning	Amendments to Zoning Text /Zoning Map				D / PH		PW					
	Variance / <u>Floodplain Variance</u>	D / PH										
	Special Exception	D/ PH										
	Equitable Waiver	D/ PH										
	Expand or Enlarge Non-conforming Use	D/ PH										
	Zoning Administrator Decision <u>Written Interpretation</u>								D			

	<u>Appeal of Zoning Written Interpretation</u>	<u>D/ PH</u>										
Subdivision Review	Subdivision		D/ PH	PS								
	Conservation Residential Development Subdivision		D/ PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger							D				
	Administrative Planning Review								D			
Site Plan Review	Minor Project			D / PH								
	Major Project		D/ PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D/ PH	PS							R	
	Surface Water Protection		D/ PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
	<u>All Other Conditional Use Permits</u>		<u>D / PH</u>	<u>PS</u>								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
<u>Earth Excavation</u>	<u>Permit Application / Major Amendment</u>		<u>D / PH</u>	<u>PS</u>				<u>R</u>				
	<u>Minor Amendment</u>									<u>D</u>		
	<u>Permit Renewal</u>		<u>D / PH</u>							<u>D</u>		
<u>Street Access</u>	<u>Street Access</u>		<u>D</u>								<u>D</u>	
	<u>Street Access Exception Request</u>		<u>D / PH</u>								<u>D</u>	
	<u>Appeal of Decisions on Street Access Permits</u>		<u>D / PH</u>									
Other Permits	Floodplain Development											D
	Sign							D				
	<u>Change of Governmental Land Use</u>		<u>R</u>									
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing "PS" = Pre-submission Meeting Required

- Amend Table 26-2 to include notice requirements for additional application types and consolidate the list of Conditional Use Permit applications.

Table 26-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹
	Mailed	Published	On-Site	

Amendments to Articles 1-22, 25, 26.10-26.14, and 26.19 of this LDC		•	•		10
Zoning	Amendments to Zoning Text or Zoning Map	•	•		10
	Variance / <u>Floodplain Variance</u>	•	•		5
	Special Exception	•	•		5
	Equitable Waiver	•	•		5
	Expand or Enlarge Non-Conforming Use	•	•		5
	<u>Appeal of Zoning Written Interpretation</u>	•	•		<u>5</u>
Subdivision Review	Subdivision	•	•		10
	Conservation Residential Development	•	•		10
	Boundary Line Adjustment	•			10
Site Plan Review	Minor Project	•	•		10
	Major Project	•	•		10
Conditional Use Permits	Hillside Protection	•	•	•	10
	Surface Water Protection	•	•	•	10
	Telecommunications	•	•	•	10
	Congregate Living & Social Services	•	•	•	10
	Solar Energy System	•	•	•	10
	<u>All Other Conditional Use Permits</u>	•	•	•	<u>10</u>
Historic District	Major Project	•	•	◦	5
<u>Street Access</u>	<u>Street Access Exception Request*</u>	•	•		10
	<u>Appeal of Decisions on Street Access Permits</u>	•	•		10
Other	<u>Change of Governmental Land Use</u>	•	•		<u>10</u>
	Earth Excavation Permit	•	•		10
<u>Earth Excavation</u>	<u>Application / Major Amendment</u>	•	•		<u>10</u>
	<u>Permit Renewal*</u>	•	•		<u>10</u>

° = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* Published notice for this application type shall only be required when the Planning Board is the reviewing body.

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

3. Amend Section 26.2.4.A.1 of Article 26 to change the certified mailing rate for noticing land use applications to a Certificate of Mailing rate, as follows:

When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.

4. Amend Section 26.4.3.B to include the Planning Board's Earth Excavation Regulations and application procedures outlined under Article 25 & Article 26.19 of the LDC.

Articles 20, 21, and **25** and Sections 26.10-25.14 and **26.19** of Article 26 – “Subdivision Regulations,” “Site Development Standards,” **and “Earth Excavation Regulations”** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, **25**, and Sections 26.10 through 26.14 **and 26.19** of Article 26 of this LDC, the following procedures shall apply.

5. Amend Sections 26.5.4.E, 26.6.4.E, 26.7.4.E, 26.8.5.E, 26.10.5.B.7, 26.12.5.I, and 26.15.5.K, and 26.16.9.A.c of Article 26 to remove the certified mailing requirement for development applications, as follows:

Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

6. Add a new section after Section 26.19.4.E of Article 26 to require the submittal of application and notice fees for Earth Excavation Permit applications, as follows:

F. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

7. Add a new section after Section 26.20 of Article 26 titled “Change of Governmental Land Use,” as follows:

26.21 Change of Governmental Land Use

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or

by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

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

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall also include the name and mailing address of the property owner and applicant.
- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. Determination of Public Hearing. Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. Notice of Public Hearing. If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(I)(d).
- C. Public Hearing. A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.

- D. Recommendations. The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.

Jay V. Kahn, Mayor

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amend-ments to the LDC	Articles 1-19 & 22-28 (Zoning Regulations)				D / PH		PW					
	Articles 19 & 20, 21, 25, 26.10-26.13 & 26.19 (Planning Board Regulations)		D / PH		D							
	Article 22 & 26.15 (HDC Regulations)				D	D / PH						
	Articles 23-29				D							
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance / Floodplain Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision Written Interpretation								D			
	Appeal of Zoning Written Interpretation	D/PH										
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	All Other Conditional Use Permits		D / PH	PS								
Historic District	Minor Project	January 2025										
	Major Project			PS		D / PH						

Earth Excavation	Permit Application / Major Amendment		D / PH	PS				R			
	Minor Amendment								D		
	Permit Renewal		D / PH						D		
Street Access	Street Access		D							D	
	Street Access Exception Request		D / PH							D	
			D / PH								
Other Permits	Floodplain Development										D
	Sign							D			
	Change of Governmental Land Use		R								
	Street Access-		D							D	
	Earth Excavation-		D/PH					R			

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing
 "PS" = Presubmission Meeting Required

26.2 COMMON APPLICATION & REVIEW PROCEDURES

26.2.1 Applicability

The following requirements are common to many of the application review procedures in this LDC. Additional or slightly varying application and/or review requirements and procedures may be specified elsewhere in this Article or LDC.

26.2.2 Application Requirements

A. Pre-Submission Meeting

Prior to formal submittal of an application, the applicant may request a pre-submission meeting with City staff.

1. The purpose of this meeting is to review the proposed project when it is still at a conceptual stage, to identify any potential concerns with project design, and to ensure that the applicant is aware of all information that must be submitted with the application.
2. This meeting does not require a formal application or fees.

3. Some applications require attendance at a pre-submission meeting prior to application submission. Such requirement shall be specified in this LDC.

