



City of Keene Zoning Board of Adjustment

AGENDA

Monday, February 2, 2026 6:30 p.m. City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: January 5, 2026
- III. Unfinished Business:
- IV. Hearings:

ZBA-2026-01: Petitioner, Samuel & Cassie Brown, of 56 Birch St., requests a Variance, for property located at 56 Birch St., Tax Map # 538-047-000-000 and is in the Low-Density District. The Petitioner is requesting a Variance to permit a garage addition that will encroach approximately 2.5 ft into the 10 ft side setback, per Article 3.3.2 of the Zoning Regulations.

- V. New Business:
- VI. Staff Updates:
- VII. Communications and Miscellaneous:
- VIII. Non-Public Session: (if required)
- IX. Adjournment:

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City of Keene New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, January 5, 2026

6:30 PM

Council Chambers, City Hall

Members Present:

Richard Clough
Edward Guyot
Tad Schrantz
Zach LeRoy

Staff Present:

Evan Clements, Planner, Deputy Zoning Administrator

Members Not Present:

Stephen Buckley, Alternate
Michael Zoll, Alternate
Adam Burke

I) Introduction of Board Members

Mr. Clough called the meeting to order at 6:30 PM and explained the procedures of the meeting. Roll call was conducted.

II) Vote for Chair & Vice Chair

Mr. Schrantz made a motion to nominate Mr. Clough as Chair. Mr. Guyot seconded the motion, which passed by unanimous vote.

Chair Clough made a motion to nominate Mr. Guyot as Vice Chair. Mr. LeRoy seconded the motion, which passed by unanimous vote.

III) Minutes of the Previous Meeting: November 2, 2025

Mr. Schrantz noted a correction: under "Hearings," 4A, the first paragraph says that Tim Sampson was the Petitioner's representative, but it was Eli Leino.

Evan Clements, Deputy Zoning Administrator, replied that that is the legal language, copy and pasted from the original notice, so that will remain the same.

Mr. Schrantz thanked Mr. Clements and replied that he has no other comments on the minutes.

33

34 Mr. Schrantz made a motion to approve the meeting minutes of November 2, 2025. Mr. Guyot
35 seconded the motion, which passed by unanimous vote.

36

37 **IV) Unfinished Business**

38

39 Chair asked if there was any unfinished business. Mr. Clements replied no.

40

41 **V) Hearings**

42 **A) ZBA-2026-01: Petitioner, Samuel & Cassie Brown, of 56 Birch St., requests a
43 Variance, for property located at 56 Birch St., Tax Map # 538- 047-000-000 and is in
44 the Low-Density District. The Petitioner is requesting a Variance to permit a garage
45 addition that will encroach approximately 2.5 ft into the 10 ft side setback, per
46 Article 3.3.2 of the Zoning Regulations.**

47

48 Chair Clough introduced ZBA-2026-01 and asked to hear from staff.

49

50 Mr. Clements stated that the Petitioner has requested a continuance to the February meeting, in
51 order to provide more information pertinent to the request. Chair Clough asked if there was any
52 discussion. Hearing none, he asked for a motion.

53

54 Mr. Schrantz made a motion to continue ZBA-2026-01 to the next regularly scheduled meeting
55 of the Zoning Board of Adjustment, on February 2, 2026, at 6:30 PM, in Council Chambers in
56 City Hall. Mr. Guyot seconded the motion, which passed by unanimous vote.

57

58 **VI) New Business**

59

60 Chair Clough asked if there was any new business.

61

62 **VII) Staff Updates**

63 **A) Rules of Procedure Adoption**

64

65 Mr. Clements stated that staff brought these proposed changes to the Rules of Procedure to the
66 ZBA in November. He continued that there was no meeting in December. They are ready to
67 adopt the proposed changes. As a reminder, there were some minor, grammatical changes, and
68 the only real substantive change was to the submittal deadline, to provide more review time for
69 staff. There were also some slight changes related to procedures being changed from "shall" to
70 "may," to give the ZBA to flexibility to choose to do the procedures if deemed relevant, instead
71 of being obligated. Chair Clough replied that the ZBA discussed these proposed changes in
72 November. He asked if anyone had further discussion tonight. Hearing none, he asked for a
73 motion.

74

75 Mr. Guyot made a motion to approve the Zoning Board of Adjustment's updated Rules of
76 Procedure. Mr. LeRoy seconded the motion, which passed by unanimous vote.
77

78 **VIII) Communications and Miscellaneous**
79

80 Mr. Guyot stated that he has a question for Mr. Clements. He continued that he received an
81 email a few months ago about a potential State-level change to the Zoning regulations, pertinent
82 to the fifth criterion, which is the one the ZBA often wrestles with. He asked if there are any
83 updates on that.
84

85 Mr. Clements replied that the 2026 legislative session might have kicked off today. He
86 continued that staff received all of the LSR language a month or two early this year. Normally,
87 they do not start to see what bills look like until early January. One of the proposed bills is to
88 strike the hardship requirement from variance applications. There is no update so far. He has
89 professional concerns about it. The other four variance criteria almost compound upon
90 themselves, so if you find one to be true, you are likely to find at least two others to be true. A
91 lot of case law supports the five variance criteria, including the hardship test, which asks what is
92 unique about an applicant's property that makes it challenging to use in the highest and best way.
93 In his opinion, eliminating the hardship test is problematic, almost to the point of it not making
94 sense to have a Zoning Ordinance at all. Without the hardship criterion, it basically allows
95 people to do whatever they want, as long as they are not aggressively risking public health,
96 safety, or welfare. It is already a low bar to prove you are not doing that. He will keep the ZBA
97 updated. There are many proposed legislative changes related to land use, housing, and similar
98 issues. He is tracking about 100 bills. He encourages others to follow along. They could sign
99 up for the bulletin from the New Hampshire Municipal Association (NHMA), which tracks all
100 municipal-related legislation.
101

102 Mr. Clements continued that last year, a lot of legislation was passed under the guise of housing
103 policy, of promoting new housing development, and in some cases, that is really not the result of
104 the changes. Thus, there is a fair amount of pulling back and undoing some of what was adopted
105 last year. Some of the proposals are really interesting. A bill he opposes is sort of an omnibus,
106 saying you cannot limit the length of dead end roads or the amount of house lots on dead end
107 roads, and allowing infrastructure to be put on open space lots. Keene has the Conservation
108 Residential Development (CRD) subdivision scheme. It is a cluster subdivision. For example,
109 you normally could put 20 houses on a 10-acre parcel if you develop the entire thing, but you
110 had to do two-acre lots. With the CRD, you could still get those 20 houses, but you would put
111 50% of the 10-acre lot into permanent conservation as an open space lot, and then you would get
112 smaller lots than what would normally be allowed by Zoning, to make up for that. You would
113 still get the same amount of density, but with less impact to the natural environment. This bill is
114 saying you could do that, but then you could put, say, septic systems in the open space lot, or
115 storm water management facilities, telecommunications, or other shared infrastructure
116 necessities required for the development. That defeats the entire purpose of putting the land into
117 permanent conservation.

118

119 Mr. Clements continued that that is an example of a bill that sounds like, “Oh, you’re going to
120 make housing development more affordable,” but not really, and with no limit for dead end
121 roads. Dead end roads are bad planning, and are not great from a transportation perspective or
122 an emergency management perspective, having only a single mode of ingress and egress from a
123 neighborhood. He does not think they should encourage this form of development. They should
124 be encouraging connectivity, building resilient neighborhoods that can survive flooding without
125 having their only road in and out getting washed out.

126

127 Mr. Clements continued that he encourages everyone to look at the NHMA’s bulletin to see what
128 is going on. If they have specific questions about bills that catch their eye, they can reach out to
129 him.

