



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

Monday, January 12, 2026

6:30 PM

City Hall, 2<sup>nd</sup> Floor Council Chambers

### **A. AGENDA ITEMS**

1. Roll Call
2. Approval of Meeting Minutes – October 14, 2025
3. Adoption of the 2026 Meeting Schedule
4. Public Workshop:
  - a. **Ordinance - O-2025-40 – Relating to Setback Exceptions, Accessory Dwelling Units, & Parking Regulations.** Petitioner, the City of Keene Community Development Department, proposes to amend Sec. 1.3.3.4.a of the LDC to clarify that retaining walls are exempt from setback requirements; modify Sec. 8.4.2.A by removing the requirement for an interior door and access to City utilities for Accessory Dwelling Units; amend Sec. 9.2 to increase the percentage of parking spaces that can be reduced administratively from 10% to 25% and prohibit the creation of remote parking spaces on parcels with a residential primary use; and update Table 9-3 to include parallel parking.
5. Discussion Items:
  - a. Proposed follow up on [HB 457](#) from the 2025 legislative session relative to zoning restrictions on dwelling units (Effective 9/13/2025).
6. New Business
7. Next Meeting – February 9, 2026

### **B. MORE TIME ITEMS**

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

### **C. ADJOURNMENT**

City of Keene  
New Hampshire

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

Monday, October 14, 2025

6:30 PM

Council Chambers,  
City Hall

Planning Board

Members Present:

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice Chair  
Mayor Jay V. Kahn  
Armando Rangel  
Stephon Mehu, Alternate  
Joseph Cocivera, Alternate

Planning Board

Members Not Present:

Councilor Michael Remy  
Ryan Clancy  
Sarah Vezzani  
Kenneth Kost  
Randyn Markelon, Alternate  
Michael Hoefer, Alternate  
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Present:

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

Planning, Licenses &

Development Committee

Members Not Present:

Andrew M. Madison

Staff Present:

Mari Brunner, Senior Planner  
Megan Fortson, Planner

**I) Roll Call**

Chair Bosley called the meeting to order at 6:30 PM and a roll call was taken. Chair Farrington invited Joseph Cocivera and Stephon Mehu to join the Planning Board as voting members.

**II) Approval of Meeting Minutes – September 8, 2025**

A motion was made by Councilor Jones to approve the September 8, 2025, meeting minutes. The motion was seconded by Mayor Kahn and was unanimously approved.

**III) Public Workshops:**

- a. Ordinance O-2025-28-A 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 five properties located at 305 Winchester St, 0 Winchester St, 291 Winchester St, 371 Pearl St, and 363 Pearl St (TMP #s 593-003, 592-019, 592-020, 592-021 & 593-004) from Low Density to Commerce; change the zoning

**designation of the eastern and southern portions of the property located at 347 Pearl St (TMP #593-005) from Low Density to Commerce; and, change the zone designation for the southern portion of the properties located at 339 Pearl St and 331 Pearl St (TMP #s 593-006 & 593-007) from Low Density to Commerce. The total area of land that would be impacted by this request is ~2 ac.**

Mr. John Noonan of Fieldstone Land Consultants and Adam Wright, Petitioner, addressed the Joint Committee. Mr. Noonan stated they have looked at different variations of the zoning lines and changes to the three lots. He stated the initial application was to have the new zoning boundary go through the three lots that were to remain zoned as Low Density Residential. However, in working with the abutters and the landowners of those lots, the applicant has decided to go back and wants to move forward with the “A” version of the ordinance that was originally approved by the Joint Committee. The “A” version involved removing three lots on Pearl Street to remain in Low Density with their existing lot lines serving as the boundary between the Low Density District and Commerce District.

Chair Bosley clarified between the previous Joint Committee meeting and the Council meeting, in which a public hearing was going to be scheduled, there was some question about potentially altering that map in an additional way. However, at this point, the applicant has decided to revise it back to what came out of this Committee and move to a public hearing.

The Chair asked for Staff Comments. Senior Planner, Mari Brunner, stated the only thing that has changed between last meeting and this meeting is that the 2025 Comprehensive Master Plan was adopted. Because this item was sent back to the Public Workshop phase and the Committee is basically holding a new Public Workshop on this ordinance, Staff have provided a Staff report using the new Master Plan. There will be a new vote tonight with reference to the consistency of the proposed rezoning with the 2025 Master Plan and the PLD Committee will be voting on whether or not to recommend that the Mayor move forward with setting a Public Hearing, which is required by State Statute.

Megan Fortson, Planner, addressed the components related to the updated Master Plan. She stated that in regard to the updated Future Land Use Map, the areas of Keene are less defined than they were on the Future Land Use Map from the 2010 Master Plan. The goal is to be more flexible and allow for more interpretation by City Council and Planning Board members. The area proposed to be rezoned in the updated map is shown as a transition area between a well-established downtown adjacent neighborhood, often referred to as the Italian Neighborhood. It is also an area designated as Corridor-oriented Commerce on the Future Land Use Map. The area is also located near the Ashuelot River, which provides an important north-south wildlife corridor through Keene.

Ms. Fortson went on to say that the downtown character area description includes a mix of historic downtown neighborhoods that provide missing middle housing types, which can be duplexes, triplexes, townhomes, and other such housing types. It is described as highly walkable and multimodal. On the other hand, there is the corridor-oriented commerce character area, which serves more as a mixed-use regional magnet for higher intensity multi-family housing, chain businesses, and automobile-oriented transportation.

72  
73 She indicated the “A” version of this ordinance, which was previously proposed by the Joint  
74 Committee at last month’s Public Workshop, would add a small strip of commercially zoned  
75 parcels along Pearl Street adjacent to the roundabout and then add a long strip of Commerce  
76 adjacent to where the McDonald’s site is located.  
77

78 With reference to the Master Plan goals, instead of having a focus area, which is what the  
79 previous master plan outlined, the updated master plan has six strategic pillars: livable housing,  
80 thriving economy, connected mobility, vibrant neighborhoods, adaptable workforce and  
81 flourishing environment. Staff felt that the goals most relevant to this map amendment included  
82 boosting infill development and redevelopment, which is a goal under the livable housing pillar,  
83 and attracting and growing Keene’s businesses of all scales, which is a goal under the thriving  
84 economy pillar. The vibrant neighborhood pillar has the overall aim of supporting vibrant  
85 community neighborhoods that reflect their unique identity.  
86

87 Ms. Fortson noted the proposal now involves the conversion of five existing parcels from a Low  
88 Density zoning designation to a Commerce designation. The Low Density District allows for the  
89 creation of the missing middle housing that the City is hoping to see, including Cottage Court  
90 Developments. However, a change to the Commerce designation is going to allow for a greater  
91 variety of commercial uses, some of which are intense, including retail, offices, etc.  
92

93 Ms. Fortson pointed out that the Pearl Street neighborhood has many single-family homes as  
94 well as two and three family homes. The architecture of the entire neighborhood has a very  
95 cohesive fabric and felt the Board needs to consider that when making this change, whether or  
96 not the City wants to continue to allow commercial development along Pearl Street and if that  
97 should extend all the way to the Winchester Street roundabout and down Winchester Street to the  
98 south. Otherwise, does this area serve more as a transition between the traditional neighborhood  
99 layout and the more intense commercial area to the south and southeast.  
100