B. Submittal Requirements

1. All applications pursuant to this LDC shall be submitted in accordance with the requirements of this Article, and the established submittal requirements of the appropriate review or decision-making authority.
2. Applications pursuant to this LDC shall be filed with the appropriate review or decision-making authority, or their designee, on forms provided by the Community Development Department, or the Public Works Department for street access or service connection permits.

F. Withdrawal of Application

Unless otherwise specified in this LDC, an application may be withdrawn at any time prior to the final decision on the application. Requests for withdrawal shall be made in writing by the applicant to the appropriate review or decision-making authority. Applications to amend this LDC, including the Zoning Regulations or Zoning Map, may be withdrawn by the applicant in accordance with this Section.

G. Burden of Proof

It shall be the sole responsibility of the applicant to demonstrate that their application satisfies all applicable standards of review.

26.2.3 Staff Review

- A. Prior to consideration of an application pursuant to this LDC by a City board or commission, City staff may prepare a staff report for the application, which contains a brief summary of the proposal and a summary analysis of how the proposal relates to the applicable standards in this LDC.
 - a. Sample motions, including any suggested findings and/or conditions, may also be provided in this report.
 - b. Such staff report shall be shared with the board or commission in advance of the meeting, and shall be made available to the public.
- B. Some applications pursuant to this LDC may require review and comment from other City departments prior to a public hearing or action on the application. Comments received from City staff in other departments following their review of an application shall be forwarded to the appropriate review or decision-making authority and shall be shared in writing with the applicant as soon as they are all received.

26.2.4 Public Notice

The general public notice requirements for applications and procedures subject to this LDC, including, but not limited to, notice of public body meetings and public hearings, are included in this Section. Table 26-2 indicates the type of public notice required for applications that require public notice in accordance with state law or the City Code of Ordinances.

A. Mailed Notice

1. When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.
2. The appropriate review authority, or their designee, shall be responsible for issuing the mailed notice.
3. The mailed notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the applicant and property owner; and the address of the subject property. Such information shall be current to within 10-days of application submittal.
4. The mailed notice shall be sent to the address used for mailing local property tax bills, which may be obtained from the City of Keene Assessing Department.
5. The required timeframe for issuing mailed notice is specified in Table 26-2. This timeframe shall not include the day such notice is postmarked or the day of the public hearing or public meeting at which the application is first considered.

Table 26-2: Public Notice Requirements

		Notice Type			# Days ¹
		Mailed	Published	On-Site	
Zoning	Amendments to this LDC	●	●		10
	Amendments to Zoning Text or Zoning Map	●	●		10
	Variance / Floodplain Variance	●	●		5
	Special Exception	●	●		5
	Equitable Waiver	●	●		5
	Expand or Enlarge Non-conforming Use	●	●		5
	Appeal of Zoning Written Interpretation	●	●		5
Sub-division Review	Subdivision	●	●		10
	Conservation Residential Development	●	●		10
	Boundary Line Adjustment	●			10
Site Plan Review	Minor Project	●	●		10
	Major Project	●	●		10
Condi-tional Use Permit	Hillside Protection	●	●	●	10
	Surface Water Protection	●	●	●	10
	All Other Conditional Use Permits	●	●	●	10
	Tele-communications	●	●	●	10
	Congregate-Living & Social-Services	●	●	●	10
	Solar-Energy-System	●	●	●	10
Historic District	Major Project	●	●	○	5
Street Access	Street Access Exception Request*	●	●		10
	Appeal of Decisions on Street Access Permits	●	●		10

Earth Excavation	Application / Major Amendment	●	●	10
	Permit Renewal*	●	●	10
Other	Earth Excavation- Permit	●	●	10
	Change of Governmental Land Use	●	●	10

○ = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* **Published notice for this application type shall only be required when the Planning Board is the reviewing body.**

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

B. Published Notice

1. When published notice is required, the appropriate review authority, or their designee, shall publish notice in a newspaper of general circulation within the City, and in at least 2 public places.
2. The required timeframe for issuing published notice is specified in Table 26-2. This timeframe shall not include the day notice is posted or the day of the public hearing or public meeting at which the application is first considered.
3. At the time of application submission, the applicant shall submit a fee to cover the cost of the published notice in accordance with the LDC Fee Schedule in Appendix B of City Code of Ordinances.
4. The published notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the property owner and applicant; and the address of the subject property.

25.2.5 Site Visits

- A. Submittal of an application in accordance with this Article shall be deemed as granting permission to City staff, the appropriate review or decision-making authority, or their designees, to enter onto the subject property for purposes of review.
 1. Permission to visit the property extends from the date an application is submitted until the project is formally denied or construction of an approved project is complete, a certificate of occupancy has been issued, or final security has been returned to the applicant, whichever occurs later.
 2. If an applicant wishes to place limitations upon access to the property subject to review, then the limitations shall be requested in writing at the time of application. Any such request shall include the reasons for the limitations, and the appropriate review authority shall use reasonable judgment in determining the extent to which the request may be granted.
- B. City boards and commissions may elect to conduct a formal site visit of a project site prior to the meeting at which an application will be

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 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 19 of this LDC, shall be as described in Section 26.3.

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 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 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 19.** For amendments proposed to Articles 1 through 19 of this LDC, the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 20, 21, 25 and Sections 26.10-25.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

- 1. Planning Board Public Hearing.** In

26.5 ZONING VARIANCE

26.5.1 Description

Zoning variances are intended to address unnecessary hardships or practical difficulties resulting from the strict application of the Zoning Regulations. The purpose of the variance process is to provide a narrowly limited means by which relief may be granted from the unforeseen applications of the Zoning Regulations.

26.5.2 Initiation

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

26.5.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Article, the Zoning Regulations, and NH RSA 674:33.

26.5.4 Submittal Requirements

An applicant for a zoning variance shall submit a completed variance application to the Community Development Department, which shall include the following.

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

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

26.5.5 Procedure

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

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.5.6 Approval Standards

The Zoning Board of Adjustment may authorize a variance from specific requirements of the Zoning Regulations only when the Board finds that all of the following conditions apply.

26.6 ZONING SPECIAL EXCEPTION

26.6.1 Description

A special exception seeks permission to do something that the Zoning Regulations permit only under certain special circumstances. All special exceptions shall be made in harmony with the general purpose and intent of the Zoning Regulations and shall be in accordance with the rules contained therein.

26.6.2 Initiation

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

26.6.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide special exceptions from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Section and NH RSA 674:33.

26.6.4 Submittal Requirements

An applicant for a special exception shall submit a completed special exception application to the Community Development Department, which shall include the following.

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed special exception, including a response to each of the special exception criteria.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

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

26.6.5 Procedure

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

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on special exception applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.7 EXPANSION OR ENLARGEMENT OF A NONCONFORMING USE

26.7.1 Description

A nonconforming use of a structure or land may be expanded or enlarged with approval from the Zoning Board of Adjustment, provided such expansion or enlargement does not violate any of the basic zone dimensional requirements of the zoning district in which it is located.