130

131 **IX) Non-Public Session (if required)**

132

133 **X) Adjournment**

134

135 There being no further business, Chair Clough adjourned the meeting at 6:46 PM.

136

137 Respectfully submitted by,
138 Britta Reida, Minute Taker

139

140 Reviewed and edited by,
141 Evan J. Clements, AICP
142 Planner / Zoning Administrator

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56 BIRCH ST.
ZBA-2026-01



Petitioner requests a garage addition that will encroach ~2.5ft into the 10ft side setback per Article 3.3.2 of the Zoning Regulations.



Notice of Public Hearing

A meeting of the Keene Zoning Board of Adjustment will be held on **Monday, January 5, 2026, at 6:30 PM** in the 2nd Floor Council Chambers of City Hall, 3 Washington St, Keene, NH 03431 to conduct a hearing on the following petition.

ZBA-2026-01: Petitioner, Samuel & Cassie Brown, of 56 Birch St., requests a Variance, for property located at 56 Birch St., Tax Map # 538-047-000-000 and is in the Low-Density District. The Petitioner is requesting a Variance to permit a garage addition that will encroach approximately 2.5 ft into the 10 ft side setback, per Article 3.3.2 of the Zoning Regulations.

Why am I receiving this notice?

You are receiving notice of this hearing as an abutter to, or owner of, property within 200-ft of the subject parcel. Please be advised that this may be the only notice you will receive, and the nature of the proposal may change in scope.

Where can I find the application materials?

Materials for this application are available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm. The agenda packet is typically posted on the Zoning Board of Adjustment webpage (keenennh.gov/zoning-board-adjustment) one week before the meeting.

How can I provide my feedback?

Written comments in the form of a letter can be mailed to or dropped off in the City of Keene Community Development Department on the 4th Floor of City Hall. Letters can also be emailed to communitydevelopment@keenennh.gov or dropped off in person and will be accepted up until 3:00 pm on the day of the meeting.

Can I attend the meeting?

Yes, you have the right to attend the meeting and provide your feedback on the proposal. If you are unable to attend in person, you can view a livestream of the Zoning Board of Adjustment meeting on the City of Keene website and YouTube channel, barring any technical difficulties.

How can I follow along with this project?

You are encouraged to review any future agendas for updates on the status of this and other applications on the Board webpage. All decisions made by the Zoning Board of Adjustment are posted under the "Actions" section of their webpage the next business day. If you have any questions, please contact the Community Development Department at (603) 352-5440.

STAFF REPORT

ZBA-2026-01 – SETBACK VARIANCE – GARAGE ADDITION, 56 BIRCH ST.

Request:

Petitioner, Samuel & Cassie Brown, of 56 Birch St., requests a Variance, for property located at 56 Birch St., Tax Map # 538-047-000-000 and is in the Low Density District. The Petitioner is requesting a Variance to permit a garage addition that will encroach approximately 2.5 ft into the 10 ft side setback, per Article 3.3.2 of the Zoning Regulations.

Background:

The subject parcel is an existing .026 ac residential lot located on the southern side of Birch St. between the intersections with Balsam St. to the east, and Needle St. to the west. The property contains an existing single-family residence with attached garage and driveway. The property is part of the Pine Banks Extension subdivision from 1946, which is characterized as a traditional midcentury suburban neighborhood.

The purpose of this application is to seek a Variance from the 10 ft side yard setback requirement in the Low-Density Zoning District to accommodate the addition of a second garage bay with additional living space above the western side of the residence. Construction of the addition will require encroachment of approximately 2.5 ft into the side yard setback.

At the time of this staff report, the submitted materials do not clearly indicate how the requested relief was calculated. The submitted floor plan does not indicate the measurement from the edge of the proposed addition to the property line. If the measurement was derived from the edge of the roof overhang to the property line, then the requested relief is correct. If the measurement is from the wall of the proposed garage and the roof overhangs beyond the wall, then the requested relief is insufficient. This information has been requested from the applicant.



Fig 1: Aerial of 56 Birch St. outlined in yellow

STAFF REPORT

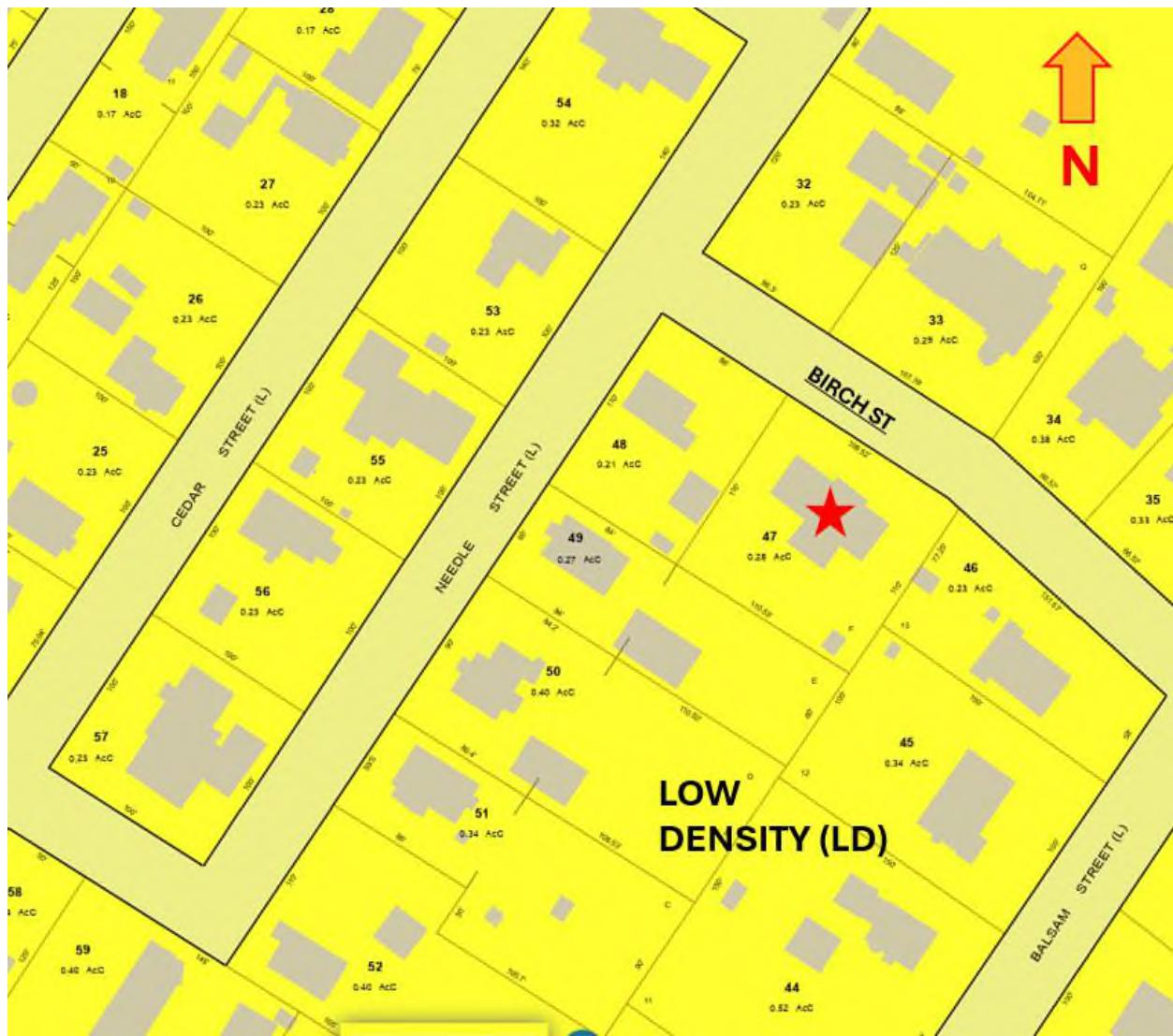


Fig 2: Aerial of 56 Birch St. at the red star with surrounding zoning districts

Surrounding Uses:

North: Single-family residential

South: Single-family residential

East: Single-family residential

West: Single-family residential

STAFF REPORT

Application Analysis: The following is a review of the relevant sections of the Zoning Ordinance:

1.3.3 Setbacks & Build-To Dimensions:

Building Setback. The required minimum distance all buildings or structures must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.

