



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers, Keene City Hall
March 11, 2026
6:00 PM

A. AGENDA ITEMS

1. Mark Rebillard/Keene Downtown Group - Use of City Property - Series of Small-Scale Downtown Festivals During Downtown Construction Project
2. Mark Rebillard/Keene Downtown Group - Request to Use City Property - Monadnock 250th Independence Celebration - July 4, 2026
3. Kati Woodard/Farmers' Market of Keene - Request for Use of City Property - 2026 Farmer's Market
4. Carolyn Ogren - Request for Review of Warehouse Zoning as It Relates to the Potential Housing of Detained Individuals
5. Request for Sign on to Letter of Support — Senate Bill 538 Relative to Net Metering Credits for Solar Projects Serving Political Subdivisions - Senior Planner
6. Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations
Ordinance O-2025-40

B. MORE TIME ITEMS

1. Relating to the Definition of "Family"
Ordinance O-2026-02

NON PUBLIC SESSION

ADJOURNMENT

Mark Rebillard

Chairperson

PO Box 80

Keene, NH 03431

(603) 439-0321

Mark@DeepRootsMB.com



September 16, 2025

Keene City Council

Mayor Jay Kahn & Keene City Council

3 Washington Street

Keene, NH 03431

Dear Mayor Kahn and City Council,

On behalf of a partnership between the Keene Downtown Group (KDG) and the Colonial Theatre, I ask the City of Keene to grant licenses and allocate the city resources required for six small, limited size festivals to be held in Downtown Keene on dates to be determined in 2026. Each one day festival will feature live stage performances, sidewalk sales, buskers, vendors and craft areas and may also require some reserved parking spaces, limited street closures, police, fire and public works resources services to be conducted effectively, economically and safely.

These festivals are part of a Colonial KDG collaborative project called "Dig Into Keene", a three part plan to keep downtown vibrant and active during the planned construction phases. Please see the attached project summary for more detailed description.

The Keene Downtown Group is a 501c6 non-profit that has successfully produced many downtown events including the Keene Ice & Snow Festival, Keene Art Walk, and the early years of the Keene Music Festival.

Thank you for your consideration.

Sincerely,

Mark Rebillard

“Dig Into Keene”

A Collaboration of The Colonial Theatre & The Keene Downtown Group

Summary

With a vast two-year downtown infrastructure reconstruction project set to begin in March of 2026, The Colonial Theatre and the Keene Downtown Group recognize the challenges and opportunities this presents for a vital component of our regional community. While the city has hired an ombudsman to facilitate communication with downtown merchants around construction events. Traffic disruptions, accessibility concerns, and potential revenue losses for businesses threaten the vibrancy of downtown Keene.

We believe that:

1. Strong alliances and clear communication among downtown stakeholders will be more critical than ever over the next three years.
2. Small regular downtown festival events have great potential to mitigate business disruption and normalize regular pedestrian traffic during construction.
3. Consistent outreach, listening, reporting and adapting to change is essential to achieve stakeholder awareness, trust and involvement.

Together, we will:

1. Lead downtown merchants, city government, regional businesses, nonprofits, property owners, community members and volunteers in the shared production of **6-12 small new downtown events** each year. Events may include combinations of live music, sidewalk sales, buskers and live acts, community games, scavenger hunts, store attractions, temporary art installations and more.
2. **Maintain a community currency voucher system; gift cards/coupons** that can be redeemed at all downtown merchants with special incentives for those who are most affected by the current phase of construction These will be promoted and given out at downtown events, with the instruction to spend at least twice as much as the voucher value, if you can.
3. **Seek funding** for event production expenses, vouchers program and executive staff at the Keene Downtown Group to sustain and grow downtown communication structure and facilitate event collaboration throughout the construction years, and beyond.

When the dust settles... key outcomes will be:

1. A robust, intact and engaged community of downtown stakeholders with the shared knowledge, systems and organizational resources to create and plan collaborative events.
2. A downtown that can boast that it not only survived but thrived, adding new attractions and businesses while cultivating cultural vibrancy during construction.

Mark Rebillard

Chairperson

PO Box 80

Keene, NH 03431

(603) 439-0321

Mark@DeepRootsMB.com



March, 2 2026

Keene City Council

Mayor Jay Kahn & Keene City Council

3 Washington Street

Keene, NH 03431

To the Honorable Chair and Members of the Council:

As the licensee for the Monadnock 250 Independence Day Celebration, I am writing to ask for event license approval from the city council.