26.7.2 Initiation

The applicant seeking approval to expand or enlarge a nonconforming use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.7.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide on applications to expand or enlarge a nonconforming use.

26.7.4 Submittal Requirements

An applicant shall submit a completed application to the Community Development Department, which shall include the following.

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed expansion or enlargement of a nonconforming use, including a response to each of the relevant approval standards.
- B. A scaled plot plan clearly displaying the location and dimensions of all existing structures and open spaces, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the

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

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

26.7.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications to expand or enlarge a nonconforming use.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.

26.7.6 Approval Standards

The Zoning Board of Adjustment may approve an application for an expansion or enlargement of a nonconforming use, only when the Board finds that all of the following conditions apply.

- A. Such expansion or enlargement would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
- B. There will be no nuisance or serious hazard to vehicles or pedestrians.

26.8 EQUITABLE WAIVER OF ZONING DIMENSIONAL REQUIREMENTS

26.8.1 Description

In situations where a lot or structure is discovered to be in violation of a physical layout or dimensional requirement of the Zoning Ordinance, and such lot or structure is not legally nonconforming, a waiver from the requirement may be sought under certain conditions.

26.8.2 Applicability

- A. An equitable waiver shall only apply to waivers from physical layout, mathematical or dimensional requirements, and shall not apply to use restrictions.
- B. An equitable waiver shall not be construed as a nonconforming use and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Zoning Regulations.

26.8.3 Initiation

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

26.8.4 Authority

The Zoning Board of Adjustment shall have the power to hear and decide on equitable waivers of zoning dimensional requirements, subject to the requirements of this Section and NH RSA 674:33-a.

26.8.5 Submittal Requirements

An applicant for an equitable waiver of dimensional requirements shall submit a completed application to the Community Development Department, which shall include the following materials.

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed waiver, a response to each of the equitable waiver criteria.
- B. A scaled plot plan clearly displaying the

locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots.

- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- D. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.8.6 Procedure

In addition to the common application and review procedures of this Article and NH RSA 676:5 through 676:7, the following review and approval procedures shall apply to applications for an equitable waiver of dimensional requirements.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D. The Zoning Board of Adjustment shall give reasons for all decisions on equitable waiver of dimensional requirements applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

- c. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
 - i. Owner names and tax map parcel numbers for all direct abutters.
 - ii. Boundaries and acreage of the proposed lots subject to review.
 - iii. Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
 - iv. The location of proposed structures and site features, lot lines, public streets, rights-of-way, easements, driveways and parking areas.
 - 3. Any additional information the Planning Board, or its designee, may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
 - 4. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the Planning Board, or its designee, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses.
 - 5. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
 - 6. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
 - 7. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- C. Conservation Residential Development Subdivision Applications**
- In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 26.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.
- 1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
 - 2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 20.3 of this LDC.
 - 3. A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any

- D. Elevations (3 color copies on 22" x 34" sized paper or larger size, 1-color copy on 11"x17" paper and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, with proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- E. Additional color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority, during the review process.
- F. Any additional information the respective decision-making authority may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
- G. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- H. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- I. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.12.6 Submittal Requirement Exemptions

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

26.12.7 Application Submittal Deadline

A. Major Site Plan Application

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

B. Minor Site Plan Application

A completed minor site plan application shall be submitted to the Community Development Director, or their designee, no later than 14 business days prior to the Minor Project Review Committee meeting date at which the applicant desires the application to be reviewed.

- a. Owner names and tax map parcel numbers for all direct abutters.
 - b. Boundaries and acreage of the lot(s) subject to review.
 - c. Location of any existing structures or site features, driveways, parking area, wooded or vegetated areas, public streets, rights-of-way, and easements that are displayed on the existing conditions plan, which will not be altered or relocated.
 - d. The location of proposed structures and site features, driveways, parking areas, public streets, rights-of-way, easements, and landscaping.
- C.** Elevations at a maximum scale of ¼-in = 1-ft (3 color copies on 22" x 34" or larger paper, 1-color copy on 11"x17" paper, and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, as well as any portions of the existing structure proposed for demolition or removal. Such drawings shall include proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- D.** Additional color representations, simulations, or renderings of a proposed development may be required by the Community Development Director, or their designee, or the Historic District Commission during the review process.
- E.** Samples of mortar and/or brick for projects proposing new or replacement mortar and/or brick.
- F.** Manufacturer specifications (i.e. cut-sheets) for any proposed building materials, exterior lighting fixtures, windows and doors, mechanical equipment or other site elements (e.g. benches, railings). The applicant shall specify the proposed type, color and finish, if applicable, and if missing from the manufacturer specifications.
- G.** Manufacturer specifications (i.e. cut-sheets) for cleaning products, if applicable.
- H.** Photographs, renderings, and/or line sketches to visually demonstrate the scale, massing, and visual appearance of neighboring structures.
- I.** Major project applications shall include a list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- J.** Major project applications shall include 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- K.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- L.** Other information as deemed necessary by the Community Development Director, or their designee, or the Historic District Commission to complete the review of the application.

26.15.6 Submittal Requirement Exemptions

- A.** An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B.** For minor project applications, the Community Development Director, or their designee, shall have the authority to approve such exemption requests, based on the nature and scope of the proposal.
 - 1.** If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Historic District Commission prior to the Commission's

5. Analysis of Important Habitat. All applicants for an earth excavation permit shall provide an environmental review of the excavation site obtained from the NH Natural Heritage Bureau, to determine if any lands within the excavation site are listed in the NH Natural Heritage Database as containing rare, endangered or threatened species, species of special concern, or exemplary natural communities.

- a.** If lands within the analysis area are included in the NH Natural Heritage Database, a natural resource inventory for both vegetation and wildlife shall be completed by a forest ecologist, wildlife biologist, or other qualified professional, to verify the presence and/or significance of the important habitat and to determine whether the excavation will cause an adverse impact, degradation, or fragmentation of said important habitat.

6. Miscellaneous Information. Applicants for an earth excavation permit shall provide to the Planning Board any and all additional information that the Board may reasonably deem necessary in order to complete a site-specific review of the excavation site and to determine whether the proposed excavation complies with NH RSA 155-E, and the Earth Excavation Regulations in Article 24 of this LDC.

F. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.19.5 Submittal Requirement Exemptions

An applicant for an Earth Excavation permit may request the Community Development Director, or their designee, to exempt their application from any of the submission requirements referenced in Section 26.19.

- A.** Requests for exemption shall be made to the Community Development Director in writing prior to the submission of a completed

application and shall include an explanation of why the specified information is not relevant to the Planning Board's determination whether the applicant complies with NH RSA 155-E, the Earth Excavation Regulations in Article 25 of this LDC.