Side Setback. The required minimum distance that all buildings or structures must be located from the side lot line, unless expressly permitted by this LDC. A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.

Low Density District: 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.

3.3.2 Dimensions & Siting:

Min Lot Area	10,000 sf
Min Lot Width at Building Line	70 ft
Min Road Frontage	60 ft
Min Front Setback	15 ft
Min Rear Setback	20 ft
Min Side Setback	10 ft

Suggested Conditions and Draft Motion:

If the Board is inclined to approve this request, the following language is recommended for the motion:

"Approve ZBA-2026-01, for the Variance to allow an approximately 2.5 ft encroachment into the 10 ft side yard setback to accommodate an addition for property located at 56 Birch St., Tax Map # 538-047-000-000 as shown in the application and supporting materials, received on December 1, 2025 with the following conditions:

- 1. Foundation corners shall be pinned by a licensed surveyor and verified by a City Building Inspector prior to construction."**

City of Keene, NH

**Zoning Board of Adjustment
Variance Application**

If you have questions on how to complete this form, please call (603) 546-0404
or email communitydevelopment@keene-nh.gov



For Office Use Only:
Case No ZBA-2026-01
Date Filed 12/1/2025
Rec'd By CJM
Page 1 of 13
Rev'd by _____

OWNER / APPLICANT

NAME/COMPANY: Samuel & Cassie Brown

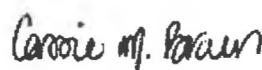
MAILING ADDRESS: 56 Birch Street Keene NH 03431

PHONE: 603-852-4152

EMAIL: cassiebrown603@gmail.com

SIGNATURE: 

PRINTED NAME: Samuel Brown, Cassie Brown



APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION				
Property Address: 56 Birch Street Keene NH 03431				
Tax Map Parcel Number: 538//047/000 000/000				
Zoning District: Low Density				
Lot Dimensions: Front: 108.52		Rear: 110.53	Side: 110	Side: 110
Lot Area: Acres: 0.28		Square Feet: 1142		
% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 15%			Proposed: 17.3%	
% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 21.2%			Proposed: 23.2%	
Present Use: Residential				
Proposed Use: Residential				
SECTION 3: MOTION NARRATIVE				
Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.				
Owners: Samuel & Cassie Brown				
Description of property: Property is a ranch style single family residential dwelling in the tree street district of west Keene.				
Proposed work requiring variance. Eliminate one bay garage and replace with double bay with additional living space located above to include master bedroom, bathroom and small office space.				
Justification: Unique property conditions. The property at 56 Birch Street has existing limitations with the current lot size, garage placement and setbacks that make it difficult to reasonable use without the variance. Safety and functionality. The single bay garage that was included during the construction of the home in the 1950's does not accommodate modern vehicles or multiple drivers in the household. A double bay improves safe off-street parking and storage, which aligns with community safety goals. Reasonable use: This change is consistent with typical residential needs as evidenced by a similar property on the same street (17 Birch Street, Keene NH) created a similar modification, as well as other abutting streets. Due to neighborhood similarity the variance request is not excessive or out of character.				
Impact (Impacts on the neighborhood & Zoning Intent) Character of neighborhood: Several homes are noted in the neighborhood that have similar or larger garages, so the request to the zoning board is in harmony with the neighborhood. No negative impact: The change will not block sightlines, reduce open space or cause drainage, traffic or noise issues. Improvement: The new garage addition will enhance the property value and appearance which will positively affect the neighborhood. Zoning intent preservation: The proposed project fits within the residential use of the property.				

SECTION 4: APPLICATION CRITERIA

Variance is requested from Article 3.3.2 of the Zoning Regulations to permit

A Variance is requested from Article 3.3.2 of the zoning regulations to permit a garage addition the will encroach 2.5ft out of the 10ft side setback.

Briefly describe your responses to each criteria, using additional sheets if necessary:

Granting the variance would not be contrary to the public interest because

Granting the variance would not be contrary to the public interest because the proposed addition with two-bay garage will remain consistent with the residential use and character of the neighborhood. The new garage will reduce reliance on street parking, improving both safety and aesthetics. It will not interfere with neighboring properties' access to light, air, or views and will not create drainage or traffic concerns. Other properties in the area already have similar garages so this improvement will be in harmony with the community and zoning intent.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance is to ensure orderly development, protect neighboring properties, and preserve the residential character of the neighborhood. The proposed serves a typical residential use, fits within the scale of the property and aligns with the character of surrounding homes. Granting the variance allows the ordinances intent to be honored while reasonably accomodating the lots conditions.

3. Granting the variance would do substantial justice because:

Substantial justice is done by granting the variance because the benefit to the homeowner-safe, functional parking and reasonable use of the property outweighs any minimal impact to the public which is essentially none. Granting the variance allows our family of 6 to use the property safely, and fully while denial would create an unnecessary hardship by restricting us to an undersized and outdated garage. The benefit to our family far outweighs any minimal or nonexistent impact on the public. In conclusion denying the variance would create an unnecessary hardship without providing any corresponding public benefit.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed improvements will not diminish surrounding property values. In fact, a new well designed garage with addition will enhance the appearance and functionality of the property and secondary improve neighborhood values overall.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The property has unique conditions that create a hardship. The existing single-bay garage does not reasonably meet the needs of a modern household, forcing reliance on on-street parking. Due to the lot layout and existing structure placement, strict enforcement of the ordinance would prevent a reasonable and customary improvement. Expanding to a two-bay garage is a modest, practical solution consistent with typical residential use and with other homes in the area.

and

ii. The proposed use is a reasonable one because:

The proposed use is reasonable because a two-bay garage is a typical and appropriate accessory structure for a single-family residence. It provides safe off-street parking and storage consistent with the residential nature of the property and neighborhood. The use does not alter the character of the community, will not increase traffic or noise and is in line with what is commonly found on similar lots.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Denial of the proposed variance would harm the owners without benefiting the public.

Granting the variance allows our family to use the property safely and fully while denial would create an unnecessary hardship by restricting us to an undersized and outdated home. The benefit to our family far outweighs any nonexistent impact to the public.



REVISION DATE:
REVISED BY:

Cassie's Addition
56 Birch St.

Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PROVIDED BY:
Joe Puhala
603-762-4826

DATE:
8/12/2025

SCALE:

SHEET:
1



Second Floor Overview



View of stair



View of Living Room

REVISION TABLE
NUMBER/DATE
REVISED BY
DESCRIPTION

Cassie's Addition
56 Birch St.

