



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

Monday, March 9, 2026

6:30 PM

City Hall Council Chambers

### A. AGENDA ITEMS

1. Roll Call
2. Approval of Meeting Minutes – January 12, 2026
3. Public Workshop:
  - a. **Ordinance O-2026-02 Relating to the Definition of Family.** Petitioner, City of Keene Community Development Department, proposes to amend the definition of “Family” in Article 29 of the Land Development Code to comply with recent changes to state law (RSA 674:16), modify the definition of “Dwelling Unit” to clarify that this term does not include transient uses such as hotels/ motels, and amend Sections 1.2.1 “Definitions” and 26.4 “Land Development Code Amendments” to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.
4. New Business
5. Next Meeting – Monday, April 13, 2026

### B. MORE TIME ITEMS

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

### C. ADJOURNMENT

City of Keene  
New Hampshire

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

Monday, January 12, 2026

6:30 PM

Council Chambers, City  
Hall

Planning Board

Members Present:

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice  
Chair  
Mayor Jay Kahn  
Michael Hoefer  
Kenneth Kost  
Andrew Madison  
Councilor Molly Ellis

Planning, Licenses &

Development Committee

Members Present:

Randy L. Filiault, Chair  
Philip M. Jones, Vice Chair  
Edward J. Haas  
Robert C. Williams  
Laura E. Ruttle-Miller

Planning Board

Members Not Present:

Stephon Mehu, Alternate  
Tammy Adams, Alternate  
Joseph Cocivera, Alternate

1) Roll Call

Planning Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken.

2) Approval of Meeting Minutes – October 14, 2025

A motion was made by Councilor Jones to approve the October 14, 2025 meeting minutes. The motion was seconded by Councilor Haas and was unanimously approved,

3) Adoption of the 2026 Meeting Schedule

Councilor Williams noted the September meeting falls on a Monday after the PLD Meeting and felt the Joint Meeting should happen prior to that meeting and asked that it be given some consideration.

A motion was made by Mayor Kahn to approve the 2026 meeting schedule. The motion was seconded by Councilor Williams and was unanimously approved.

(I don't think anyone made a motion – I just picked names)

4) Public Workshop:

- 27 a. **Ordinance - O-2025-40 – Relating to Setback Exceptions, Accessory Dwelling Units,**  
28 **& Parking Regulations.** Petitioner, the City of Keene Community Development  
29 Department, proposes to amend Sec. 1.3.3.4.a of the LDC to clarify that retaining  
30 walls are exempt from setback requirements; modify Sec. 8.4.2.A by removing the  
31 requirement for an interior door and access to City utilities for Accessory Dwelling  
32 Units; amend Sec. 9.2 to increase the percentage of parking spaces that can be  
33 reduced administratively from 10% to 25% and prohibit the creation of remote  
34 parking spaces on parcels with a residential primary use; and update Table 9-3 to  
35 include parallel parking.

36  
37 Planner, Megan Fortson, addressed the Committee. Ms. Fortson stated this Ordinance proposes a  
38 few changes to the Land Development Code related to structure setbacks, accessory dwelling unit  
39 requirements, as well as parking regulations.

40  
41 The first slide Ms. Fortson referred to was in reference to retaining walls. She explained that  
42 retaining walls are considered structures under the Land Development Code. She indicated one of  
43 the issues the City has had is some property owners are not able to comply with setback  
44 requirements when it comes to things like retaining walls due to the size of their property, the  
45 topography of the site, or the layout of the parcel. Under the current building code, a building  
46 permit is only required for a retaining wall if it is going to be greater than four feet tall (from the  
47 footing to the top of the retaining wall), or if it is going to be subject to any horizontal or vertical  
48 forces.

49  
50 The second proposed change is related to accessory dwelling unit (ADU) standards. One of the  
51 proposed changes is to remove the requirement for an interior door to be provided between the  
52 accessory dwelling unit and the main house if they are attached. The second proposed change is to  
53 remove the requirement for ADU's to have access to city water and sewer utilities. She noted that  
54 the intent behind these proposed changes is to bring the current regulations into compliance with  
55 updated state law, which was passed during the 2025 legislative session.

56  
57 The next proposed change is to increase the percentage of parking spaces that can reduced  
58 administratively by Zoning Staff. Under current regulations, if a property owner is unable to  
59 provide all required parking on their site, they can go to the Zoning Administrator and request a  
60 10% reduction. Staff has realized that offering a 10% reduction is not really enough to meet the  
61 needs of applicants. Ms. Brunner noted that this is especially true for projects where the total  
62 number of parking spaces required is fewer than 25.

63  
64 The next step above a 10% administrative parking reduction would be to request a 50% reduction  
65 from the Zoning Board through a Special Exception application, which Ms. Fortson noted has  
66 proved to be cumbersome for some people. Applicants in situations like this sometimes decide not  
67 to move forward with the project or decide to seek a variance instead, which could grant them a  
68 parking reduction greater than 50%.