- 7.** The Community Development Director, or their designee, may grant an exemption of the submittal requirements if they find that the information is not relevant to the Planning Board's determination of whether the applicant complies with NH RSA 155-E and the Earth Excavation Regulations in Article 25 of this LDC. Factors to consider in determining whether to grant an exemption include consideration of the size, scale, scope, and nature of the proposed excavation project.
- 8.** Any exemption granted by the Community Development Director, or their designee, must be confirmed by the Planning Board during its completeness review of the application. The Board may consult City staff and/or a consultant retained by the Board in accordance with Section 26.19.7, prior to confirmation. If the Planning Board deems the information relevant to its decision on the merits of the application, then the applicant shall provide said information prior to the Planning Board making a finding that the application is complete.

26.19.6 Application Submittal Deadline

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

26.19.7 Procedure

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

- A. Presubmission Meeting.** Applicants for earth

26.21 CHANGE OF GOVERNMENTAL LAND USE

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

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

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall

also include the name and mailing address of the property owner and applicant.

- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. **Determination of Public Hearing.** Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. **Notice of Public Hearing.** If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(l)(d).
- C. **Public Hearing.** A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.
- D. **Recommendations.** The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.

Staff Report – Ordinance O-2025-28

The Ordinance:

This Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning designation of 8 parcels along Pearl Street and Winchester Street from Low Density (LD) to Commerce (COM). The total land area that would be impacted by this request ~2.65 acres.



Figure 1. Aerial imagery from 2020 showing the eight subject parcels with frontage along Pearl St & Winchester St.

Figure 1 shows the location of the subject parcels in red. Table 1 includes a breakdown of the address, tax map parcel number, land area, ownership, and occupancy of each parcel included as part of this request. The Applicants for this proposed zoning map amendment are Adam Wright, one of the property owners, as well as a local land use consultant, Fieldstone Land Consultants.

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

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

Table 1. Lot Data for the Eight Subject Parcels Along Pearl St & Winchester St.

Parcel Address	Tax Map Parcel Number (TMP#)	Parcel Size	Property Owner	Occupancy
331 Pearl St	593-007-000	~0.37-ac	Michael C. Wright	Two-Family
339 Pearl St	593-006-000	~0.31-ac	Allan C. Bemis	Existing Outbuilding
347 Pearl St	593-005-000	~0.39-ac	Adam E. Wright	Single Family
363 Pearl St	593-004-000	~0.60-ac	Adam E. Wright	Undeveloped Lot
371 Pearl St	592-021-000	~0.12-ac	Adam E. Wright	Single Family
0 Winchester St	592-019-000	~0.18-ac	City of Keene	Undeveloped Lot
291 Winchester St	592-020-000	~0.11-ac	Adam E. Wright	Single Family
305 Winchester St	593-003-000	~0.57-ac	Stephen J. Allen	2-Family

BACKGROUND / SURROUNDING LAND USE & ZONING PATTERNS:

The subject parcels are located on the south side of Pearl St and west side of Winchester St directly to the west of the roundabout. The parcels contain a mix of uses ranging from single- and two-family homes to undeveloped lots. Access to these properties is from Winchester St and Pearl St. Adjacent uses include a mix of single-, two-, and multi-family dwelling units to the north and west. The Keene State College Winchester Street parking lot is located to the east and McDonald's and other commercial uses, including restaurants and Riverside Shopping Plaza, are located to the south and southeast.

The proposed Ordinance would extend the limits of the Commerce (COM) District further to the north. Zoning districts adjacent to the subject parcels include Low Density (LD) to the north and west and Commerce to the east and south. The Downtown Edge (DT-E) and High Density (HD) Districts begin ~500-ft to the northeast across the Ashuelot River. Another area of High Density is located ~810-ft to the west of the subject parcels along Pearl St. Figure 2 shows the location of the subject parcels in relation to the boundaries of these nearby zoning districts.



Figure 2. Map showing the location of the subject parcels in relation to the boundaries of nearby zoning districts.

MASTER PLAN CONSISTENCY:

Community Vision:

The Vision Focus Area that is most relevant to the proposed rezoning is *Focus Area 1: A Quality Built Environment*. This focus area contemplates the interconnection of the built environment and residents by focusing on specific goals relevant to both. Examples include striving to provide quality housing while continuing to sustain a vibrant downtown as well as maintaining

neighborhoods while also balancing growth and ensuring the provision of infrastructure. One way in which these types of goals can be achieved is by rezoning existing parcels that only allow for the construction of single-family homes to a commercial district.

The proposed zoning change would expand the Commerce Zoning District further to the north, thereby providing an opportunity for potential developers to construct buildings containing a mix of dwelling units and commercial uses. Rezoning and redeveloping the subject parcels in this way could help provide a transition area between the existing homes in the Pearl Street neighborhood and the existing commercial amenities offered along Winchester St. All of these uses are able to be served by the existing municipal infrastructure in this area.

Future Land Use Plan:

The subject parcels are located in the “*Winchester Street Strategic Planning Area*” of the Future Land Use Map. This area is described in the Master Plan as having “...*opportunities for a mix of higher density housing and provision of retail and community services that transition to the Key Road commercial area along Winchester Street towards Keene State College and the Blake Street Neighborhood in the direction of Main Street.*” The proposed zoning change would allow for the development of a myriad of uses on these parcels regardless of whether they are merged or developed as individual lots. Permitted uses would include multi-family apartment buildings with commercial uses on the first floor as well as a variety of other uses, including but not limited to offices, retail, and restaurants.

This neighborhood also straddles the “*Downtown Neighborhoods / Traditional Neighborhoods / Mixed-Use*” and “*Business / Industrial / Institutional / Live-Work*” areas of the Future Land Use Map. The “*Downtown Neighborhoods*” area is identified as being best suited to accommodate “*carefully planned growth and density.*” Alternatively, the “*Business*” area of the Future Land Use Map is identified as being best suited for a mix of low-impact industrial and business uses in conjunction with “*live/work artists’ space*” where employees and business owners live in close proximity to their place of employment/business. It is stated that these businesses should strive to fit in with a “*sensitivity to surrounding neighborhoods.*”

Housing Chapter:

The Comprehensive Master Plan recognizes, “*The community’s ability to improve upon its existing housing stock, create new housing opportunities across all income and lifestyles, balance the mix of rental and owner-occupied units...will continue to be a determining factor in Keene’s – and the region’s- health and prosperity. Overall, housing must be conveniently located, healthy, safe, and affordable.*” The Housing Chapter discusses strategies that encourage a diverse housing stock that promotes good design and quality construction. This proposal would increase the opportunity for the creation of new, diverse housing options at an affordable price point in a location that is convenient for jobs, services, and downtown amenities.