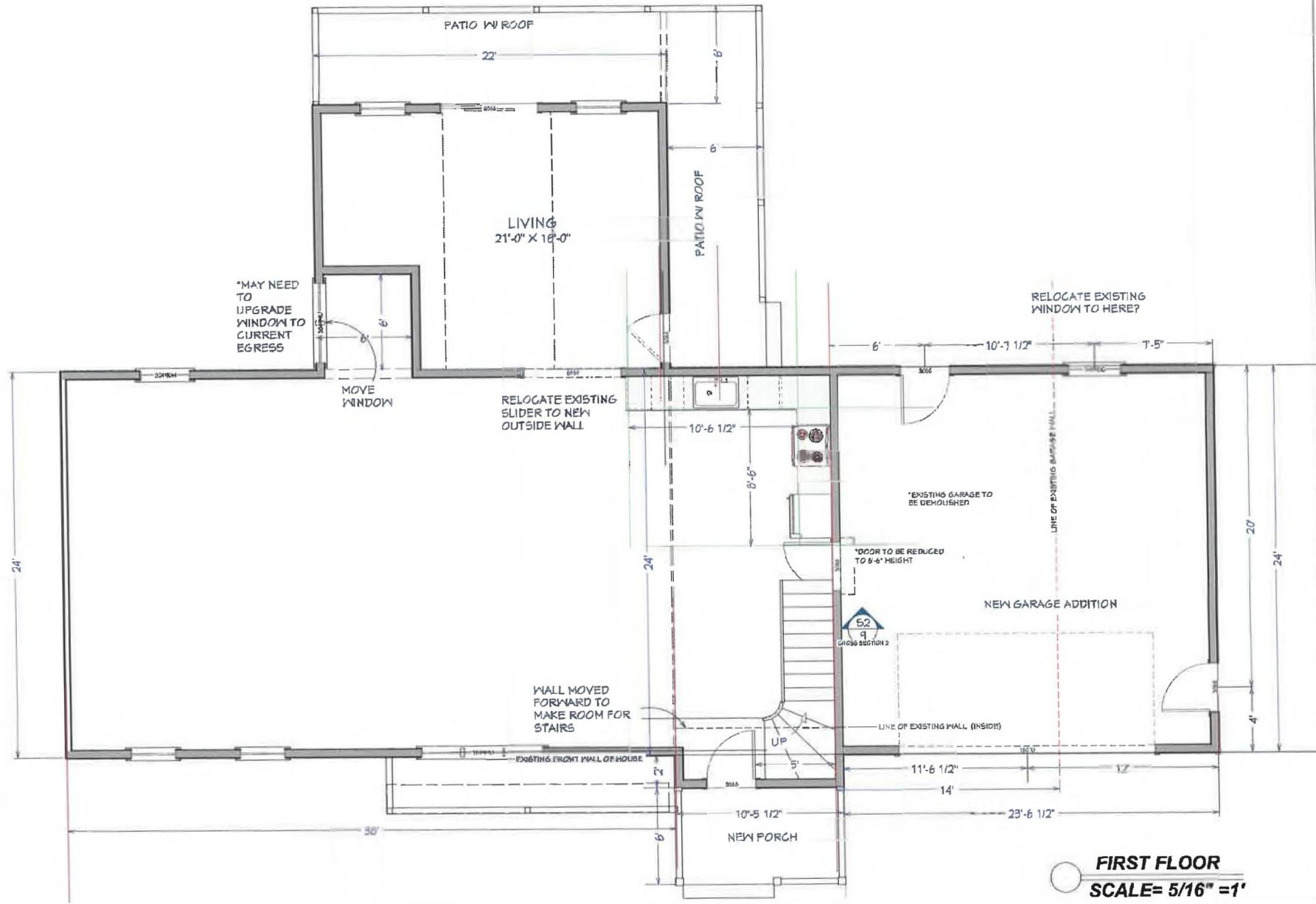
Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PROVIDED BY:
Joe Pujals
603-762-0226

DATE:
8/12/2025

SCALE:

SHEET:
2



NUMBER: 100-1000-0000
REVISION DATE: 08/12/2025
DESCRIPTION: Cassie's Addition

Cassie's Addition

56 Birch St.

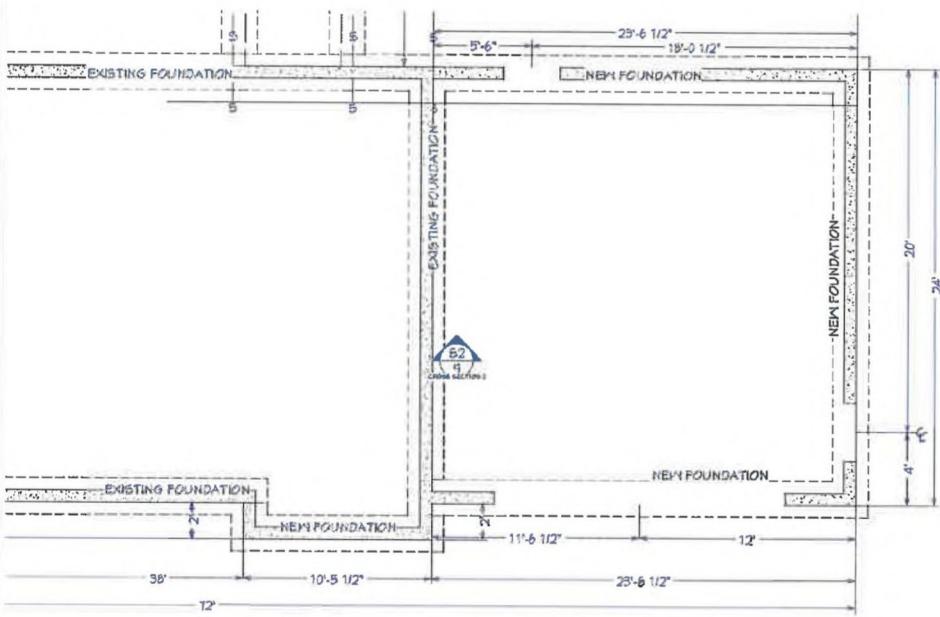
Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PROVIDED BY:
Joe Puhala
603-762-4800

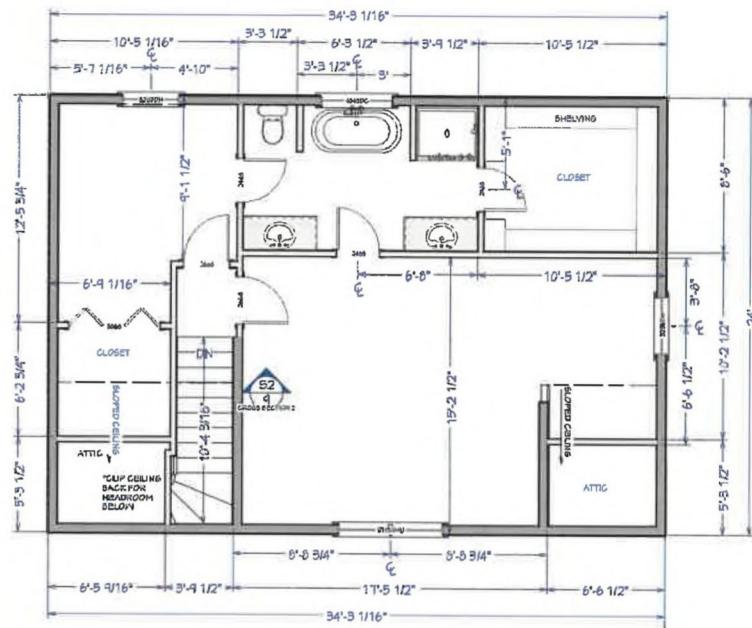
DATE:
8/12/2025

SCALE:

3



**FOUNDATION
SCALE = 5/16" = 1'**



SECOND FLOOR
SCALE= 5/16" =1'

REVISION DATE	REVISION NUMBER

Cassie's Addition 56 Birch St.

Mossie's Addi
56 Birch St.

Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PROVIDED BY:
Joe Fyjhals
603-762-4828

DATE:

Sheet 1

4



Elevation 1



Elevation 3



Elevation 2



Elevation 4

CROSS SECTIONS
NOT TO SCALE

REVISION TABLE
NUMBER/DATE
REVISED BY DESCRIPTION

Cassie's Addition
56 Birch St.