101 Chair Bosley, for the benefit of Planning Board members who were not present at the last  
102 meeting, explained that this proposal originally included an additional three parcels that were  
103 adjacent to this commercial strip. The committee listened to comments from the neighborhood  
104 and created an “A” version with a buffer zone between the potential commercial uses. The item  
105 has now been brought back to the Committee for a second review.  
106

107 Chair Farrington noted to the proposal outlined on page 17, which is what Mr. Noonan  
108 articulated today. However, the narrative in the agenda packet still includes changes to the other  
109 three parcels that have since been removed, so he asked for clarification. Ms. Brunner stated the  
110 public workshop was required to be noticed 14 days prior to the date of today’s meeting, and that  
111 was the proposal at the time. Staff had an opportunity to speak with the petitioner after the  
112 notice. One of the things the petitioner was not aware of, at the time that he requested this item  
113 get sent back to the Joint Committee, was the fact that City Council had adopted rules  
114 specifically for split zoned parcels. The Council adopted split zoned parcels rules on the same  
115 evening this item went to City Council on September 18<sup>th</sup> for a public hearing. Once the  
116 petitioner learned about that, they decided to stay with the “A” version.  
117

Ms. Brunner continued by stating the petitioner decided to stay with the “A” version after the notice had already gone out, and the City’s practice is to keep the language on the agenda consistent with the notice. The Chair clarified the following language should be deleted starting at the 5<sup>th</sup> line “*change the zoning designation of the eastern and southern portions of the property located at 347...*” to the end.

Chair Bosley opened the public workshop portion of the meeting and stated that this is not a formal public hearing. The Committee will hear different comments on this item but stated it will be equally important for the public to attend the public hearing set by the Mayor to make sure that the full Council hears the public’s opinion as well.

Ms. Julie Rose of 315 Pearl Street in Keene addressed the Committee. She stated she was opposed to rezoning the proposed parcels as commercial. She stated this neighborhood has been rooted in this area for generations. She felt if this property was going to be re-developed, it should be for affordable housing and talked about families who can’t afford rent in Keene. Ms. Rose felt if commercial was the intent, there are several properties down Winchester Street that could be used for commercial uses as well as vacant properties downtown that could be used for commercial, but they should not be breaking up neighborhoods that have existed for decades as residential neighborhoods.

Ms. Rose talked about the disruption to traffic in the neighborhood due to the construction on Island Street. She asked that the area be retained as residential and not to add commercial to this neighborhood. She also felt this type of change would reduce her property value.

Mayor Kahn asked Ms. Rose if these properties were not zoned commercial but allowed for a more dense, housing-oriented zone, such as High Density or Medium Density, whether that is something that would be agreeable to her. Ms. Rose felt the next step from High Density would be Commercial and felt this is an area that should not be used for multi-family housing in keeping with the character of the existing neighborhood.

Ms. Lori Whippie of 352 Pearl Street in Keene was the next speaker. She indicated her home is directly across from the petitioner’s property. She stated she was opposed to this rezoning to commercial. Ms. Whippie stated her property abuts the Ashuelot River and already has issues with erosion and has experienced flooding twice in the last six years. She felt turning this area to commercial as indicated at the last meeting could bring in varying uses, such as a multi-family homes or a hotel, which could require additional parking areas. Ms. Whippie stated Parking areas would result in paving over the grassy areas and increase the already existing flooding issues. She added that this runoff also could end up in the river, causing possible water pollution. She stated she is looking at entities to address this issue more eloquently.

Ms. Whippie asked whether there have been any studies done with respect to increased flooding if this area was to be paved over.

Ms. Whippie addressed noise pollution, which is already an issue with the commercial site at McDonalds and the issues with drug dealing that happens at that site. She stated she did not want to see this happen across from her home. She added the construction that is happening on Island

Street is already causing vibration to the homes on Pearl Street. She indicated light pollution from McDonalds is also another issue. In the late spring and summer foliage helps with light pollution but developing this area would remove this barrier. Bringing a commercial use would bring additional lighting issues as you can't dictate what hours vehicles could access a commercial site.

Ms. Whippie noted if a restaurant is added to this site, that brings in dumpsters and food waste close to residential neighborhoods and also runs the risk of attracting wild animals to the neighborhood.

Ms. Whippie stated commercial parking lots also attract crime and used a recent shooting at the Walmart parking lot as an example. She also talked about the traffic issues that exist on Pearl Street and did not feel this street is designed for commercial use. Ms. Whippie referred to the letter from the petitioner, which refers to the property on the roundabout, *"which has been vacant for many years and has fallen into disrepair. The location of these properties does not serve the residential Low Density zoning well, and that the roundabout traffic and adjacent fast-food restaurants hinder the appeal of residential homes at this intersection."* She questioned what would happen to homes on Pearl Street by bringing this use closer. She questioned whether this would not de-value their property values. She added the property on the roundabout has only been vacant for about a year.

Ms. Whippie felt there are many vacant properties in commercially zoned areas in Keene and questioned why commercial use needs to be brought into their neighborhood. She also pointed out that she has solar panels installed on her house and would not want to see a tall building constructed across from her house, blocking the sun, which could have financial impacts on her.

She added that her husband will be retiring home in four years after serving in the military for 20 years and would be coming home to all this turmoil.

Ms. Shauna Stack Davis of 323 Pearl Street stated she has lived in her home for the past 17 years and, until last year, they have had a lot more privacy during spring, summer and fall when many of the trees were taken down. This has caused them to have to deal with a lot more noise and criminal activity from the McDonald's site when fence panels get plowed down by cars, drug deals go on behind the fence, that she says she has witnessed. Ms. Stack Davis felt any more expansion of commercial uses would only increase this unsavory behavior. She expressed concerns about a commercial use locating on the roundabout which could cause issues with traffic.

Mr. Joe Wadkowski of 280 Pearl Street addressed the committee and stated he has lived in his property for 35 years. He stated the neighborhood has attracted many young families and he would hate to see that disrupted. Mr. Wadkowski stated affordable housing is an issue in Keene and he would not want to see a Low Density residential area turned to commercial. He noted to the traffic issues that already exist on this street.

Mrs. Barbara Peloquin of 308 Pearl Street stated she agrees with the comments made by the neighbors. She indicated she has lived in the area for the past 55 years. She noted there are many



businesses that are located at the end of Wood Street where there was an agreement for their truck traffic to happen during certain times of the day. However, this has changed in the last few years with a paving company who has moved to this site and the trucks that pass by rattle her windows and the neighborhood is woken up at 4:30 am by these trucks driving by. She felt there is a heritage to be preserved and respect shown for the people who already live here.

Ms. Michelle Wright addressed the Committee and stated she owns property on Pearl Street. She reiterated the flooding issue previously raised, and she indicated her parents live in this neighborhood and have had to deal with flooding as well. She noted the river right on Island Street is an actual floodway and property in that area is required to have flood insurance. FEMA maps indicate this area is in the 500-year flood zone and they are also referred to as A&E, which means these areas actually flood more often than the 500-year flood zones. Ms. Wright noted flood insurance could be very costly. She indicated her parents have had two feet of floodwater in their basement and have received no assistance from FEMA. She also talked about trees falling into the river and disappearing, which is something that exists within Cheshire County, referred to as avulsion and is a major problem in New Hampshire. She indicated when water takes away the land that belongs to you, you are still responsible for paying the mortgage on that land.