CHARACTERISTICS OF EXISTING & PROPOSED ZONING DISTRICTS:

Intent of the Zoning Districts:

The proposal is to convert eight existing parcels with frontage along Pearl St and Winchester St from the Low Density District to the Commerce District. A description of these districts from the Zoning Ordinance is included below.

- **Current Zoning – Low Density:** The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have City water and sewer service.
- **Proposed Zoning – Commerce:** The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have City water and sewer service.

Based on these intent statements, the proposed zoning for the subject parcels could be appropriate in that City water and service are available via both Pearl St and Winchester St.

District Uses:

The permitted uses of the Low Density (LD) District (*existing*) and the Commerce (COM) District (*proposed*) differ significantly. Low Density allows for only single-family dwellings by right and up to 6-unit townhomes per building with limited commercial uses through the Cottage Court Overlay Development (CCOD) Conditional Use Permit Process (CUP).

Alternatively, the Commerce District (*proposed*) only allows for multi-family housing as well as a variety of other commercial, industrial, open space, infrastructure, and transportation uses. Table 2 shows the permitted principal uses for the Low Density District and Table 3 shows the principal permitted uses for the Commerce District.

3.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD, CUP	8.3.1.E
Dwelling, Multifamily	CRD, CUP	8.3.1.C
Dwelling, Above Ground Floor	CUP	8.3.1.A
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.V
Office	CUP	8.3.2.W
Restaurant	CUP	8.3.2.AC
Retail Establishment, Light	CUP	8.3.2.AE
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

CUP = Permitted by Conditional Use Permit

CRD = Permitted by Conservation Residential Development

Table 2. Permitted Principal Uses in the Low Density District.

5.1.5 Permitted Uses

RESIDENTIAL USES			INSTITUTIONAL USES - CONTINUED		SECTION
Dwelling, Multi-family	P1	8.3.1.C	Place of Worship	P1	8.3.3.E
COMMERCIAL USES			Private School	P1	8.3.3.F
Animal Care Facility	P	8.3.2.B	Senior Center	P1	8.3.3.G
Art Gallery	P	8.3.2.C	CONGREGATE LIVING / SOCIAL SERVICES USES		
Art or Fitness Studio	P	8.3.2.D			
Banking or Lending Institution	P	8.3.2.E	SECTION		
Bar	P	8.3.2.F	Domestic Violence Shelter	P1	8.3.4.A
Car Wash	P	8.3.2.H	Drug Treatment Clinic	CUP	8.3.4.B
Charitable Gaming Facility	P1	8.3.2.I	Food Pantry	P	8.3.4.D
Clinic	P	8.3.2.J	Group Resource Center	CUP	8.3.4.G
Event Venue	P	8.3.2.K	Homeless Shelter	CUP	8.3.4.H
Funeral Home	P	8.3.2.L	Lodginghouse	CUP	8.3.4.I
Greenhouse / Nursery	P	8.3.2.M	Residential Care Facility	CUP	8.3.4.J
Health Center / Gym	P	8.3.2.N	Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
Hotel/Motel	P	8.3.2.P	INDUSTRIAL USES		
Micro-Brewery/Micro-Distillery/Micro-Winery	P	8.3.2.R-T	SECTION		
Motor Vehicle Dealership	P	8.3.2.U	Artisanal Production	P1	8.3.5.A
Neighborhood Grocery Store	P	8.3.2.V	Data Center	P	8.3.5.C
Office	P	8.3.2.W	Industrial, Light	SE	8.3.5.E
Personal Service Establishment	P	8.3.2.X	Outdoor Storage Yard	P	8.3.5.F
Private Club / Lodge	P	8.3.2.Y	OPEN SPACE USES		
Recreation/Entertainment Facility - Indoor	P	8.3.2.Z	SECTION		
Recreation/Entertainment Facility - Outdoor	P	8.3.2.AA	Conservation Area	P	8.3.6.C
Research and Development	P	8.3.2.AB	INFRASTRUCTURE USES		
Restaurant	P	8.3.2.AC	SECTION		
Retail Establishment, Heavy	P	8.3.2.AD	Solar Energy System (Small-Scale)	P1	8.3.7.A
Retail Establishment, Light	P	8.3.2.AE	Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Self Storage Facility - Exterior Access	P	8.3.2.AF	Telecommunications Facilities	P1	8.3.7.E
Self Storage Facility - Interior Access	P	8.3.2.AG	TRANSPORTATION USES		
Sexually Oriented Business	P1	8.3.2.AH	SECTION		
Specialty Food Service	P	8.3.2.AI	Parking Lot (Principal Use)	P1	8.3.8.A
Vehicle Fueling Station	P1	8.3.2.AJ	Parking - Structured Facility (Principal Use)	P1	8.3.8.B
Vehicle Rental Service	P	8.3.2.AK	P = Permitted P1 = Permitted with limitations per Article 8. SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit		
Vehicle Repair Facility - Major	P1	8.3.2.AL			
Vehicle Repair Facility - Minor	P1	8.3.2.AM			
INSTITUTIONAL USES					
Community Center	P1	8.3.3.A			
Cultural Facility	P1	8.3.3.B			
Day Care Center	P	8.3.3.C			

Table 3. Permitted Principal Uses in the Commerce District.

Dimensional Requirements:

Table 4 highlights the zoning dimensional requirements for the Commerce and Low Density Districts. The minimum road frontage and rear setback requirements are similar, but overall the dimensional requirements of the two districts reflect their differences in allowed uses. The Low Density District has a "Minimum Lot Width at Building Line," requirement, which part of the dimensional standards in all residential districts in the City of Keene, but is not required in any other districts. The Low Density District also allows for smaller minimum lot sizes with building setbacks ranging from 10-20 ft in size and has a maximum lot coverage allowance of 45%. In

contrast to this, the Commerce District requires 20' setbacks on all sides, has a 10' narrower frontage requirement, and allows up to 80% lot coverage. These variations in dimensional requirements could allow for vastly different developments on the subject parcels.

Table 4. Dimensional Requirements for the Low Density & Commerce Districts.		
Dimensional Standard	Low Density	Commerce
Minimum Lot Area	10,000 sf	15,000 sf
Minimum Lot Width at Building Line	70 ft	-
Minimum Road Frontage	60 ft	50 ft
Minimum Front Setback	15 ft	20 ft
Minimum Rear Setback	20 ft	20 ft (50 ft setback required if abutting a residential district)
Minimum Side Setback	10 ft	20 ft
Maximum Building Coverage	35%	80%
Maximum Impervious Coverage	45%	80%
Minimum Green / Open Space	55%	20%
Maximum Stories Above Grade	2	3*
Maximum Building Height	35 ft	42 ft*

*See Use Standard 8.3.1.C.2.c for additional Dwelling, Multifamily height allowances.