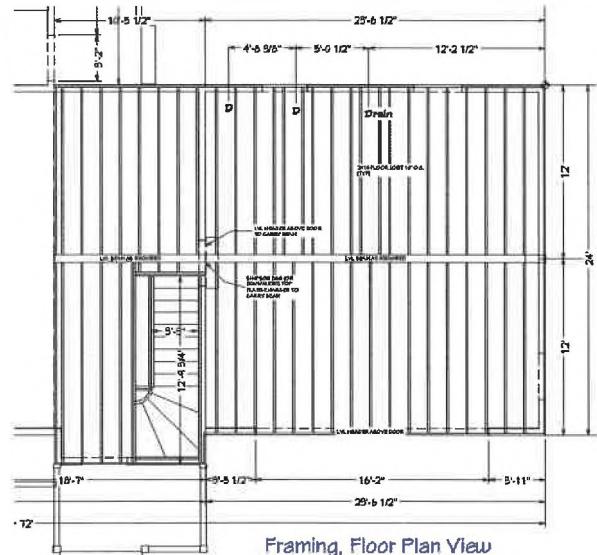
Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PREPARED BY:
Joe Puhala
603-162-4628

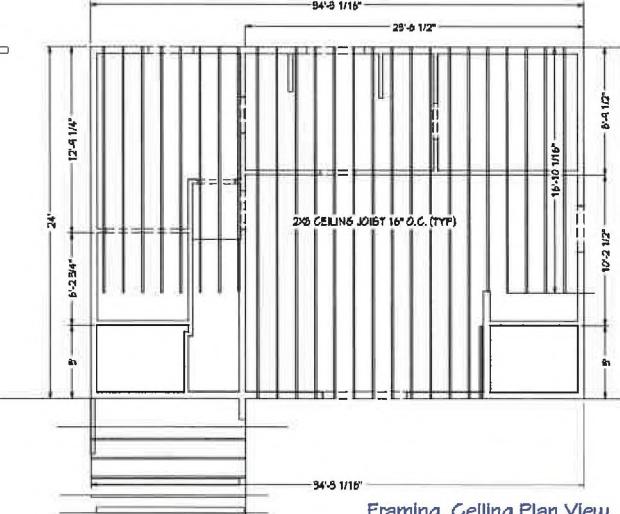
DATE:
8/12/2025

SCALE:
1:100

SHEET:
5

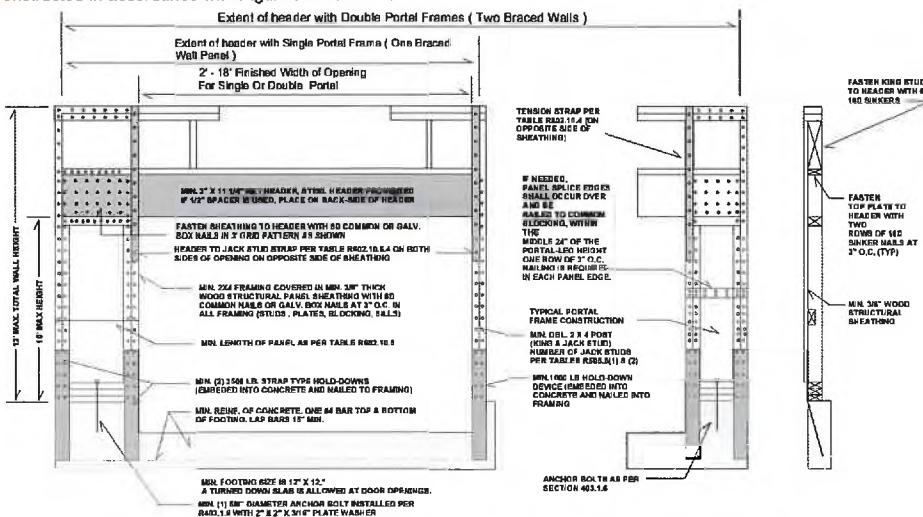


Framing, Floor Plan View

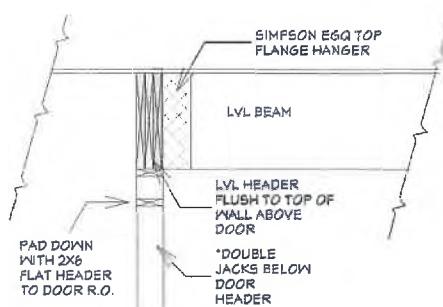


Framing, Ceiling Plan View

R602.10.6.2 METHOD PFH: Portal Frame With Hold-Downs. Method PFH braced wall panels shall be constructed in accordance with Figure R602.10.6.2.



PORTAL FRAME DETAIL
NOT TO SCALE



Cross Section 2

REVISION TABLE	
NUMBER	DATE
	REVISION
	REASON
	BY

Cassie's Additions

56 Birch St.

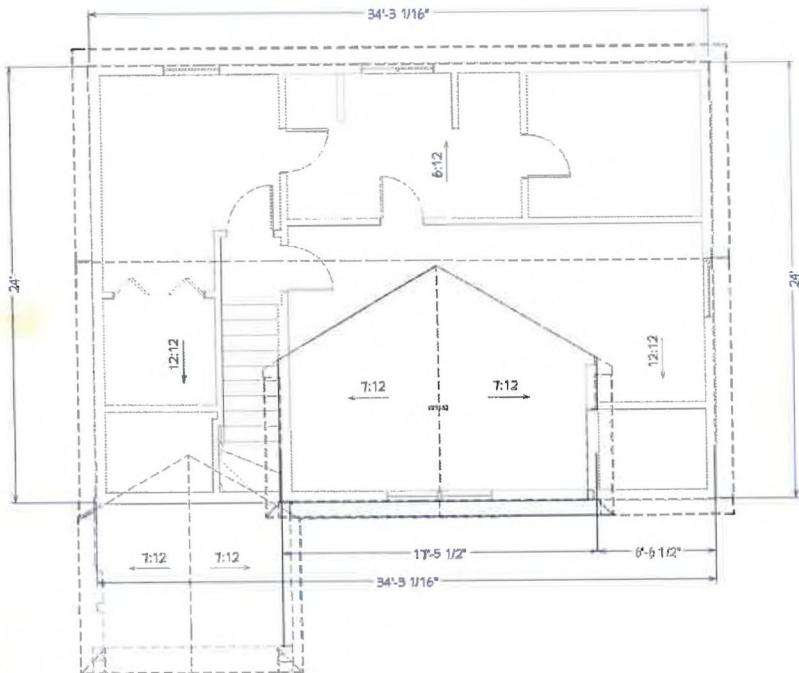
Cassie Brown
56 Birch St.
Keene NH

DRAWINGS PROVIDED BY:
Joe Ryhala
603-762-4238

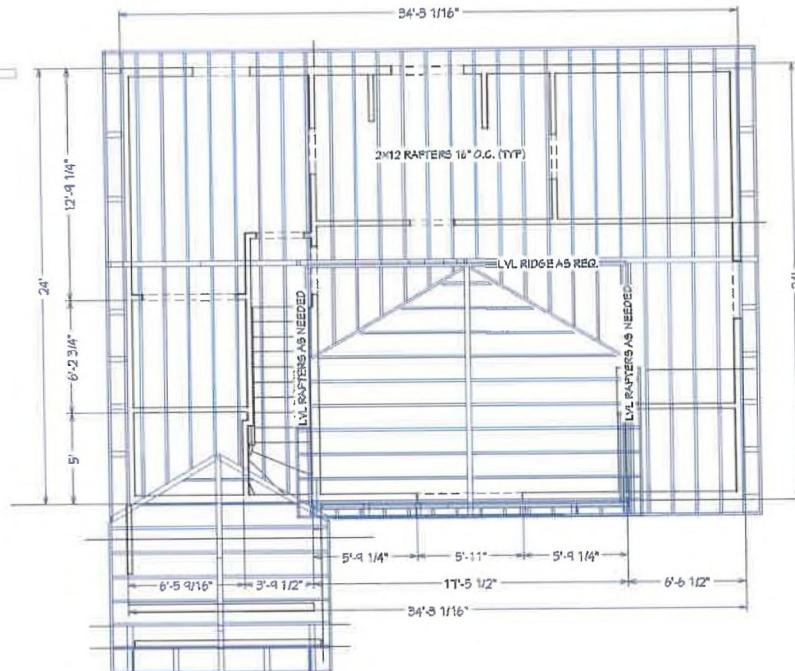
DATE:
8/12/2025

SCALE:
1:100

SHEET:
6



**ROOF PLANES
NOT TO SCALE**



**ROOF RAFTERS
NOT TO SCALE**



December 1, 2025

City of Keene, NH

1 inch = 138 Feet

CAI Technologies
Precision Mapping. Geospatial Solutions.

Precision Mapping. Geospatial Solutions.

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.



200 feet Abutters List Report

Keene, NH
December 01, 2025

Subject Property:

Parcel Number: 538-047-000
CAMA Number: 538-047-000-000-000
Property Address: 56 BIRCH ST.

Mailing Address: BROWN SAMUEL N BROWN CASSIE M
56 BIRCH ST
KEENE, NH 03431

Abutters:

Parcel Number: 538-031-000
CAMA Number: 538-031-000-000-000
Property Address: 69 NEEDLE ST.

Mailing Address: BAYBUTT KATHLEEN M.
69 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-032-000
CAMA Number: 538-032-000-000-000
Property Address: 63 NEEDLE ST.

Mailing Address: LACOUNT EDWARD G.
63 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-033-000
CAMA Number: 538-033-000-000-000
Property Address: 57 BIRCH ST.

Mailing Address: HEISER BRUCE B HEISER MAUREEN E
57 BIRCH ST
KEENE, NH 03431

Parcel Number: 538-034-000
CAMA Number: 538-034-000-000-000
Property Address: 51 BIRCH ST.

Mailing Address: SALCE MICHAEL A. DIMODICA LINDA
51 BIRCH ST.
KEENE, NH 03431

Parcel Number: 538-035-000
CAMA Number: 538-035-000-000-000
Property Address: 49 BIRCH ST.

Mailing Address: WRIGHT GLENN H. WRIGHT AMY M.
49 BIRCH ST.
KEENE, NH 03431

Parcel Number: 538-036-000
CAMA Number: 538-036-000-000-000
Property Address: 47 BIRCH ST.

Mailing Address: BEHM MICHAEL WEBER CINDY
47 BIRCH ST
KEENE, NH 03431

Parcel Number: 538-037-000
CAMA Number: 538-037-000-000-000
Property Address: 45 BIRCH ST.

Mailing Address: FIELDS HELEN F GREENE STEPHEN E
45 BIRCH ST
KEENE, NH 03431

Parcel Number: 538-042-000
CAMA Number: 538-042-000-000-000
Property Address: 44 BIRCH ST.

Mailing Address: DONOVAN, WILLIAM H. JR. SYSYN
WILLIAM J.
44 BIRCH ST.
KEENE, NH 03431

Parcel Number: 538-043-000
CAMA Number: 538-043-000-000-000
Property Address: 17 BALSAM ST.

Mailing Address: ROBINSON KAREN & DEAN REV. TRUST
17 BALSAM ST.
KEENE, NH 03431

Parcel Number: 538-044-000
CAMA Number: 538-044-000-000-000
Property Address: 14 BALSAM ST.

Mailing Address: COSTA KATHERINE E RUELLE
14 BALSAM ST
KEENE, NH 03431



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200 feet Abutters List Report

Keene, NH
December 01, 2025

Parcel Number: 538-045-000
CAMA Number: 538-045-000-000-000
Property Address: 18 BALSAM ST.

Mailing Address: FOOTE JOSHUA T. FOOTE ERIN S.
18 BALSAM ST.
KEENE, NH 03431

Parcel Number: 538-046-000
CAMA Number: 538-046-000-000-000
Property Address: 50 BIRCH ST.

Mailing Address: CALMER MERRITT REV TRUST
C T CALMER & P L MERRITT TTEES 153
KINGS HWY
HANCOCK, NH 03449

Parcel Number: 538-048-000
CAMA Number: 538-048-000-000-000
Property Address: 45 NEEDLE ST.

Mailing Address: LUCAS FOLLY LLC
89 PARK AVE
KEENE, NH 03431

Parcel Number: 538-049-000
CAMA Number: 538-049-000-000-000
Property Address: 39 NEEDLE ST.

Mailing Address: PROVENCHER TIMOTHY A.
39 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-050-000
CAMA Number: 538-050-000-000-000
Property Address: 27 NEEDLE ST.

Mailing Address: HOLLAND REBECCA B. FORBES MARY
JOANNA
27 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-051-000
CAMA Number: 538-051-000-000-000
Property Address: 21 NEEDLE ST.

Mailing Address: FLETCHER RYDER E. FLETCHER
SUSAN A.
21 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-053-000
CAMA Number: 538-053-000-000-000
Property Address: 40 NEEDLE ST.

Mailing Address: BECKWITH RAELENE BECKWITH
SCOTT
40 NEEDLE ST.
KEENE, NH 03431

Parcel Number: 538-054-000
CAMA Number: 538-054-000-000-000
Property Address: 69 CEDAR ST.

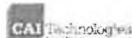
Mailing Address: BREWER FAMILY REV. TRUST
69 CEDAR ST.
KEENE, NH 03431

Parcel Number: 538-055-000
CAMA Number: 538-055-000-000-000
Property Address: 43 CEDAR ST.

Mailing Address: MCCARTHY, JESSICA MCCARTHY
MICHAEL G.
43 CEDAR ST.
KEENE, NH 03431-1504

Parcel Number: 538-056-000
CAMA Number: 538-056-000-000-000
Property Address: 35 CEDAR ST.

Mailing Address: KNOWLES, ARTHUR M.
35 CEDAR ST.
KEENE, NH 03431



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CITY OF KEENE
ZONING BOARD OF ADJUSTMENT
RULES OF PROCEDURE

I. GENERAL RULES

- A. **Authority:** These rules of procedure are adopted under the Authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1, and the zoning ordinance and map of the City of Keene. The Zoning Board of Adjustment (ZBA) shall have and shall exercise all the powers enumerated in RSA 674:33, or as otherwise provided by State statute and City Ordinances.
- B. **Purpose:** The purpose of these rules is to provide guidance to the City of Keene Zoning Board of Adjustment (“Board”) and all persons participating in proceedings held before the Board, and to allow for the orderly and efficient handling of all matters within the jurisdiction of the Board. Proceedings are not to be strictly governed by formal rules of evidence or parliamentary procedure. Instead, these rules are designed so that all parties interested in an application will be allowed a reasonable opportunity to fully participate and share their views, facts, evidence, and opinions for the Board’s consideration in reaching an appropriate decision. The Board is authorized, by a vote of two-thirds (2/3) of the five (5) member Board, to vote at any meeting to suspend, supplement, alter, or amend any specific rule or procedure, as may be appropriate in a particular matter, in order to best accomplish this purpose.
- C. **Officers:** All officers of the Board, including up to five (5) alternate members, shall be appointed by the Mayor of the City of Keene pursuant to RSA 673:6, and applicable City Ordinance.
 - a. A *Chair* shall be elected annually by a majority vote of the Board in the month of January. The *Chair* shall preside over all meetings and hearings, appoint such committees as directed by the Board, and shall affix their signature in the name of the Board.
 - b. A *Vice-Chair* shall be elected annually by a majority vote of the Board in the month of January. The *Vice-Chair* shall preside in the absence of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence of the Chair.
 - c. A *Clerk* (who shall not be a Board member) shall be appointed by the City of Keene Zoning Administrator, to maintain a record of all meetings, transactions, and decisions of the Board, and perform such other duties as the Board may direct by resolution and otherwise assist the Board.