The event is scheduled to take place on Saturday, July 4th, 2026.

We are so excited to help bring this community celebration to life.

Sincerely,

A handwritten signature in black ink, appearing to be "Mark Rebillard", written over a light blue horizontal line.

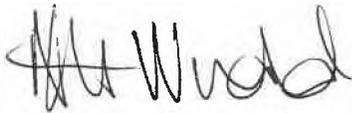
Mark Rebillard

February 12, 2026

Attn: Honorable Mayor and City Council of Keene, New Hampshire
From: The Farmers' Market of Keene

The Farmers' Market of Keene would like to respectfully request a license to vend starting April 25th, 2026 through October 31st, 2026. We would like to continue to use our present location on Gilbo Ave and the Commercial St parking lot, which includes 40 parking spaces. Our hours of operation will continue to be the same, Saturdays from 9am-1pm, and we are requesting to use the space from 8am-2pm to accommodate set up and break down time. Given the challenges of the economy, we hope to keep the fees the same to be able to attract new farmers and retain current vendors without having to raise vendor dues. We appreciate all that the city and the parking services do to accommodate our market in our current location.

Sincerely,



Kati Woodard



keenefarmersmarket@gmail.com

Market Coordinator

The Farmers' Market of Keene

PO Box 425

Keene, NH 03431

Honorable Mayor and City Council
City of Keene
Keene, NH 03431

Carolyn A Ogren
667 West St
Keene, NH 03431

February 12, 2026

Dear Honorable Mayor and City Council,

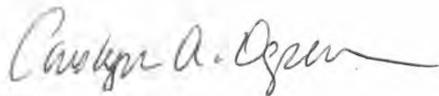
In a facebook post I read on February 11, 2026, the NH 50501 Community Discussion Page, posed this question to readers; "ICE is buying warehouses across the country *"which need zoning permits"* & they need City Council Zoning Boards to approve. Citizens were encouraged to ask their City Councils what permits an applicant would need if the Department of Homeland Security (DHS) was intending to purchase a warehouse in their community.

Given the fact that the city of Merrimack is now facing the distinct possibility of such a purchase of warehouse space by DHS, what permits might DHS need from their Planning Department/Board?

My question to the City Council is what protective measures does the City Planning Board have in place at this time and would there be the need for additional measures to be explored regarding warehouse zoning being utilized for the purpose of "housing" detained individuals.

Thank you for your attention to this matter.

Regards,



Carolyn A. Ogren

██████████



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.5.

Meeting Date: March 11, 2026

To: Planning, Licenses and Development Committee

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director
Megan Fortson, Planner

Subject: **Request for Sign on to Letter of Support — Senate Bill 538 Relative to Net Metering Credits for Solar Projects Serving Political Subdivisions - Senior Planner**

Recommendation:

At their meeting on February 25, the Energy and Climate Committee voted to recommend that City Council sign a letter in support of SB 538 provided by Clean Energy New Hampshire.

Attachments:

1. Letter in Support of SB 538
2. Clean Energy NH Correspondence re:SB 538

Background:

[Senate Bill 538](#) would extend a 20-year term of eligibility for the net metering 2.0 tariff for “municipal group hosts” and other political subdivision energy projects. Clean Energy NH has requested that communities sign on to a letter in support of this bill prior to March 26. The Energy and Climate Committee discussed this request at their meeting on February 25, 2026 and voted unanimously to recommend that the City Council sign on to the letter of support. In addition, City staff recommend that Council support this bill due, in part, to the direct benefits it would provide to the City of Keene's planned solar project at the Dillant-Hopkins Airport and other potential future energy projects.

An excerpt from the draft minutes of the February 25, 2026 Energy and Climate Committee meeting is included below.

“8) Senate Bill 538– Related to Net Metering Credits for Solar Projects Serving Political Subdivisions

Chair Leverage stated that Clean Energy NH was looking for a letter of support because the current rules would end net metering credits in 2040. He said Clean Energy NH wanted to add a one-line amendment to the existing language to guarantee 20 years of net metering for municipal solar projects from when they begin receiving compensation. Clean Energy NH hoped to secure a letter of support from the Committee.