She indicated this change to commercial would change the soul of this neighborhood. She felt this change would cause the loss of property value, safety, peace and stability. Zoning is not only about land use, but it is also about values and what the City believes a neighborhood should endure. This change would increase impervious land to an area that already has flooding issues. Ms. Wright stated the residents of Pearl Street are not opposed to development, they are simply calling for responsible development.

With no further comments, the Chair closed the public hearing. The Chair noted this Committee is not the group that will make any decision. The decision regarding this issue will ultimately be made by the City Council.

Councilor Haas felt this is a great example of the challenge the City faces where commercial neighborhoods abut existing residential neighborhoods, which he felt is a difficult problem to solve; for example, the problem with finding developers who will invest in these properties. He hoped the City could find a good solution.

Councilor Williams stated he voted in favor of this item a month ago, but he is having some reservations; specifically, he stated he has reservations about the large parcel on Pearl Street. He continued by saying the parcels that are facing Winchester Street are a good case for rezoning, but he wasn't sure if commercial rezoning is the answer. Instead, perhaps limited commercial as it exists elsewhere in the city that allows for small businesses, like doctors' offices, lawyers' offices, etc. but not large-scale commercial.

He felt the large lot on Pearl Street should be a residential lot as there is sufficient space to locate three or four good houses. The Councilor felt rezoning to commercial would have a negative impact on what really is a lovely neighborhood and stated he did not want to see that changed.

Councilor Jones stated he is concerned about impervious surface and noted there is going to be a loss to pervious surface in a part of the City where the river makes that bend (behind the Whippie property). He indicated this property is on the cut side, which gets cut every time there is a flood and causes more water to come down. The Councilor felt the property could eventually lose their yard.

The Councilor stated he has assisted neighbors in this area with their basements during a flooding event.

Councilor Jones referred to the history of zoning petitions on that street; for example, eight or nine years ago there was a request for a change. This zoning change was denied by City Council because the north end of Pearl Street, where it meets West Street, is considered a failed intersection and felt this was another good reason why this change should not be approved.

He went on to say the City went through a reevaluation a number of years ago and there is another one coming up next year. For the first time in the City's history, the value of commercial property went down, while residential has increased. There are many empty commercial spaces, which is why commercial value is going down and residential properties are having to pick up that burden.

He added the City keeps talking about needing more housing and questioned why the City would then take away residential. The Councilor referred to what Ms. Wright stated, in that zoning is about values and felt this area should be kept as residential.

Ms. Roberta Mastrogiovanni stated the rotary definitely is causing some traffic issues and the Island Street construction does not help with this issue either. She noted that this neighborhood has been here for a long time and many residents have lived in their homes for a long time as well. She agreed this corner has been an eyesore and it would be nice to see this property improved. Ms. Mastrogiovanni agreed flooding is an issue and felt every time a developer comes in and wants to change a zoning to suit their needs, this is something the City needs to be careful about.

Chair Bosley stated at the last meeting there was discussion about the properties that were abandoned on the roundabout and questioned whether Ms. Mastrogiovanni can see residential going into this property. Ms. Mastrogiovanni stated even with residential you need to be careful that flooding does not increase for the rest of the neighborhood. The Chair asked for Staff comment regarding pervious and impervious surfaces and how water is dealt with on commercial properties.

Ms. Brunner stated the flood risk for this area is expected to change and FEMA has released preliminary flood maps that show the flood risk, and this is something for the Committee to consider regarding the developable nature of this area. New construction is not permitted in the floodway, but is permitted in the floodplain as long as compensatory storage is provided, which is an extra step and an extra expense for a developer. An engineer would need to be hired, and an elevation certificate would need to be completed to indicate that for every foot of flood water that they are displacing, they are creating compensation elsewhere on the site. In addition,



stormwater management is also required through the Planning Board; for example, multifamily or commercial development would have to go through a review process, which will require an analysis of the runoff from the site.

Ms. Brunner went on to state the difference between Low Density and Commerce in terms of amount of impervious coverage that is allowed. Low Density is probably around 40% maximum, whereas commerce is more like 80% maximum impervious coverage.

Chair Bosley stated she has concerns about the river in the neighborhood. She felt there is going to be a mixed conversation at Council about this project and she felt this should be a decision of the Council.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds that the application meets the intent of the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

Ms. Brunner stated for anyone in the public, if they sign up through the City website, there are notifications sent out regarding upcoming City Meetings.

**b. Ordinance O-2025-34 Relating to Zone Change. Petitioner, City of Keene Public Works Department, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation for a portion of the property located at 62 Maple Ave (TMP #227-006-000) from Industrial Park District to Medium Density. The total area of land that would be impacted by this request is ~1.3 acres.**

Chair Bosley explained 62 Maple Ave is a property that is owned by Cheshire Medical Center. The City Manager has negotiated that as part of their PILOT (Payment in Lieu of Taxes) agreement, Cheshire Medical Center will gift the City with an ~1.3-ac portion of their lot. However, the issue the City is running into is that the underlying zoning does not work for what they would like to potentially use the parcel for, even though there are no definite plans for its use yet. She added the City could perhaps use it as a new site for Fire Station 2. The Assessing & Public Works Departments are asking for this zoning change, but in reviewing the request, some additional changes might be better suited to this area, which would better benefit the City.

Ms. Brunner and Ms. Fortson addressed the Committee next. Ms. Brunner stated the petitioner is the City of Keene. The Public Works Department started the process by contacting the surveyor to prepare the plan, but the Community Development Department has since taken over. The original proposal was to rezone a portion of the lot so that it would be subdividable. However, in looking at this area, there is not a single parcel of land in this zone whose use would actually be allowed in the underlying Industrial Park District.

Ms. Brunner went on to say that there are five additional parcels of land in this area that Staff are recommending be rezoned to Medium and/or Low Density as part of this process. Two of them are parcels located across Route 9 that are vacant and inaccessible. Both of these lots are immediately adjacent to the Low Density District, which is the new proposed zoning district. The three remaining parcels are located at 84, 90, and 100 Maple Ave and are the sites of two single-family homes and Trinity Lutheran Church & School, which are proposed to be rezoned to Medium Density.

The proposal for all parcels on the north side of Maple Ave, between the road's intersections with Route 12 and Park Ave, to be rezoned as Medium Density would create a contiguous block for this zone. All uses that exist on these lots today would be permitted with this zone change. It would not make any of the parcels non-conforming and would take two non-conforming parcels and make them conforming. The two parcels that are across Route 12 are proposed to be rezoned to Low Density to be consistent with the land that they are immediately adjacent to. Ms. Brunner turned the presentation over to Ms. Fortson.

Ms. Fortson stated that at the present time, there are two single family homes, the Trinity Lutheran Church and School, the hospital's property, and the two Rt. 9 undeveloped parcels included as part of the proposed zoning map amendment. Ms. Fortson stated the church, school and hospital uses are not permitted in the Medium Density District; however, this section of Maple Avenue is on what is called the "Institutional Street List," which allows these uses by right—regardless of the underlying zoning designation.

Ms. Fortson went on to say this application is being reviewed through the lens of the 2025 Comprehensive Master Plan, since it was adopted by Planning Board and endorsed by City Council on September 18th. Instead of having a split-zoned parcel that is partially Medium Density and partially Industrial Park District, Staff feel that it would be cleaner to have those four parcels zoned Medium Density and then the two undeveloped lots across from Route 12 to be zoned Low Density. Under the current Industrial Park District zoning designation, the allowed uses include things like manufacturing as well as research and development firms.