IMPLICATIONS OF THE PROPOSED CHANGE:

Density of Development:

The proposed map amendment would create a swath of commercially zoned parcels along Pearl St & Winchester St with the abutting parcels to the north, northwest, and west remaining part of the Low Density District. This change would greatly increase the number of allowed uses on these lots, thereby opening up multiple opportunities for commercial development in this area in the form of multi-family dwellings, retail/office space, or even mixed-use developments.

Provision of City Water & Sewer Service:

These parcels have existing City water and sewer service connections along Pearl St and Winchester St, which is a requirement in both the Low Density and Commerce Districts. Any future development on these lots will need to include an evaluation of whether the existing utilities in this area have sufficient capacity to serve the proposed use(s).

Recommendations:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: "To find proposed Ordinance, 0-2025-28, consistent with the 2010 Comprehensive Master Plan."

Planning, License & Development Committee Motion: "To recommend that the Mayor set a public hearing date."



APPLICATION TO AMEND THE ZONING MAP

Applicant: ADAM WRIGHT Date: 7/24/25

Address: 4 FORBES LANE, ANDOVER, MA 01810

Telephone: (617) 785-0478 Email: adamw1919@gmail.com

Property Owner (If different): ADAM WRIGHT

Location of proposed boundary line adjustment: PEARL ST. & WINCHESTER ST.

Present Zoning District: LD Proposed Zoning District: COM

Parcel ID #'s of Property to be Rezoned: 592-019, 592-020, 592-021, 593-003, 593-004, 593-005,
593-006, AND 593-007

of Abutters on Abutter List: 30 (includes Owners & Agent)

John Arman (SEE LDA)
Applicant's Signature

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

- A properly drafted Ordinance containing the full description of the proposed new boundary line for the Zoning Map Amendment.
- 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 I (a), because the proposed amendment changes the boundary line of a zoning district, the Applicant shall submit a notarized list of **affected property owners*** within each of the zoning districts impacted by the proposed boundary line adjustment. This list shall be sequentially numbered and shall include the parcel ID number and address of each property owner and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided. If the proposed boundary line adjustment would affect 100 or fewer properties, the applicant shall be responsible for the cost of the required notice sent by mail to each affected property owner.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale (24" x 36").

***Affected property owner** means the owner of any property (or property agent) directly abutting either side of the proposed boundary line adjustment, and the subject property or properties. (Direct abutters would include properties across water bodies or roads).



APPLICATION TO AMEND THE ZONING MAP

Date Received by City Clerk: _____ Ordinance Number: _____

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

Public Hearing to be held: _____

APPLICABLE FEES:

Application Fee @ \$100.00 \$ 100.00

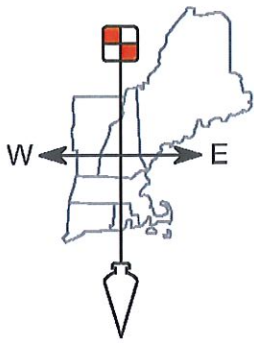
Publication of Notice in The Keene Sentinel @ \$90.00 \$ 90.00

Postage Fees for property owners/agents
and abutters at current USPS 1st Class Mailing rate 30 x 0.69 \$ 20.70

Total Fees submitted to City Clerk \$ 210.70

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

WORKSHOP FEE TO COMMUNITY DEVELOPMENT
\$20.70 MAILING FEE + \$62.00 LEGAL ADVERTISEMENT = \$82.70



FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

APPLICATION TO AMEND THE ZONING MAP

Tax Map 592, Lots 019, 020, 021,
Tax Map 593, Lots 003, 004, 005, 006, 007
Pearl Street & Winchester Street – Keene, NH

July 24, 2025

Prepared For:
Adam Wright

Narrative:

This Ordinance proposes to amend the Zoning Map designation for Tax Map Parcels 592-019, 592-020, 592-021, 593-003, 593-004, 593-005, 593-006, and 593-007 from Low Density (LD) to Commerce (COM). These properties are located along intersection of Pearl Street and Winchester Street on the western side of the roundabout.

The properties together are situated along the corner of Pearl Street and Winchester Street, where there is a mix of residential and commercial uses. The petitioner of this application, Adam Wright, has the intent to own these lots and develop the land as a commercial use. The residential homes on these lots have been vacant for many years and have fallen into disrepair. The location of these properties does not serve the residential Low Density (LD) zoning well, as the roundabout vehicle traffic and adjacent fast-food restaurants hinder the appeal of residential homes at this intersection.

The location of these properties are best suited to be zoned Commerce (COM). The permitted uses in the Commerce (COM) zoning district would allow for a broader range of uses. These uses include many types of commercial business types, along with multi-family housing allowed. The many uses permitted would make the properties much more marketable to potential investors and developers. The lots could be developed to include a mix of commercial and multi-family residential uses that could provide a transition between the existing commercial and residential uses from Winchester Street to Pearl Street. The frontage of the properties along Winchester Street would provide ideal visibility and access for a commercial business. This section of Winchester Street has two lanes for traffic on each side of the divided roadway, south of the roundabout. This allows for heavier traffic along Winchester Street and typical of the Commerce (COM) zone, whereas the double lanes are not typical of the residential zones, specifically the Low Density (LD) residential zone in the surrounding neighborhoods.

For these reasons, we believe the request for amending the zoning district map in this location is a reasonable request. Below is a draft of the ordinance to amend the zoning map.

Adam Wright
Pearl St. & Winchester St. Intersection – Keene, NH
Application to Amend the Zoning Map

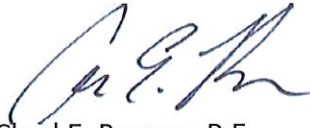
Page 2 of 2

Draft Ordinance:

That Article 2.4 ZONING MAP, of the City of Keene, NH Land Development Code (LDC), as amended, be and hereby further amended by changing the zoning designation on the “1977 Amended Zoning Map of the City of Keene”, as adopted by the Keene City Council on September 1, 2021, as part of Article 2 entitled, "ESTABLISHMENT OF ZONING REGULATIONS & DISTRICTS", of the said LAND DEVELOPMENT CODE (LDC), from Low Density (LD) to Commerce (COM), on the following parcels so that the entire parcels will designated Commerce (COM):

592-019-000-000-000	0 Winchester Street
592-020-000-000-000	291 Winchester Street
592-021-000-000-000	371 Pearl Street
593-003-000-000-000	305 Winchester Street
593-004-000-000-000	363 Pearl Street
593-005-000-000-000	347 Pearl Street
593-006-000-000-000	339 Pearl Street
593-007-000-000-000	331 Pearl Street