Discussion ensued about the best method for the Committee to show its support because it is a piece of legislation. Ms. Brunner said City staff felt that it should go through City Council since the Committee serves as an advisory body to the Council. She thought it would be beneficial to bring it to the Council's attention for a formal endorsement, which would carry more weight. Councilor Lake agreed with Ms. Brunner and added context from the Committee's perspective. Councilor Lake recalled that the Committee had previously written letters of support, but typically those were directed to the City in support of specific programs, or sent to the Departments of Transportation, for example. Sending a letter directly to the state legislature would be different for the ECC, and he did not recall such an instance. So, Councilor Lake suggested that this issue would be best handled by the Council, especially since action was time sensitive. He suggested that the ECC motion to recommend the City Council submit a letter in support of Senate Bill 538 (the ECC would not write a letter to the Council).

Mr. Murphy observed many moving parts. He referred to the packet, which included a letter from Frank Richter with Clean Energy NH, indicating that letters could be accepted from municipal boards like the City Council and from committees like the ECC. Mr. Murphy recalled Ms. Brunner's earlier comment that it would be more appropriate for the letter to come from City Council, while Bryan mentioned that he could not recall the Council itself writing such a letter to the legislature. Councilor Lake clarified that ECC had not; it is common for the Council to do so. Ms. Brunner confirmed that the Council has a policy to write letters to the legislature if they align with an NH Municipal Association (NHMA) position, and NHMA supported this bill, so it met the Council's policy. Mr. Murphy further noted that the sample letter provided was a sign-on letter, not an individual letter from a municipality. He wondered whether the City Council might resist signing onto someone else's language and questioned whether the Council preferred writing its own letters; his experience suggested legislators tended to take form letters less seriously. Mr. Murphy said that if the Council simply adopted the sample letter verbatim, it might erode its effectiveness. He suggested a customized letter might be more effective, but acknowledged the process was complex and not straightforward.

Chair Leverage's sense was that it would be up to the City Council to wrestle with whether they want to sign on or write their own letter. Mr. Murphy wondered, if the Committee recommended that the City Council consider favorably signing onto SB 538 for the reasons outlined in the letter by Clean Energy NH, then it would be a full recommendation vs. a half suggestion for the Council to write its own letter. In the interest of efficiency, Dr. Koning thought it would be smarter and probably just as effective for the Committee to recommend that the Council sign on to the form letter.

Mr. Murphy made the following motion, which was duly seconded by Councilor Lake. On a vote of 8-0, the Energy and Climate Committee recommends that the City Council sign on to the letter in support of SB 538 provided by Clean Energy NH."

Senator Kevin Avar, Chair
Senate Energy and Natural Resources Committee
New Hampshire State House
Concord, NH 03301

Re: Support for SB538 – Ensuring Long-Term Value for Municipal Renewable Energy Projects

Dear Chairman Avar and Members of the Committee,

On behalf of the undersigned communities, we write in strong support of SB538, which extends a 20-year term of eligibility in the net metering 2.0 tariff for “municipal group hosts” and other political subdivision energy projects. Net metering is the cornerstone of the economics of these projects because it allows project owners to get credit for the excess energy they send back to the grid. Without a guarantee that they’ll continue to receive compensation at a predictable rate after 2040, banks, investors, and developers are reluctant to build these projects. For New Hampshire municipalities, school districts, and counties, local renewable energy generation delivers predictable revenue and savings, budget relief, and long-term cost control for taxpayers.

For example, a 5 MW AC solar array is currently under construction in Concord and will supply power to multiple state, school, and municipal facilities signed on as “oftakers” for the project. During its first 15 years in operation, this project will offset over \$1 Million in state and municipal electricity costs, generate more than \$1 Million in new tax revenue for the City of Concord, and invest over \$1 million in local electrical grid improvements. The project will also generate lease income for the private property owner providing the site for this project.

These benefits are not speculative. They are stable, predictable, measurable, and flow directly into municipal budgets, school operating costs, and the local economy. This has a direct benefit for local tax-payers.

The net metering 2.0 tariff for “municipal group hosts” allows a municipality, school district, county, or other political subdivision to build a renewable energy project on one site and use some of that generated power to offset electricity bills at other public facilities. On a small scale, this means an oversized array on the roof of a town hall can generate power for the fire station across town. On a large scale, multiple communities can collaborate to establish a single multi-megawatt solar array rather than multiple smaller arrays, as in the Concord example cited above. Projects can be located on public or private land, as long as the energy is credited to electric meters owned by political subdivisions.