69  
70 As part of the updated regulations, any requests for an administrative parking reduction greater  
71 than 10% for residential uses would require that applicants provide a "reserve area," which is an  
72 area of land that could be used for future parking spaces. The City would also include a requirement

73 that applicants for all administrative parking reduction requests greater than 10% submit a traffic  
74 and parking analysis. Ms. Fortson explained that this would not be a full traffic study, but rather,  
75 a memo from a traffic engineer explaining how the proposed use does not require as many parking  
76 spaces as required under Article 9 of the Land Development Code.

77  
78 Ms. Fortson went on to state that the next proposed change is related to remote parking.  
79 Specifically, the proposed change would be to allow the creation of remote parking spaces on any  
80 non-residential parcel, regardless of the underlying zoning designation. She explained that current  
81 regulations for remote parking spaces specify that they must be within 1,000-ft of the boundaries  
82 of the subject parcel. Additionally, remote parking cannot currently be created on a property  
83 located in a residential district. For example, in the High Density District, buildings can have up  
84 to between four and six units. In this instance, an applicant might not be able to provide all  
85 necessary parking on their site. If the subject parcel is located within 1,000-ft of a commercial use  
86 located in a residential district, they would not be able to obtain parking from that lot under the  
87 existing regulations.

88  
89 Ms. Fortson explained that under the proposed regulations, applicants would be able to obtain  
90 remote parking spaces from any commercial parcel, even if it is located in a residential zoning  
91 district, which would provide applicants with more flexibility.

92  
93 She went on to state that the last proposed change is related to travel lane dimensions. She  
94 explained that Table 9-3 in the LDC outlines the requirements for travel lane width for four types  
95 of parking spaces. Parallel parking is not currently included in the table, so this update is proposed.

96  
97 This concluded Ms. Fortson's presentation.

98  
99 Mr. Kost asked for clarification on the width for a parallel parking space. Ms. Fortson stated  
100 regardless of the angle of a parking space, it has to be 8-feet wide by 18-feet long. Mr. Kost referred  
101 to remote parking and asked if a City parking lots or City garages could be used as remote parking.  
102 Ms. Fortson stated it could be used, but noted that those spaces would have to be rented from the  
103 City.

104  
105 Councilor Ruttle-Miller asked how the parking requirements are formulated. Ms. Fortson stated  
106 Article 9 of the LDC outlines all parking regulations, including calculations for minimum parking  
107 requirements based on the proposed use of a site.

108  
109 Councilor Haas asked City Staff to clarify how retaining walls are measured: When it says four  
110 feet tall, is the height measured from the bottom of the footing or from the finished grade to the  
111 top of the wall? Ms. Fortson stated the height would be measured from the bottom of the footing.  
112 Councilor Haas went on to say a building permit is required if the retaining wall is over four feet  
113 or if it is subject to any vertical or lateral forces. He felt any retaining wall would be subject to  
114 lateral forces, so any retaining wall would require a building permit. Ms. Fortson stated retaining  
115 walls in the traditional sense are for stopping erosion or for drainage or storm water purposes. In  
116 this definition, they are also trying to capture stonewalls or other aesthetic retaining walls. In the  
117 case of a decorative retaining wall, a building permit would not be required unless it was over four  
118 feet tall.

119

120 Councilor Haas stated he would like to see the traffic analysis requirement for 10% administrative  
121 parking reductions removed. He felt a parking analysis should be good enough. Ms. Fortson stated  
122 the City would not be looking for a full traffic study, but rather a letter prepared by a local traffic  
123 engineer stating that the proposed use is not going to generate as much traffic or require as many  
124 parking spaces as outlined in under the LDC parking requirements or ITE Trip Generation  
125 Estimates.

126

127 Councilor Jones, for the benefit of the new members, explained that the petitioner for this  
128 Ordinance is the City. When the petitioner is the City, the Ordinance can be amended at this Joint  
129 Committee level to create an “A” version of the document,

130

131 With reference to parking studies, Mayor Kahn stated that the Planning Board recently had an  
132 application where the applicant submitted a letter prepared and stamped by a licensed traffic  
133 engineer indicating there would not be more than 100 trips per day to and from the site for a  
134 proposed development. He felt obtaining a letter is not a very high standard to meet.

135

136 With reference to the retaining wall setbacks, Mayor Kahn felt that the Ordinance language should  
137 be updated to state that the height of walls is measured starting at the finished grade. He did not  
138 feel this was too much of an issue to consider. Ms. Brunner explained that the proposed change in  
139 the Ordinance does not have anything to do with the height of the retaining wall. It is just saying  
140 that the City would allow retaining walls to be constructed with the typical building structure  
141 setback requirements. She noted that the height requirement is from the building code, which the  
142 Joint PB-PLD committee does not have purview over.