- d. The *Chair* and *Vice-Chair* shall serve for a one (1) year term and shall be eligible for re-election and shall continue to serve until annual elections are next held.
- D. **Members and Alternates:** Up to five (5) alternate members may be appointed by the Mayor of the City of Keene, pursuant to RSA 637:6, and applicable City Ordinance to serve whenever a regular member of the Board is unable to fulfill that member's responsibilities.
 - a. At meetings of the ZBA, alternates who are not activated to fill the seat of an absent or recused member, or who have not been appointed by the Chair to temporarily fill the unexpired term of a vacancy, may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other Board members, the applicant, abutters, and the public. Alternates shall not be allowed to make or second motions. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.
 - b. Members must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Clerk as soon as possible. Members, including the Chair and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
- E. **Meetings:** Regular meetings shall be held in the Council Chambers, at 3 Washington Street, Keene, New Hampshire, on the first Monday of each month unless otherwise duly noticed by the Clerk. Other meetings may be held on the call of the Chair provided public notice and notice to each member is given in accordance with RSA 91-A:2, II.
 - a. **Quorum:** A quorum for all meetings of the Board shall be three (3) members, including alternates sitting in place of members.
 - i. The Clerk shall make every effort to ensure that all five (5) members, and one (1) or two (2) alternates, are present for consideration of any appeal or application.
 - ii. If any regular Board member is absent from any meeting or hearing or disqualifies themselves from sitting on a particular case, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all

respects a full member of the Board while so sitting for the duration of the application.

- iii. If there are less than five (5) members (including alternates) available, the Clerk shall give the option to the applicant to proceed or not prior to the scheduled meetings. Should the applicant choose to proceed with less than five (5) members present that shall not solely constitute grounds for a re-hearing should the application be denied. All decisions of the Board shall require the concurrence of at least three (3) members. The option to request to reschedule a meeting of less than five (5) members is not absolute, and the Board may, at its discretion, proceed to consider an application with less than a five (5) member Board.
- b. **Public Hearing Limits:** The Board shall not open a new or continued public hearing after 10:00 p.m.
- c. **Disqualification:** If any member finds it necessary to disqualify (or recuse) themselves from sitting in a particular case, as provided in RSA 673:14, they shall notify the Clerk as soon as possible so that an alternate may be requested to sit in their place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.
 - i. Either the Chair or the member disqualifying before the beginning of the public hearing on the case shall announce the disqualification. The disqualified member shall step down from the Board table during the public hearing and during deliberation on the case.
 - ii. Any interested person appearing in a proceeding, having any information or reason to believe that a Board member should be disqualified, shall notify the Chair as soon as possible and in any event before the commencement of such public hearing.
 - iii. Any Board member or other interested party may, in accordance with RSA 673:14, prior to the commencement of any public hearing, request the Board to make the determination as to whether or not such Board member should be disqualified.
 - iv. In deciding issues of disqualification, the Board shall be guided by RSA 500-A:12, pertaining to jury selection and the requirement that jurors shall be “indifferent,” as well as the City of Keene Code of Ordinances §2-1111, *et seq.* (“Conflict of Interest”).

- d. **Voting:** Unless otherwise required by law (i.e. RSA 674:33, III) all actions before the Board (including appropriate findings of fact) shall require only a majority vote of those members acting on any matter. All members hearing the matter shall vote; abstention shall not be allowed.
- e. **Order of Business:** The order of business for a regular meeting shall be as follows:
 - i. Call to order by the Chair
 - ii. Roll call
 - iii. Minutes of previous meeting
 - iv. Unfinished business
 - v. Public hearing
 - vi. New business
 - vii. Communications and miscellaneous
 - viii. Other business
 - ix. Non-public session (if required)
 - x. Adjournment

(Note: although this is the usual order of business, the Board may change the order of business after the roll call in order to accommodate efficiency or the public.)

- f. **Nonpublic Sessions:** All deliberations of the Board shall be held in public. Nonpublic sessions shall be held only as necessary and in strict compliance with the provisions of RSA 91-A. The Board may also adjourn, as needed, to meet with its attorney to receive legal advice, which will not constitute a nonpublic session pursuant to RSA 91-A.

II. PROCEDURES FOR FILING APPLICATIONS

A. Application/Decision

- a. **Applications:** The original application forms may be obtained from either the Clerk or the Community Development Department. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Clerk who shall record the date of receipt. The forms provided by the City must be used; correctness of the information supplied shall be the responsibility of the petitioner at all times. Applications should be identified as one of the following: Appeal of an Administrative Decision, Enlargement or Expansion of a Non-Conforming Use, Equitable Waiver of Dimensional Requirements, Special Exception, Extension, Variances, including Floodplain, and Motion to Rehear. All forms and fees prescribed herein, and revisions thereof shall be adopted by the Board and shall become part of these Rules of Procedure.
 - i. Applications to Appeal from an Administrative Decision taken under RSA 676:5 shall be filed within thirty (30) days of the

decision or when such decision becomes known or reasonably should have been known, by the petitioner as determined by the Board.

- b. A public hearing shall be held within ninety (90) days of receipt of an application, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief. Public notice of public hearings on each application shall be published in the local newspaper and shall be posted at two locations, of which one posting may be on the City internet website, not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, all applicable provisions of the zoning ordinance, the type of appeal being made, and the date, time, and place of the hearing.
- i. Personal notice shall be made in accordance with the requirements of RSA 676:7 to the applicant and to all abutters and holders of conservation, preservation, or agricultural preservation restrictions not less than five (5) days before the date of the hearing.

- c. **Plot Plans:** A scale drawing that shows the location and dimensions of all structures and open spaces on the subject lot and on the adjacent lots. Plans need not be professionally drawn but must be a sufficient and accurate representation of the property. Plans deemed to be insufficient by the Clerk shall be returned, and no public hearing shall be scheduled until the receipt of an acceptable plan. The plot plan is to be a minimum of 8 1/2 x 11 inches.
- d. **Abutter Notification Materials:** For the purpose of abutter notification, the following items shall be submitted with the application:
 - i. An abutters list that includes the property owner, applicant and if applicable, authorized agent, all owners of properties that directly abut and/or that are across the street or stream from the parcel(s) that will be subject to review, all owners of properties located within two hundred (200) feet of the parcel(s) and holders of conservation, preservation, or agricultural preservation restrictions that will be subject to review. The certified list shall include all property owner names, property street addresses, property tax map parcel numbers, and mailing addresses if different from the property address. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association as defined in RSA 356-B:3, XXIII.

- ii. Two (2) sets of legible mailing labels (Avery size 5160 or equivalent) for each abutter and including the owner of the property that will be subject to review and his/her designated agent(s).
- iii. A check in an amount sufficient to cover the cost of legal notice advertising and required mailing.

e. In accordance with RSA 676:5, IV, each application shall require the payment of an application fee to be determined by the Board, together with fees that may be required for investigative studies, document review or other administrative costs and expenses.