However, uncertainty around how long projects are eligible to receive net metering compensation is fast becoming the single largest barrier to more municipal renewable energy projects like these going forward.

As documented in [testimony submitted by Clean Energy NH in support of SB538](#), solar developers have already abandoned at least 274 MW of large scale solar projects in New Hampshire, and 12 solar companies have exited

the state entirely due to the lack of bankable term certainty. With no guarantee of how compensation after 2040 will be structured and a shrinking payback period, banks and developers are unwilling to invest in these projects.

The result of this lack of certainty represents a lost opportunity on the order of 40–50 large scale projects statewide. For New Hampshire communities, that means \$120-\$150 Million in lost municipal property tax revenue, lease income for landowners, and electricity savings.

For the communities listed below, and for municipalities across New Hampshire, this bill is about protecting local revenue, reducing long-term energy costs, and ensuring that more viable projects can proceed for the benefit of taxpayers.

We respectfully urge the Committee to recommend SB538, Ought to Pass, and to give municipalities the clarity they need to responsibly plan, finance, and benefit from local energy projects.

Sincerely,

[Name]

[Title]

On behalf of the [Governing Body or Energy Committee]

[Municipality Name]

[Name]

[Title]

On behalf of the [Governing Body or Energy Committee]

[Municipality Name]

[Name]

[Title]

On behalf of the [Governing Body or Energy Committee]

[Municipality Name]

[Name]

[Title]

On behalf of the [Governing Body or Energy Committee]

[Municipality Name]

From: [Frank Richter](#)
To: [Megan Fortson](#)
Subject: Will Keene sign a letter to extend municipal net metering?
Date: Monday, February 16, 2026 9:30:12 AM

Megan,

Clean Energy NH has identified a bill currently before the NH State Legislature that directly affects Keene's ability to invest in municipal solar.

Would you ask your Select Board or City Council to consider signing on to the attached letter in support of SB538? This bill ensures 20 years of net metering credits for solar projects that serve political subdivisions (towns, cities, counties, school districts, other governmental entities).

We are hosting a **Virtual Lunch Hour** for municipal officials and committee members next Thursday to learn about SB538 and answer questions. We'd love to see you there and will follow up with a link to the recording.

Thursday, February 19, 12pm - 1pm

Click here to join by Zoom: <https://us06web.zoom.us/j/87282442699>

Meeting ID: 872 8244 2699

One tap mobile +16469313860,,87282442699#

Why This Matters

1. **Solar is a good investment for NH towns.** Many NH communities already rely on municipal solar to generate predictable revenue and savings, budget relief, and long-term cost control for taxpayers.

2. **Municipalities rely on net metering to make solar financially feasible.**
 - o Net metering allows towns to get credit for any excess energy sent back to the grid (e.g. excess energy produced on a sunny day offsets energy used on a cloudy day).

 - o Group net metering allows towns to share excess energy with other electric meters (e.g. a municipality could oversize a solar array at the transfer station and share those energy credits with the fire station across town).

Here's the problem: Under current rules, net metering credits are only guaranteed through 2040.

Long term net metering uncertainty is **particularly problematic for the many municipal solar projects that rely on outside financing** (e.g., when a town leases land to a solar developer, collects lease and tax payments, and purchases power at a fixed rate). Right now, **uncertainty in state policy is preventing many such projects from moving forward.**

SB538 guarantees 20 years of net metering credits for municipal solar projects. Specifically: SB538 guarantees that municipal group net-metering projects serving only political subdivisions (e.g. towns, schools, and counties) will remain eligible for net-metering tariffs for a full 20 years from when they began receiving compensation, rather than having eligibility end in 2040.

Please read the attached letter for more examples and context.

What You Can Do

1. A Formal Vote Is Ideal

The strongest signal is a vote by a municipal governing body (e.g., Select Board, City Council), authorizing participation in the sign-on letter.

If helpful, here is **sample motion language** you are welcome to adapt:

To authorize the Chair of the Select Board to sign, on behalf of the Town of [Name of Municipality] a letter in support of SB538 (2026), relative to extending net metering eligibility terms for municipal energy projects.