This information was prepared by:
FIELDSTONE LAND CONSULTANTS, PLLC



Chad E. Branon, P.E.
Civil Engineer / Principal



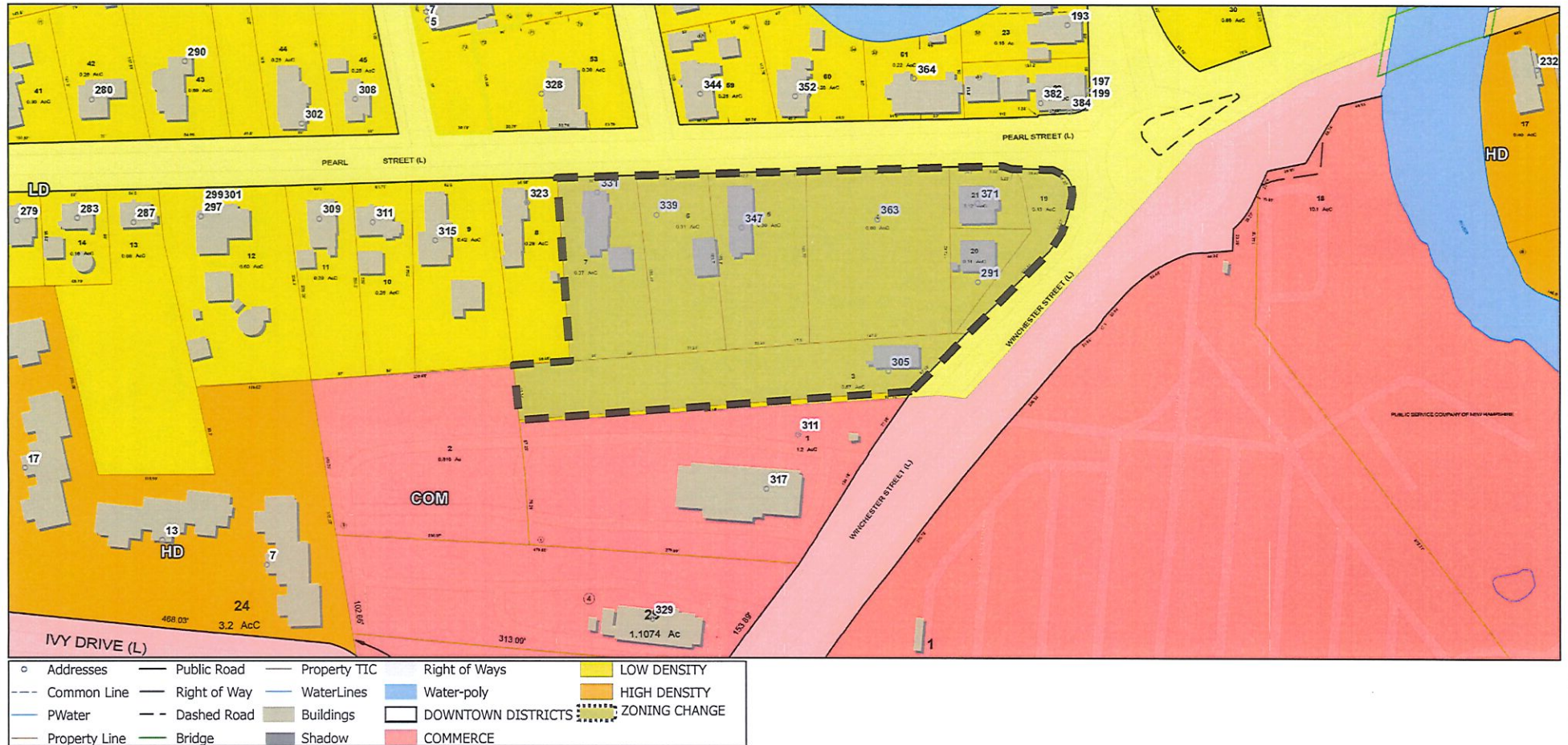
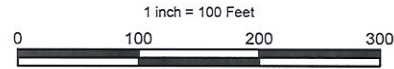
PROPOSED ZONING MAP AMENDMENT

TAX MAP 593 LOTS 7, 6, 5, 4, 3 & TAX MAP 592 LOTS 21, 20, 19



July 24, 2025

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Five

AN ORDINANCE Relating to Amendments to the Zoning Map – Low Density to Commerce –
Intersection of Pearl Street and Winchester Street

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

That Article 2.4 “ZONING MAP”, of the City of Keene, NH Land Development Code (LDC), as amended, be and is hereby further amended by changing the zoning designation on the "1977 Amended Zoning Map of the City of Keene", as adopted by the Keene City Council on September 1, 2021, as part of Article entitled, "ESTABLISHMENT OF ZONING REGULATIONS & DISTRICTS", of the said LAND DEVELOPMENT CODE (LDC), from Low Density (LD) to Commerce (COM), on the following parcels so that the entire parcels will be designated Commerce (COM):

592-019-000-000-000	0 Winchester Street
592-020-000-000-000	291 Winchester Street
592-021-000-000-000	371 Pearl Street
593-003-000-000-000	305 Winchester Street
593-004-000-000-000	363 Pearl Street
593-005-000-000-000	347 Pearl Street
593-006-000-000-000	339 Pearl Street
593-007-000-000-000	331 Pearl Street

Jay V. Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Evan J. Clements, AICP – Planner/Deputy Zoning Administrator

Date: August 29, 2025

Subject: O-2025-29 Relating to Cross Site Access Exception from the Parking Lot Pavement Setback

Overview

This Ordinance proposes to amend Section 9.4.2 “Dimensions & Siting” subsection A “Setbacks” to create an exception to the parking lot pavement setback requirement to allow for cross site access drive aisles across property lines. The intent of this change is to promote vehicular traffic movements between commercial properties without the need for vehicles to travel from one property to the next on the public right-of-way. This change will reduce the amount of “short hops” from one plaza to the next as patrons travel to nearby stores. This change will also create flexibility for businesses that operate across multiple parcels and are looking to create internal connections to each side of the operation. The proposal includes some requirements for cross-access connections including size, location, access agreements, and planning review.

Background

Parking Lot Regulations Overview

The City of Keene Parking & Driveway Regulations is in Article 9 of the Land Development Code, which is part of the zoning regulations for the City. The purpose of these regulations is to:

“The intent of these parking and driveway standards is to address the following objectives.

- 1. Ensure the provision of on-site vehicle parking for individual sites that supports the needs of existing and future uses.*
- 2. Promote safe and efficient circulation of pedestrians, motorists, and bicyclists into, within, and out of parking areas.*
- 3. Allow flexibility in addressing vehicle parking, loading and access issues, recognizing that both too little and too much parking can create negative impacts.*
- 4. Ensure appropriate site location and design features that mitigate the impact of parking on other land uses and surrounding neighborhoods.*
- 5. Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground.”*

This Article of the Land Development Code outlines on-site parking requirements based on use and zoning, driveway design standards for single and two-family properties, design standards for commercial parking lots, and design standards for parking structures. These sections contain dimensional requirements for parking spaces, drive aisles, locations for parking areas, surface material and grade requirements, landscaping, and setbacks.