B. Other Requirements

- a. **Appeals of Administrative Decisions:** An appeal from an administrative decision, filed in accordance with RSA 676:5, shall be filed within thirty (30) days of such decision.
- b. **Person Authorized to Submit Applications:** To submit a proper application, an applicant must be one of the following persons:
 - i. The title or record owner of the subject property, or such owner's duly authorized agent, and signed as such on the application form.
 - ii. The holder of a valid Purchase & Sales Agreement or the holder of a valid Option for the purchase of the subject property (with a signed written consent of the title or record owner of such property, or such owner's duly authorized agent).
- c. **Documentation of Title or Authority to Appeal:** The Board may require the holder of record title to submit documentary evidence as to Petitioner's title and holders of Purchase and Sale Agreements or Options may be required to submit evidence that they are valid holders of such agreements before the Board will consider their application.
- d. **Inadequate Application:** Any Petitioner who submits an application, plans and/or exhibits that are deemed inadequate by the Clerk shall not be scheduled for a hearing before the Board until such time as the Clerk receives adequate plans or exhibits and application.
- e. **Floor Plans:** When, in the opinion of the Community Development Department, floor plans are necessary in the case of conversions or renovations to an existing structure, Petitioner shall furnish interior floor plans to scale. Floor plans need not be professionally drawn but must be a sufficient and accurate representation of the floor plan.

- C. **Deadline for filing:** All required information under these rules must be submitted to the Clerk before the scheduled deadlines to be submitted to the Board. The submittal deadline shall be no less than twenty-four (24) days prior to the next month's meeting. The application will not be placed on the agenda until all the required information is received in a format acceptable to the Clerk.
- D. **Notification to Abutters and Public:** The Clerk will set a date, time, and place for a public hearing and shall notify the applicant and all abutters within two hundred (200) feet of the property (using the notification materials required by Paragraph A.d.i., above) as required by RSA 676:7, and shall cause a public notice of the hearing to be published in a newspaper of general circulation in the area, at least five (5) days' prior to the date fixed for the hearing on the application (RSA 676:7, I). Pursuant to RSA 676:7, II, the public hearing shall be held within forty-five (45) days of the receipt of a properly completed application (Paragraph A.b. above).
- E. **Fees:** The petitioner shall pay the Clerk a non-refundable filling fee of Two Hundred and Fifty Dollars (\$250) at the time of filing. Additionally, reimbursement of the cost to notify each abutter, owner, and applicant by required mail based on the current USPS postal certificate of mail rate and to publish a legal notice advertisement in the local newspaper, a fee of Sixty-Two Dollars (\$62.00) must be paid at the time of filing.
- F. **Assistance by City Staff:** The Zoning Administrator will be available to assist the applicant with the application form, drawings and plans. If necessary, clarification of the Zoning Ordinance can be obtained from the Zoning Administrator, but the City will not provide legal advice as part of the application process.
- G. **Procedural Compliance:** Unless any objection is specifically raised or procedural defect otherwise noticed during a public hearing, the Board shall assume that any application has been properly filed and that due notice has been given as required by these Rules of Procedure, Keene's Zoning Ordinance, and State statutes.
- H. **Consent to Inspection:** Upon filing any application, the owner of the affected land implicitly consents to inspection of property and building by City staff and Board members upon reasonable prior notice and at a reasonable time. In the event that such an inspection is refused when requested, the application shall be dismissed without prejudice by the Board.
- I. **Supplemental Information:** If an applicant or applicant's agent submits supplemental information pertaining to an application within (10) days prior to the public hearing at which the application is to be heard, the board may consider during the meeting and decide by majority vote, whether to accept the supplemental information for consideration at the meeting, or to continue the application to the next scheduled meeting to allow adequate time to review the supplemental information.

III. CONDUCT OF PUBLIC HEARINGS

A. **Conduct:** The conduct of public hearings shall be governed by the following rules unless otherwise directed by the Chair:

- a. The Chair shall call the hearing in session, introduce the Board members, and review the previous meeting minutes for corrections, then vote to adopt.
- b. The Chair shall read the legal notice and where appropriate summarize the legal requirements that must be met by the applicant in order to obtain the relief requested.
- c. The Chair will ask the Staff Liaison to report on the first case, identified by case number.
- d. Members of the Board may ask questions at any point during testimony.
- e. Each person who appears shall be required to state his name, address, and indicate whether he is a party to the case or an agent or counsel of a party to the case.
- f. Any member of the Board, through the Chair, may request any party to the case to speak a second time. The Chair may impose reasonable time restrictions on individuals who wish to speak.
- g. Any party to the case who wants to ask a question of another party to the case must do so through the Chair.
- h. The applicant shall be called first to present his appeal.
- i. Those appearing in favor of the appeal shall be allowed to speak.
- j. Those in opposition to the appeal shall be allowed to speak.
- k. The applicant and those in favor shall be allowed to speak in rebuttal.
- l. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- m. The Board may accept any evidence that pertains to the facts of the case or how the facts relate to the provisions of the zoning ordinance and State zoning law. Concerns with Supplemental Information being given to the Board without proper time for review as stated in II.I?
- n. After all parties have been afforded a reasonable opportunity to testify, the public hearing shall be declared closed by the Chair and no further testimony will be received from the applicant or any other parties (other than minor technical or procedural information as may be needed from City staff), unless the Board, on its own motion, shall reopen the public hearing to receive additional testimony or information. If the hearing is reopened,

all interested parties shall be given the opportunity to speak to the issue requiring the reopening. All deliberations and decisions made by the Board shall continue to be conducted in public. The Board shall, when appropriate, render findings of fact.

- F. **Appeal:** Any further appeal of a final decision or order of the Board shall be in accordance with RSA 677:4, *et seq.*
- G. **Records:** The records of the Board shall be kept by the Clerk and made available for public inspection from the Clerk at City Hall, 4th floor, Community Development Department, in accordance with RSA 673:17.
 - a. Final written decisions will be placed on file and available for public inspection within five (5) business days after the decision is made. RSA 676:3.
 - b. Minutes of all meetings including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within five (5) business days of the public meeting. RSA 91-A:2, II.
 - c. The official record of the Zoning Board of Adjustment proceedings shall be the minutes after they have been approved (with corrections, if required) by the Board at a subsequent meeting.

IV. MISCELLANEOUS

- A. **Amendments:** Rules of Procedure shall be adopted or amended by a majority vote at a regular meeting of the Board provided that such new rules or amendments are proposed and discussed prior to the meeting at which the vote is to be taken and shall be placed on file with the City Clerk and be available for public inspection pursuant to RSA 676:1.
- B. **Waivers:** Any portion of these rules of procedure may be waived in such cases where, in the opinion of the Board, strict conformity would pose a practical difficulty to the applicant and waiver would not be contrary to the spirit and intent of the rules.
- C. **Joint Meetings and Hearings:** RSA 676:2, provides that the Board of Adjustment may hold joint meetings or hearings with other land use Boards, including the Planning Board, the Historic District Commission, the Building Code Board of Appeals, and the inspector of buildings, and that each Board shall have discretion as to whether or not to hold a joint meeting with any other land use Board.
 - a. Joint business meetings with any other land use Board may be held at any time when called jointly by the Chair of the two (2) Boards.
 - b. A public hearing on any appeal to the Board of adjustment will be held jointly with another Board **only** under the following conditions:
 - c. The joint public hearing must be a formal public hearing on appeals to both Boards regarding the same subject matter; and

- i. If the other Board is the Planning Board, RSA 676:2, requires that the Planning Board Chair shall chair the joint hearing. If the other Board is not the Planning Board, then the Board of Adjustment Chair shall chair the joint hearing; and
- ii. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other Board, shall be followed; and
- iii. The other Board shall concur with these conditions.

Adopted by the Zoning Board of Adjustment of the City of Keene, this 5th day of January 2026.

Richard Clough, Chair

Originally Adopted: May 3, 1993

Revised: October 3, 1994

Revised: February 3, 2003

Revised: May 2, 2005

Revised: August 7, 2006

Revised: December 5, 2011

Revised: June 5, 2017

Revised: September 3, 2019

Revised: April 20, 2021

Revised: September 7, 2021

Revised: February 7, 2022

Revised: December 5, 2022

Revised: April 1, 2024

Revised: January 5, 2026