If your board prefers slightly different wording, that's completely fine—the key thing is a clear vote authorizing the signature.

2. Energy Committees Can Sign On, Too!

Local Energy Committees and Commissions are also welcome to sign the attached letter. If you go this route, CENH strongly encourages Energy Committees to:

1. Notify your Select Board or City Council that you are doing so, and
2. Share the letter and background with them so they are aware of the issue and the committee's position.

That coordination helps ensure local elected officials are not surprised when the issue comes up at the State House—and it strengthens our overall message to lawmakers. We have seen instances in which energy committee volunteers have gotten out ahead of their select board, and have been removed from their energy committee as a result.

3. Let Your Legislators Know This Matters Locally

In addition to signing the letter, we strongly recommend that at least one local official (Select Board member, councilor, or committee chair) reach out directly to your State Representative or local Delegation. Even a short note is effective. For example:

“As a municipal official in [Town], I want to flag SB538 as important to our community. Community-scale solar projects can deliver real tax revenue and energy savings for municipalities, but uncertainty around net-metering terms is stopping projects from moving forward. We hope you'll support SB538 as a practical, pro-municipal fix.”

Hearing directly from local officials—especially those responsible for budgets and tax rates—makes a real difference. You can do this in a short email, but a brief phone call can be even better. If you're uncertain who your local representative is or how to contact them, [you can find that information here](#).

Next Steps

1. Please let us know whether or not your municipality or committee plans to sign on,
2. If so, tell us who the authorized signer will be, so the final letter accurately reflects your participation.

We intend to compile the final letter with all signatories listed by March 26, 2026 (the date of “Crossover,” by which time SB538 will have moved to the NH House of Representatives from the NH Senate).

We're happy to answer questions, provide additional background, or help think through how this fits with

projects your community has explored or considered.

Thank you for all the work you do on behalf of your community, and for considering adding your voice to this effort.

Best regards,

Frank Richter | Energy Circuit Rider
[Clean Energy NH](#) | [Energy Circuit Rider Program](#)
Check out our new Community Resources webpage
125 N. State Street
Concord, NH 03301



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.
 - ~~gf.~~ 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.

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.

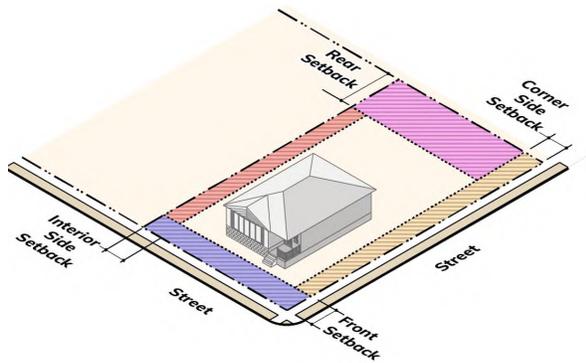
5. That Table 9-3 “Travel Lane Dimensions” be modified to include travel lane widths adjacent to parallel parking spaces, as follows. The intent of this proposed change is to clarify that parallel parking is allowed and to specify the required width of adjacent travel lanes.

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

Jay V. Kahn, Mayor

In City Council February 5, 2026.
Public Hearing set for March 5, 2026,
at 7:00 PM.


Cerie Wood
City Clerk



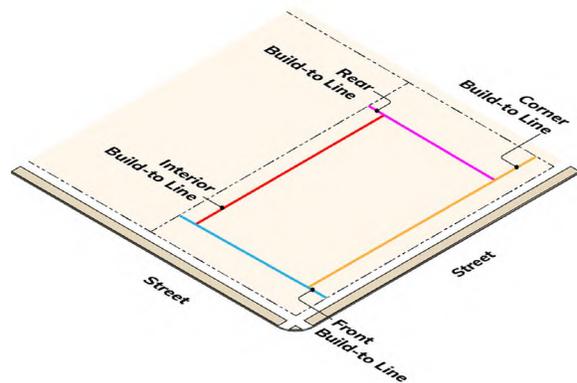
4. Structure Setback Exceptions.

- 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
OPEN SPACE USES	
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
INFRASTRUCTURE USES	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
TRANSPORTATION USES	
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 25% 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.

(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.

9.2.8 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**

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
0 degree (parallel parking)	10 ft (one-way) 20 ft (two-way)