Section 9.4 of this Article outlines all of the requirements for parking lots within the City. Subsection 9.4.2 outlines the dimensional and siting requirements for parking lots and includes setbacks, parking space dimensions and angulation, travel lane width, and location of the parking lot. Table 9-2 below lists the minimum required parking lot surface setback from property lines. The surface setback is dependent upon the size of the parking lot and the location of the property line closest to which it will be located.

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft
>10,000 to ≤30,000 sf	10 ft	8 ft
>30,000 sf to ≤2 acres	15 ft	10 ft
>2 acres	20 ft	15 ft

Fig 1: Table 9-2 from section 9.4 of the LDC.

This section states that aside from what is listed in Table 9-4, these setbacks are required for all uses besides single-family and two-family dwellings. Table 9-4 is specific to the City's Downtown Zoning Districts and are related to the Form Based Codes that the regulations for these districts are designed around. Based on Table 9-4, there is an allowance for pavement up to the property line and across it to create cross site access. Outside of the downtown districts, cross access between properties is prohibited due to the pavement setback requirements.

Type A Interior Lot & Type A and Type B Corner Lot Parking Location Diagram

Prohibited parking locations (as specified above) are depicted with a diagonal hatched pattern. Required perimeter landscape (Sec. 9.4.4) is shown in solid dark green. Permitted parking locations are depicted in light gray, subject to all other standards of this ordinance.

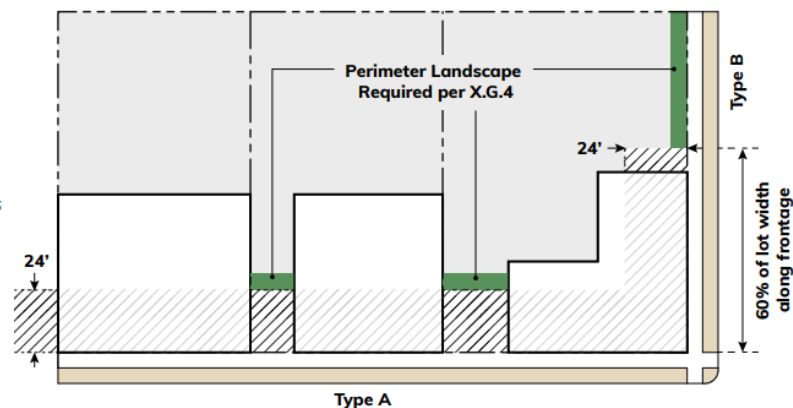


Fig 2: Example from part of Table 9-4 from section 9.4 of the LDC showing specific parking lot regulations for downtown districts.

Cross Site Access Overview

Cross Site Access is a form of Access Management, which is one of aspects of land use management and one of the Planning Board's Site Development Standards in Article 21 of the Land Development Code. Access Management involves the planning and coordination of the location, number, spacing, and design of access points from the public right-of-way onto adjacent property. This allows for efficient control of vehicle movements by reducing conflicts and maximizing the traffic capacity of roadways. Well-planned access management systems facilitate safe access to land along roadways while promoting and supporting an efficient street system and unified access and internal site circulation for development.

A Cross Site Access is the continuation of a parking lot drive aisle across a property line that allows vehicles to travel from one property to another without having to re-enter the street system. These connections can have a one- or two-way traffic flow. Examples of these connections currently exist throughout the City and are especially prevalent along the existing major commercial corridors, such as West St. The picture below is an example of a cross-site connection between the West Street Shopping Center and the adjacent property at 465 West St.



Fig 3: Ariel imagery of existing cross site access connections circled in red between the West St Shopping Center and 465 West St.

Discussion

This ordinance proposes to make an exception from the parking lot pavement setback requirement to allow for the creation of cross site access connections over property boundaries. The exception will codify an established traffic management technique that already exists in many built up commercial areas of the City. The proposal includes width requirements of the access point depending on one-way or two-way traffic, provisions for adequate sight lines, and other safety measures. The exception highlights the need for mutual access agreements between property owners, if ownership differs, and that planning review will be required prior to the establishment of a new cross site access point.

Currently, if a property owner wanted to create a cross-site access point, they would need to obtain a Variance from the Zoning Board of Adjustment from the parking lot pavement setback requirements. This traffic management tool is a technique that should be encouraged to reduce traffic pressure on roadways along the City's commercial corridors. Instead, it is currently prohibited and requires significant time and effort to receive approval. This Ordinance would not only allow this technique to be utilized by property owners, but provides a reasonable level of review to approve these connections.

Consistency with the Comprehensive Master Plan (CMP)

The 2010 Comprehensive Master Plan recognizes that, in order to promote a "Quality Built Environment," a complete transportation system with efficient transportation infrastructure is required. The plan articulates a variety of transportation strategies to improve efficiency and safety. The plan states that:

"The linkage between transportation systems and land use and development was a critical consideration in the development of transportation strategies. This linkage is crucial to planning and implementing a transportation system that efficiently and safely serves the region's wide range of activities and uses. The transportation system must adequately serve all areas within Keene, now and in the future."

This proposal furthers the goal of this section of the Master Plan by allowing vehicular traffic to navigate along developed commercial areas of the City in a controlled, safe way, that reduces traffic congestion on roadways. It also provides less hassle for customers who are visiting multiple locations without having to wait for traffic signals or make difficult turns when exiting one location to reach another plaza or business that is adjacent but inaccessible.

Recommendations:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: *"To find proposed Ordinance, 0-2025-29, consistent with the 2010 Comprehensive Master Plan."*

Planning, License & Development Committee Motion: *"To recommend that the Mayor set a public hearing date."*



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Five

AN ORDINANCE _____
Relating to Pavement Setbacks and Cross Site Access

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 9.4.2 “Dimensions & Siting,” subsection A “Setbacks” be amended to create an exception for cross site access over property lines, as follows:
 - A. 1. Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:
 - a. The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.
 - b. Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.
 - c. The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.
 - d. Adequate site lines shall be provided.
 - e. Shared access agreements between properties shall be required where necessary.
 - f. Planning review shall be required per Section 26.12.3.

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- 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.

9.4 PARKING LOT DESIGN STANDARDS

9.4.1 Applicability

Section 9.4 shall apply only to parking lots or parking spaces that are associated with uses other than single- and two-family dwellings.

9.4.2 Dimensions & Siting

- A. **Setbacks.** Unless otherwise specified in Table 9-4 or elsewhere in this LDC, the setbacks for paved and unpaved parking lots and travel surfaces associated with all uses other than single-family and two-family dwellings are listed in Table 9-2.

1. **Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:**
 - a. **The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.**
 - b. **Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.**
 - c. **The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.**
 - d. **Adequate site lines shall be provided.**
 - e. **Shared access agreements between properties shall be required where necessary.**
 - f. **Planning review shall be required per Section 26.12.3.**

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft