

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, Chair
Edward Guyot, Vice Chair
Tad Schrantz
Zach LeRoy

Staff Present:

Evan Clements, Planner, Deputy Zoning
Administrator

Members Not Present:

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.

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

IV) Unfinished Business

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

V) Hearings:

A) **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.**

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

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

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

VI) New Business

Chair Clough asked if there was any new business.

VII) Staff Updates

A) Rules of Procedure Adoption

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

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

VIII) Communications and Miscellaneous

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

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

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

Mr. Clements continued that that is an example of a bill that sounds like, "Oh, you're going to make housing development more affordable," but not really, and with no limit for dead end

roads. Dead end roads are bad planning, and are not great from a transportation perspective or an emergency management perspective, having only a single mode of ingress and egress from a neighborhood. He does not think they should encourage this form of development. They should be encouraging connectivity, building resilient neighborhoods that can survive flooding without having their only road in and out getting washed out.

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

IX) Non-Public Session (if required)
X) Adjournment

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

Respectfully submitted by,
Britta Reida, Minute Taker

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