She went on to say that in Medium Density, you are allowed to have up to six units in a building by right. There is no longer a density factor in that district as long as you meet the minimum lot size requirement, which is 8,000 square feet. Ms. Fortson added the only overlap in terms of uses between the two districts is the fact that any use in either of these districts needs access to City water and sewer utilities.

In terms of the dimensional requirements, as was mentioned, the Industrial Park District has a minimum lot size of four acres, whereas Medium Density has an 8,000-sf requirement and Low Density requires a minimum of 10,000-sf per lot. In the Industrial Park District, the setback requirements are 30-ft for side setbacks and 50-ft for front and rear setbacks. In Medium Density, you have a 15-ft front and rear setback and a 10-ft side setback.

Both districts have the same height requirements, except in the Industrial Park District, there is the potential to construct a taller building by going through a zoning Special Exception process.

In terms of the implications of the proposed change on the density of development, Ms. Fortson stated that this area of Keene is an intersection of many different zoning districts, including Corporate Park, Low Density, a small section of Medium Density, Conservation, High Density, and Commerce. Expanding the Medium Density District in this area would obviously allow for the potential creation of more missing middle housing that the City is looking for through the creation of Cottage Court Developments or the construction of additional single-family homes.

Ms. Fortson stated, as was discussed with the Pearl Street ordinance, the Committee would need to deliberate as to what the neighborhood looks like now and what it could look like following this proposed zoning change. This concluded Staff comments.

Chair Bosley stated Maple Avenue has an industrial type building but noted that she thinks it feels more residential in nature. She felt rezoning Lots 1 & 2 across Route 19 to Low Density makes sense to her. If the hospital wanted to provide housing for their staff, that would also be possible on their ~50-ac parcel with this change.

Councilor Jones stated the reason this area is in the Industrial Park District is because the lower part of this area was once part of the Black Rock Corporate Park area and a TIF District was created to get the services into this area. He questioned if this TIF District still exists. Ms. Brunner stated it is still there on paper, but it might need to be renewed. He asked whether the church and school were conforming uses. Ms. Brunner answered in the affirmative and added the hospital would also be a conforming use. She indicated the two single-family homes are currently non-conforming uses but would become conforming uses with this zoning change. The Councilor felt this would be a benefit to the City by creating the potential for Cottage Court Developments and Station 2 possibly locating to this area.

The Chair asked for public comment. With no comments from the public, she closed the public hearing.

A motion was made by Councilor Jones that the Joint Committee modify Ordinance O-2025-34 by changing the zoning designation of the four parcels located at 62, 84, 90, and 100 Maple Avenue from Industrial Park District to Medium Density and to change the zoning designation of the two parcels located at 0 Off Route 12 (Tax map 513, Lots 1 & 2) from Industrial Park to Low Density.

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

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2025-34-A. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-34-A is consistent with the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

#### **IV) Discussion Items:**

a. **Potential Modifications to Site Plan Review Thresholds.**

Ms. Brunner addressed the Committee and stated that the Planning Board has been discussing, for the past few months, making changes to the Site Plan Review Thresholds. When a project meets a certain level of impact, they have to go before the Planning Board for review and anything below that threshold is reviewed by the Minor Project Review Committee, which is comprised of City Staff but it is a noticed public hearing with abutter notices sent out and a notice is posted in the Keene Sentinel. The next level down is referred to as Administrative Review, which is where Staff review the proposal to make sure that it is consistent with the Site Development Standards.

Ms. Brunner went on to say that there were a few things that prompted these discussions about the thresholds. The first one is that the Minor Project Review Committee is something new the City put in place with the Land Development Code. It has been somewhat successful for a few projects, but mostly projects are falling either into the Administrative category or the Major Site Plan category and Staff are not seeing many items go to the Minor Project Review Committee, which is making it challenging to make the Committee runs smoothly. For example, the Committee has not seen a single project this past year. As a result, Staff feel the thresholds are not necessarily set correctly and there is a proposal to adjust these thresholds to create more opportunity for people and to make things more efficient.

Ms. Brunner next reviewed the thresholds:

The threshold for Major Site Plan Review, to go to the Planning Board, includes when someone is constructing a new principal building or a new principal structure that is greater than 5,000 square feet in gross floor area. This used to be 1,000 square feet and it was increased to 5,000 square feet.

Anything between 1,000 and 5,000 square feet can now go to the Minor Project Review Committee.

Anything under 1,000 square feet could be reviewed administratively.

The second criteria are additions to existing buildings or structures that are greater than 15% of the gross floor area of the existing principal building. Staff feel this threshold could be tweaked because what the City was attempting to do was to address the fact that projects involving large buildings, such as a 100,000 square foot building, in which a 1,000 square foot addition is proposed that would not be noticeable, were being sent to the Planning Board. The idea behind this was to make the threshold a percentage of the gross floor area of the existing building. The City has never had a threshold such as this in the past. The threshold was set at 15%, and Staff feel that percentage is low and are proposing to raise up to 25% to go before the Planning Board; however, in the downtown where there is more concern about the more granular development pattern, it would require a higher level of review.

The next threshold is related to traffic, which is a change or increase of vehicle trips per day of 100 or per peak hour of 50.

The next threshold is installation of impervious surfaces, such as pavement or gravel that exceeds 10,000 square feet in contiguous area or land disturbance that impacts an acre or greater of land area.

The other thresholds refer to modifications to the site or building, such as lighting, landscaping, facade alteration, etc., which at the discretion of the Community Development Department Director or their designee, warrants Major Site Plan Review.

The final item is the change of use, which, at the discretion of the Community Development Department Director or their designee, warrants Major Site Plan Review. Such determination shall be based on the evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

Chair Bosley asked whether Staff are proposing to do away with the Minor Project Review Committee and send all items to the Planning Board. Ms. Brunner answered in the negative and stated Staff are proposing to modify the thresholds and raise the thresholds before a project has to go before the Planning Board; subsequently, there would be an increase in the range of projects that could go to the Minor Project Review Committee. The proposal is to keep the minimum threshold where it is but raise it for the Minor Project Review Committee so that more projects could go through that process. A major goal of the Land Development Code was to try and make the development review process more streamlined and more efficient, while maintaining the regulations and making sure that the City is still doing a thorough job reviewing the projects.

Two other items Staff are proposing to change is to create a specific threshold for new residential dwelling units. At the present time, the way change of use is reviewed is to purely look at the impact and whether they meet any of those thresholds. For example, the Colony Mill conversion was a commercial space that was converted to 90 dwelling units. In that case, it had to go through a variance process. If this project did not go through a variance process but was approved administratively, this would be a big change to the feel and character of the area. For this type of change, Staff would look at getting clarification from the Board as to where that line is and whether it should be coming to the Planning Board or to the Minor Project Review Committee for review versus something that Staff could review administratively.

The other issue Staff want to discuss was street access, or driveways. At the present time, any commercial or multifamily driveway has to go through the Site Plan Review process: minor or major review. What Staff are proposing is that when somebody wants to remove a curb cut or if they want to narrow it or make it more compliant with the standards, this should be encouraged by allowing it to be reviewed Administratively by Staff.

If they are proposing a curb cut that meets regulations, it could be reviewed by the Minor Project Review Committee. However, if they are looking for an exception, the item would need Planning Board review.

Chair Bosley pointed out these are the Planning Board's guidelines. These are not guidelines the Council gets to weigh in on. She felt these were great updates; for example, the idea of having



these tiers that allow accessibility to Staff and the Land Development Code in a way that feels less constrained is a positive aspect. She asked the Committee to keep in mind the easier access to code that the City has attempted to create. She stated it is a slippery slope when the City starts scheduling meetings for things a Committee or Board cannot change. If something is allowed in the Land Development Code and it does not affect traffic, the exterior of the building, or the use is being reduced, a meeting is now being scheduled for neighbors to raise concern for change they cannot have any impact on.

Ms. Fortson stated she serves as the Staff Liaison on the Minor Project Review Committee and the feedback she has received from developers is that this has been a very positive experience for them while still allowing for abutter comment and notice.

Ms. Brunner noted the next public hearing for the Planning Board will be October 27<sup>th</sup> and earlier she had indicated the City Council will not be voting on this; however, to incorporate this into City Code, there will be vote taken by the Council. This is under State Statute under the purview of the Planning Board. The process for City councilors who want to provide input would be at that public hearing. If a councilor cannot attend in person, they can always submit written comment.

**b. Proposed follow-up regarding bills adopted during the 2025 Legislative Session**  
including HB 413 relative to subdivision regulations on the completion of improvements and the regulation of building permits (Effective 7/1/2025), HB 577 relative to modifying the definition of ADUs (Effective 7/1/2025), and HB 457 relative to zoning restrictions on dwelling units (Effective 9/13/2025).

Ms. Brunner stated Staff wanted to bring this item up with the Joint Committee because there are a few changes that will need to be addressed that have actually already gone into effect. City Code is currently in violation of a few things that were recently passed by the State Legislature, which are minor corrections to City Code. What Staff are proposing is an ordinance that includes cleanup items packaged together, and at the public workshop phase, to go through those items one by one to confirm with the Committee as to whether they agree with Staff's initial assessment.

Ms. Brunner reviewed three of those changes:

The first is a change to ADU's: a requirement for an interior door for an attached ADU. Prior to this, State Law required a door between the ADU and the main building if it was attached. The State then got rid of that requirement and now they say you can't require it. Ms. Brunner noted having a door between two separate dwelling units is actually counter to what the City wants to see from a life safety perspective for fire protection and separation.

The other change is referred to as active and substantial development and substantial completion, which is related to the Planning Board's regulations. After a developer gets an approval for a project, they have a certain amount of time to start the project and then they have a certain amount of time to substantially complete the project. If they meet those thresholds, their rights are vested. If they don't meet those thresholds and the regulations have since changed, they may have to go back through the process. At the present time, it is two years for active and substantial



development, which means you have to basically have started installing the infrastructure, and today substantial completion is five years which is going up to seven.

The final one is relative to zoning restrictions on dwelling units, HB 457. Staff are proposing a standalone ordinance, which will take a longer to complete. This new State Law states as follows: *prohibits any ordinance that restricts the number of occupants of any dwelling unit to less than two occupants per bedroom. It also says that municipalities cannot adopt any ordinance based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status. Including, but not limited to, scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students and the governing body thereof, shall not enforce any such ordinance.*

This impacts the City of Keene's definition of a family with respect to each residential dwelling unit. Today a family is based on how people are related to each other or it has to be four or fewer unrelated people.

**V) New Business**

None

**VI) Next Meeting**

November 10, 2025

There being no further business, Chair Bosley adjourned the meeting at 8:27 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Emily Duseau, Planning Technician



**Joint Planning Board /**  
**Planning, Licenses & Development Committee**

**2026 Meeting Schedule**

All meetings are generally on the 2<sup>nd</sup> Monday of each month at 6:30 PM in the 2<sup>nd</sup> Floor Council Chambers of City Hall, unless otherwise noted with an \*

January 12, 2026

February 9, 2026

March 9, 2026

April 13, 2026

May 11, 2026

June 8, 2026

July 13, 2026

August 10, 2026

September 14, 2026

**Tuesday,** October 13, 2026

November 9, 2026

December 14, 2026

January 11, 2027

## STAFF REPORT

### Ordinance 0-2025-40 – Zoning Text Amendment – Relating to Setback Exceptions, Accessory Dwelling Units, & Parking Regulations

#### ORDINANCE OVERVIEW:

This Ordinance proposes several amendments to the zoning ordinance in Chapter 100 of City Code, the Keene Land Development Code (LDC). The proposed modifications are as follows:

- **Section 1.3.3.A.4.a** – Add a new subsection “viii” to indicate that retaining walls are exempt from structure setback requirements.
- **Section 8.4.2.A.2** – Remove subsection “e” to eliminate the need to install an interior door between a principal structure and an attached Accessory Dwelling Unit. Additionally, subsection “g” is proposed to be modified to eliminate the need for all ADUs to be connected to City water and sewer services.
- **Section 9.2.7.A** – Increase the percentage of required on-site parking spaces that can be reduced administratively by the Zoning Administrator from 10% to 25%.
- **Section 9.2.9.B** – Amend this section to prohibit the creation of remote parking spaces on parcels where the primary use is residential, rather than prohibiting them in any residential district.
- **Table 9-3** – Update this table to clarify that parallel parking is allowed and establish a width for drive aisles adjacent to these spaces.

The intent of these proposed changes is to reduce the number of variances or other zoning relief required due to on-site parking requirements and to allow retaining walls within setbacks. Additionally, this ordinance proposes to bring the City’s requirements for Accessory Dwelling Units (ADUs) into compliance with recent updates to state law.

#### BACKGROUND & DISCUSSION:

##### **Section 1.3.3.A.4.a – Structure Setback Exceptions:**

This Ordinance proposes to add a new list item “viii. Retaining Walls” to the list of structures that are exempt from setbacks in Section 1.3.3.A.4.a of the LDC. The list of exempt structures currently includes the following:

- i. Steps and stairs necessary to provide access to a building or structure
- ii. Access landings up to 25-sf
- iii. Structures necessary to afford access for persons with physical disabilities
- iv. Canopies and awnings
- v. One detached utility accessory building less than 125-sf in size (e.g. a garden shed)
- vi. Fences
- vii. Signs as regulated by Article 10 of the LDC

While retaining walls meet the LDC’s definition of “structure,” they are often used for aesthetic purposes, site grading, and managing stormwater runoff and are generally not considered to be a nuisance for neighboring properties. Under the current building code, a building permit is

## STAFF REPORT

required for the installation of a retaining wall that is more than 4 feet tall or for a retaining wall of any height that may be subject to pressure from vertical loads or lateral forces. Exempting retaining walls from setback requirements will ease the site design process for residents and property owners while ensuring that all necessary building code standards are met.

### **Section 8.4.2.A.2 – Accessory Dwelling Units (ADU) Use Standards:**

This ordinance proposes to amend the ADU use standards in Section 8.4.2.A.2 of the LDC by removing the requirement for an interior door between an attached ADU and the principal dwelling (use standard e) and clarify the wording of use standard “g” regarding utility requirements. These changes will bring the city’s ADU standards into compliance with changes to state law that were made during the 2025 legislative session with House Bill 577 and will help make the ADU use standards simpler and easier to understand.

### **Section 9.2.7.A – Administrative Reduction of Required Parking:**

Article 9 of the LDC requires that a minimum amount of on-site parking be provided for each use. For example, offices are required to have 4 parking spaces per 1,000 square feet of gross floor area. In addition, this article provides three alternatives to providing the required parking: (1) a parking reduction, (2) a parking credit, or (3) provision of remote parking.

Under the “Reduction of Required Parking” section (9.2.7), an applicant may seek up to a 10% reduction in the number of required on-site parking spaces from the Zoning Administrator through an administrative process, or up to a 50% reduction from the Zoning Board of Adjustment through a Special Exception public hearing process. To receive the requested reduction, applicants must submit documentation regarding the characteristics of the use & site and a description of how the use & site meets the criteria listed below.

1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located: reserve area; proximity to alternative modes of transportation; shared parking; and/or proximity to on-street parking.

In practice, staff have found that a 10% reduction is often not enough to meet the needs of applicants, especially for smaller projects where the total amount of parking required is less than 25 spaces. In addition, the process of requesting a 50% reduction can be too expensive for some applicants due to the requirement to submit a full parking study. As a result, some applicants have opted to request a variance rather than using the “Alternate Parking” option or they have reduced the scope of their project.

This Ordinance proposes to increase the amount of parking that may be reduced administratively from 10% to 25% to provide applicants with a faster and less expensive option for seeking relief from the minimum parking requirements in Article 9. As part of this change, this ordinance would require any residential uses seeking an administrative reduction of greater than 10% to provide a reserve area (an area of land that could be used for future parking spaces), and it would add a

## STAFF REPORT

requirement for all administrative parking reduction requests of more than 10% to provide a traffic and parking analysis (but not a full study).

The intent of this change is to remove a barrier to development by streamlining the process and reducing the number of variances or other zoning relief that is sought due to parking requirements. Table 1 below shows examples of the existing and proposed number of parking spaces that could be reviewed administratively by Zoning Staff.

**Table 1 – Example Administrative Parking Reductions Under Current & Proposed Zoning**

Base Parking Requirement	10% Reduction (Current)	25% Reduction (Proposed)
10 spaces	9 (-1 space)	8 (-2 spaces)
25 spaces	23 (-2 spaces)	19 (-6 spaces)
65 spaces	59 (-6 spaces)	49 (-16 spaces)

### **Section 9.2.9.B – Remote Parking:**

Another alternative method for meeting the parking requirements in Article 9 is through the provision of remote parking, described in Section 9.2.9 of the LDC. The requirements for offsite (or “remote”) parking state that all spaces must be within 1,000-ft of the property on which the principal use is located and cannot be obtained from any parcel located within a residential zoning district. However, throughout the City there are existing commercial properties within residentially zoned areas (legal nonconforming uses) as well as residential uses within commercial areas.

This Ordinance proposes to amend this section to state that remote parking spaces cannot be obtained from a residential property (rather than district). The intent of this change is to make it possible for uses to lease remote parking spaces from non-residential uses that are legally located in a residential district. All required accessible spaces will still be required to be on site, and the remote parking spaces must be “excess” spaces – in other words, they cannot be double-counted for the property where they are located and the use that is leasing them.

This change would make it easier for uses located in/near residential districts to lease off-site parking spaces on non-residential properties within the required 1,000 sf distance.

### **Table 9-3 – Travel Lane Dimensions:**

This Ordinance proposes to amend Table 9-3 of the LDC (Figure 1) to include parallel parking spaces as an option and to clarify that a 10'-wide travel aisle is required if a one-way flow of traffic is proposed and a 20'-wide travel aisle is required if a two-way flow of traffic is proposed. Currently, the table includes width requirements for parking spaces measuring 30, 45, 60, and 90 degrees, but does not address parallel (0 degree) parking spaces.

Table 9-3: Travel Lane Dimensions	
Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft

*Figure 1. Table 9-3 from the Land Development Code.*

The aim of this proposal is to clarify that parallel parking is allowed and reduce any potential confusion on the part of applicants or future code interpreters.

## STAFF REPORT

### POTENTIAL IMPACTS OF THE PROPOSED CHANGES:

This Ordinance proposes a series of changes that will simplify, clarify, and update existing City processes and requirements related to structure setbacks, alternate parking requirements, and ADU use standards. The potential impacts of these proposed changes include less regulation of certain structure types, including retaining walls and ADUs, and relaxed parking requirements. As they exist today, these regulations may unintentionally reduce a small-scale developer's interest in pursuing a project due to the perceived complexity of the processes. The impact of this ordinance would be to provide both applicants and City Staff with additional flexibility in navigating the design review process and remove roadblocks that could otherwise hinder a development project.

### CONSISTENCY WITH THE MASTER PLAN:

The 2025 Comprehensive Master Plan is centered around six pillars, including Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment. Chapter 6.0 of the Master Plan includes an Implementation Matrix for each of these pillars and their associated goals. The matrix outlines the priority and role of the City in achieving each of the action items associated with a pillar's goals. Goal 2 of the Livable Housing Pillar is to, *"Remove barriers to housing development."* Action Item #2.6 under this goal is to *"Update zoning map and/or code to encourage desired development."* Additionally, Action Item #2.7 states that the community should *"Continually review and assess the city's permitting and approval processes."*

Each of these items is categorized as being a high priority action that should be led by the City. Modifying the zoning code in the ways described in this staff report would serve as a starting point for updating the zoning regulations to encourage development within the community. In addition, Goal 3 of the Livable Housing Pillar is to *"Promote sustainable and healthy housing standards that align with the community's character."* Action Item #3.2 under this goal is to *"Review zoning code and development regulations to ensure clarity."* Modifying the ADU regulations to remove unnecessary requirements; updating the process for obtaining off-site parking spaces and parking reductions; and accounting for additional types of parking spaces are all changes that will serve to offer more clarity to those individuals reviewing the LDC with the goal of developing a project within the City of Keene.

### **Recommended Motions:**

*The following language is recommended for the motion for each board:*

**Planning Board Motion:** "To find Ordinance O-2025-40 to be consistent with the 2025 Comprehensive Master Plan."

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





## APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: December 16, 2025

Address: 3 Washington St. Keene NH

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

Existing Section Reference in Chapter 100, Land Development Code: 1.3.3, 8.4, 9.2, & 9.3

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

Does the amendment affect "Permitted Uses"? ☐ Yes ☒ No

Number of parcels in Zoning District\*: N/A

Validation of Number of parcels by the  
Community Development Department

Mari Beeman  
Petitioner's Signature

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

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

Date Received by City Clerk: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

On City Council agenda: \_\_\_\_\_ Workshop to be held: \_\_\_\_\_

Public Hearing to be held \_\_\_\_\_



## APPLICATION TO AMEND THE ZONING ORDINANCE

### **APPLICABLE FEES:**

Application Fee @ \$100.00 \$ \_\_\_\_\_

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

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

**Total Fees submitted to City Clerk** \$ \_\_\_\_\_

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

**CITY OF KEENE**  
**NEW HAMPSHIRE**

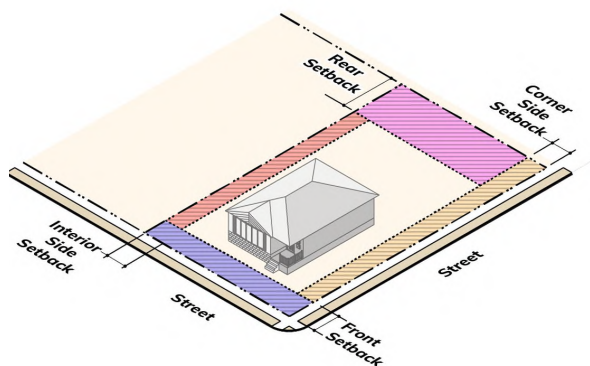
**O-2025-40 Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations**

This Ordinance proposes to amend several sections of the zoning regulations, including:

- Section 1.3.3.4.a of Article 1 by adding a new subsection "vii" to indicate that retaining walls are exempt from structure setback requirements.
- Section 8.4.2.A of Article 8 by removing subsection 2.e to remove the requirement for an interior door between an attached Accessory Dwelling Unit (ADU) and amend sub-section 2.g to remove the requirement for all ADUs to have city water and sewer.
- Section 9.2.7.A of Article 9 to increase the amount of on-site parking that may be reduced through an administrative process from 10% to 25%.
- Section 9.2.9.B of Article 9 to prohibit remote parking spaces on lots where the primary use is residential, rather than prohibiting them in any residential district.
- Table 9-3 of Article 9 to clarify that parallel parking is allowed and to stipulate the width of drive aisles adjacent to parallel parking for both one-way and two-way traffic.

The intent of these proposed changes is to reduce the number of variances or other zoning relief that is sought for retaining walls built within a setback or for providing on-site parking where the use can demonstrate that the amount of parking required by zoning is not needed. Lastly, this ordinance would bring the City's ADU requirements into compliance with state law, which was changed during the 2025 legislative session to prohibit municipalities from requiring an interior door, and would allow for ADUs to have private well and septic.

The attached materials include the full text of Ordinance O-2025-40 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-40. Text that is **bolded and underlined** is proposed to be added, and text that is ~~stricken through~~ is proposed to be deleted.



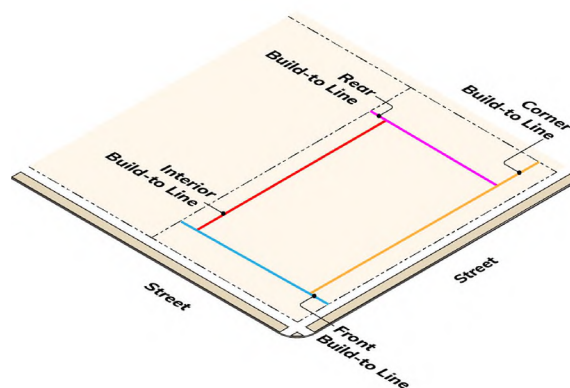
#### 4. Structure Setback Exceptions.

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

of the front setback beyond the front of the building.

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

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



as the building façade line, which begins at the applicable façade wall.

- D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage.

## 8.4.2 Specific Use Standards

### A. Accessory Dwelling Unit (ADU)

1. **Defined.** An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. **Use Standards**
  - a. Only 1 ADU shall be permitted per lot.
  - b. There shall be no more than 2 bedrooms in an ADU.
  - c. ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.
  - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
  - e. ~~An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
  - f. Only 1 parking space shall be required for an ADU.
  - g. ~~An ADU shall have city water and sewer service, or, in~~ the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
  - h. A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
    - i. The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
    - j. Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
      - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
      - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.
    - k. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.
      - i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
<b>OPEN SPACE USES</b>	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA
Gravel Pit	4 spaces / 1,000 sf GFA of office space
<b>INFRASTRUCTURE USES</b>	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
<b>TRANSPORTATION USES</b>	
Parking Lot (Principal Use)	No minimum
Parking – Structured Facility (Principal Use)	No minimum

### 9.2.2 Use Determination

- A. Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

### 9.2.3 Mixed Uses

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

### 9.2.4 Accessible Parking

- A. The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B. In no circumstance shall the number of required accessible parking spaces be reduced.

### 9.2.5 Zoning District Specific Requirements

- A. No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses in the Downtown Growth and Downtown Limited Districts as stated in Table 9-1.
- B. When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

### 9.2.6 Alternate Parking Requirements

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

### 9.2.7 Reduction of Required Parking

- A. **Administrative Reduction.** The Zoning Administrator may grant up to a **10% 25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
1. A specific use or site has such characteristics that the number of required



parking spaces is too restrictive.

2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
  - a. **Reserve Area.** An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
  - b. **Proximity to Alternative Modes of Transportation.** The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
  - c. **Shared Parking.** The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
  - d. **Proximity to On-Street Parking.** Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

#### B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
  - a. The size and type of the proposed use(s).

- b. The anticipated rate of parking turnover.
- c. The anticipated peak parking and traffic loads for all uses.
- d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
- e. **A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
- f. Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.

2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.

#### C. Major Reduction Request

1. Requests for reductions in required parking that exceed 10% and are less than 50% shall be considered by the Zoning Board of Adjustment through the special exception process.
2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings.
  - a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
  - b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. The applicant for a special exception shall submit a parking study conducted by a NH licensed engineer that clearly demonstrates the need for a reduction in required parking. The parking study shall address the following.

- a. A description of the proposed use(s).
- b. Days and hours of operation of the use(s).
- c. Anticipated number of employees and number of daily customers or clients.
- d. The anticipated rate of turnover for proposed spaces.
- e. The availability of nearby on-street parking or alternative modes of transportation (e.g. public transit, multi-use pathways).
- f. The anticipated peak parking and traffic loads for each of the uses on the site.
- g. Total vehicle movements for the parking facility as a whole.

#### 9.2.8 Parking Credit

Any existing parking deficiencies of the required on-site parking spaces for the previous use may be credited to the new use at the discretion of the Zoning Administrator, provided that the previous use was legally established and the number of parking spaces has not decreased.

#### 9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential**

**(single family, two family, or multifamily). in any residential zoning district.**

- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.
- E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

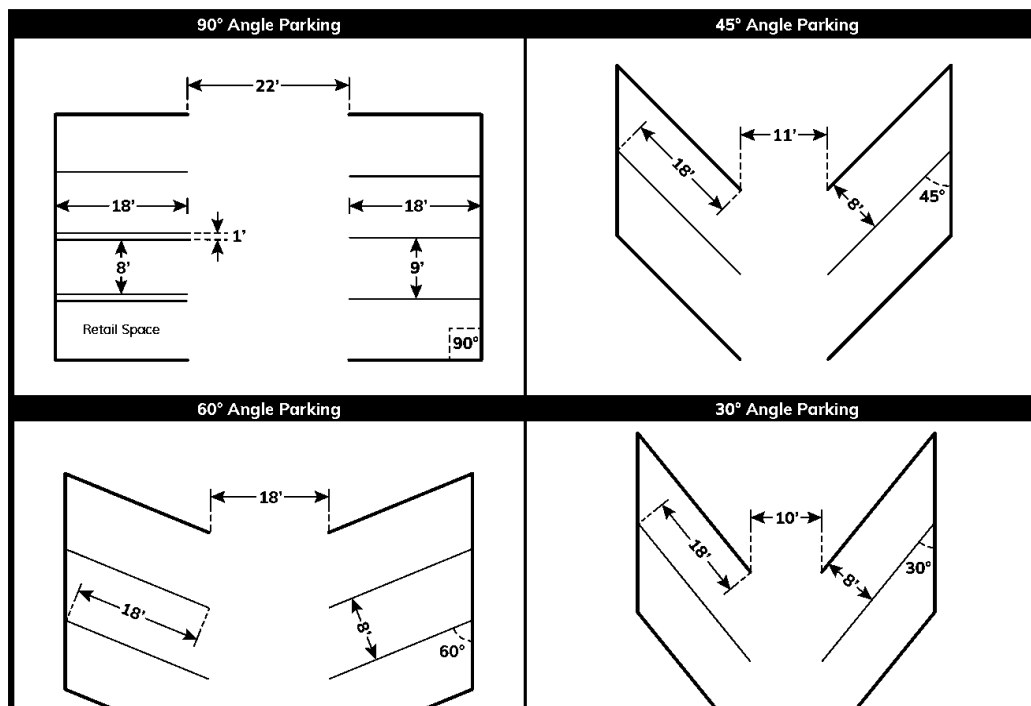
### 9.4.3 Surface Material and Grade

The surface of parking lots shall be designed as follows.

- A. The surface material shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.
- B. Shall be striped to delineate parking spaces.
- C. Shall be graded to prevent drainage across sidewalks and curb cuts or onto adjacent property.
- D. Shall have a substantial curb or wheel stop of concrete, masonry, steel or heavy timber placed at or near the end of each parking space to prevent vehicles from damaging nearby buildings, lawns, trees or shrubs, or from creating a hazard to pedestrians on any sidewalk or walkway.

**Table 9-3: Travel Lane Dimensions**

Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
<b>0 degree</b>	<b>10 ft (one-way)</b>
<b>(parallel parking)</b>	<b>20 ft (two-way)</b>





# CITY OF KEENE

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

AN ORDINANCE \_\_\_\_\_ Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

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

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

1. That a new section be added after Section 1.3.3.4.a, sub-section vii to indicate that retaining walls are exempt from setback requirements, as follows.

4. Structure Setback Exceptions.

- a. The following may be excluded from required setbacks.

- i. Steps and stairs necessary to provide access to a building or structure
      - ii. Access landings up to 25-sf
      - iii. Structures necessary to afford access for persons with physical disabilities
      - iv. Canopies and awnings
      - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
      - vi. Fences
      - vii. Signs as regulated by Article 10

- viii. Retaining walls**

2. That Section 8.4.2, Subsection A be amended by removing sub-sections 2.e and 2.g, as follows. The intent of this proposed change is to come into compliance with recent changes to state law, specifically HB 577 which amended NH RSA 674:71 to :73.

- A. Accessory Dwelling Unit (ADU)

1. Defined. An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. Use Standards
  - a. Only 1 ADU shall be permitted per lot.
  - b. There shall be no more than 2 bedrooms in an ADU.
  - c. ADUs shall be permitted in any district and on any lot that contains a singlefamily dwelling. This shall include any legal non-conforming single-family dwelling.
  - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
  - ~~e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
  - ~~f.e.~~ Only 1 parking space shall be required for an ADU.
  - ~~g.f.~~ An ADU shall have city water and sewer service, or, ~~i~~ In the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
  - ~~h.g.~~ A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
  - ~~i.h.~~ The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
  - ~~j.i.~~ Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
    - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
    - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.

- k.j. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a singlefamily dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.
        - i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.
- 3. That Section 9.2.7.A "Administrative Reduction" of Article 9 be amended to increase the amount of parking that may be reduced through an administrative process, as follows. The intent of this proposed change is to reduce barriers to development where the proposed development can clearly demonstrate that the number of required parking spaces as detailed in Table 9-1 is too restrictive based on the characteristics of the specific use or site.

#### 9.2.7 Reduction of Required Parking

- A. Administrative Reduction. The Zoning Administrator may grant up to a ~~10%~~ **25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
  - 1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
  - 2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
  - 3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
    - a. Reserve Area. An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
    - b. Proximity to Alternative Modes of Transportation. The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
    - c. Shared Parking. The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
    - d. Proximity to On-Street Parking. Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.



## B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
    - a. The size and type of the proposed use(s).
    - b. The anticipated rate of parking turnover.
    - c. The anticipated peak parking and traffic loads for all uses.
    - d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
    - e. A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
    - ~~f.e.~~ Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.
  2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.
4. That Section 9.2.9.B "Remote Parking" of Article 9 be amended to allow remote parking to be located on lots located in residential districts with legally non-conforming uses and excess parking capacity, as follows. The intent of this proposed change is to allow for more flexibility for remote parking arrangements in areas that are located within a residential district.

### 9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential (single family, two family, or multifamily).** ~~in any residential zoning district.~~
- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal

use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.

E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

5. That Table 9-3 “Travel Lane Dimensions” be modified to include travel lane widths adjacent to parallel parking spaces, as follows. The intent of this proposed change is to clarify that parallel parking is allowed and to specify the required width of adjacent travel lanes.

<b>Parking Space Angle</b>	<b>Travel Lane Width</b>
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
<b><u>0 degree</u></b>	<b><u>10 ft (one-way)</u></b>
<b><u>(parallel parking)</u></b>	<b><u>20 ft (two-way)</u></b>

---

Jay V. Kahn, Mayor

CHAPTER 188  
HB 457 - FINAL VERSION

26Mar2025... 0917h  
05/22/2025 2152s

2025 SESSION

25-0876  
09/08

HOUSE BILL **457**

AN ACT relative to zoning restrictions on dwelling units.

SPONSORS: Rep. Pauer, Hills. 36; Rep. Alexander Jr., Hills. 29; Rep. Bean, Belk. 6; Rep. Berry, Hills. 44; Rep. Damon, Sull. 8; Rep. Farrington, Straf. 8; Rep. A. Murray, Hills. 20; Rep. Presa, Hills. 12; Rep. Read, Rock. 10; Rep. Wheeler, Hills. 33; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Reardon, Dist 15; Sen. Watters, Dist 4

COMMITTEE: Housing

---

AMENDED ANALYSIS

This bill prohibits the legislative body of a city, town, village district, or county in which there are located unincorporated towns or unorganized places from adopting or enforcing any ordinance that restricts the number of occupants of any dwelling unit to less than 2 occupants per bedroom or is based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 188  
HB 457 - FINAL VERSION

26Mar2025... 0917h  
05/22/2025 2152s

25-0876  
09/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT                      relative to zoning restrictions on dwelling units.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            188:1 New Paragraph; Zoning; Grant of Power; Dwelling Unit Occupancy. Amend RSA 674:16 by  
2 inserting after paragraph VII the following new paragraph:

3            VIII. In its exercise of the powers granted under this subdivision, the legislative body of a city,  
4 town, village district, or county in which there are located unincorporated towns or unorganized places  
5 shall not adopt any ordinance that restricts the number of occupants of any dwelling unit to less than 2  
6 occupants per bedroom, and the governing body thereof shall not enforce any such ordinance. Such  
7 legislative body shall not adopt any ordinance based on the familial or non-familial relationships or marital  
8 status, occupation, employment status, or the educational status, including but not limited to scholastic  
9 enrollment or academic achievement at any level among the occupants of the dwelling unit, including but  
10 not limited to college students, and the governing body thereof shall not enforce any such ordinance.  
11 Nothing in this section shall prohibit the enforcement of the state building code or state fire code.

188:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 15, 2025  
Effective Date: September 13, 2025