143

144 Mr. Kost noted that at the last Planning Board meeting, there was discussion relative to the  
145 cumulative traffic impacts from multiple developments being constructed in the same area over  
146 time. He asked how this will be handled, given that each project’s traffic impact is evaluated  
147 separately. Ms. Fortson stated staff is aware of this issue, but are not exactly sure what the solution  
148 is at this time. Ms. Brunner noted that while a full traffic study looks at the existing and proposed  
149 traffic impacts for a proposed use, it does not take into account other proposed developments that  
150 have yet to be constructed, unless City Staff is aware of it and asks the applicant to include this  
151 information in the analysis.

152

153 Ms. Brunner explained that the purpose of a traffic study is to evaluate the level of service of a  
154 road, which measured on a scale and assigned a letter grade. As development happens in an area,  
155 the final project proposed could be the one that decreases the level of service on a road from a C  
156 to D grade. She noted that in this instance, the developer of this project is the one who would end  
157 up having to pay for the necessary offsite improvements to address this issue. Other states have  
158 handled similar issues by implementing impact fees. New Hampshire allows municipalities to  
159 implement these types of fees in a very limited manner. In this state, the collected fees have to be  
160 spent within three years, which Ms. Brunner stated is not a realistic option.

161

162 Councilor Jones asked for clarification about the retaining wall process and setbacks. Ms. Fortson  
163 stated that under the current zoning regulations, any category of wall would be subject to the  
164 setback requirements of the underlying zoning district. He asked how potential issues with

165 stormwater runoff and drainage from a retaining wall would be addressed. Ms. Fortson stated that  
166 any potential impacts of runoff would be reviewed by the Plans Examiner as part of the building  
167 permit process and would need to comply with the Anti-Nuisance Standards outlined under Article  
168 18 of the LDC.

169  
170 Chair Farrington asked about the proposed change removing the requirement for ADUs to be  
171 connected to City water and sewer utilities. Ms. Brunner explained there were two changes  
172 proposed to the ADU regulations. The first change is proposed in order to comply with State law  
173 and is related to requirement that there be an interior door between the primary residence and an  
174 attached ADU. Last year, updated legislation was passed stating that this is no longer a  
175 requirement.

176  
177 Mr. Brunner went on to explain that the second change the Chair is referring to is a local  
178 requirement that all ADU's must be connected to City water and sewer. She noted that this  
179 requirement further states if a property doesn't have access City sewer, then the owner is  
180 required to provide a septic system. The requirement for City water and sewer access is already  
181 addressed under the base zoning district requirements. Staff is suggesting that this language be  
182 removed and updated to indicate that a property owner providing a septic system design  
183 approved by the New Hampshire Department of Environmental Services is sufficient. The Chair  
184 asked for the number of ADU's someone can have on their property by right. Ms. Brunner  
185 stated property owners can have one ADU on any single-family property in the City.

186  
187 Councilor Haas asked about the distance for remote parking spaces, which states that all spaces  
188 must be located within a 1,000-ft walking distance. He asked why it could not be 1,500 feet. Ms.  
189 Fortson stated the 1,000-ft radius is currently specified in the remote parking regulations, but  
190 stated she did not know what the thought process was for choosing that number. Ms. Brunner  
191 stated it used to be 300 feet, but with the adoption of the Land Development Code it was  
192 increased to 1,000-ft. City Staff had felt that a 300-ft radius was too restrictive, however, they  
193 also wanted remote parking to be located within a reasonable distance so that people would  
194 actually use the spaces.

195  
196 Councilor Ruttle-Miller referred to the proposed changes to the administrative parking reduction  
197 regulations and asked whether the basis for a 25% was normal for other municipalities, or if it  
198 was based on other calculations. Ms. Brunner stated she came up with this percentage based on  
199 the inquiries that staff has received recently. She stated she could not think of an instance where  
200 City Staff have granted a 10% reduction because it has never been enough to actually help an  
201 applicant. She noted that applicants have had to go down other routes, such as finding remote  
202 parking or seeking a 50% reduction from the ZBA. She added that paying for a full traffic study  
203 can be very expensive, especially for smaller projects. This is a way to provide more flexibility  
204 to help applicants find parking solutions without requiring a full traffic study.

205  
206 The Chair asked for public comment. With no comments from the public, he closed the public  
207 hearing.

208

209 A motion was made by Vice Chair Roberta Mastrogiovanni that the Planning Board find  
210 Ordinance, O-2025-40, consistent with the 2025 Comprehensive Master Plan. The motion was  
211 seconded by Michael Hoefler and was unanimously approved.

212  
213 A motion was made by Councilor Jones to request the Mayor set a public hearing on Ordinance,  
214 O-2025-40. The motion was seconded by Councilor Haas and was unanimously approved.

215  
216 **5. Discussion Items:**

217 a. Proposed follow up on HB 457 from the 2025 legislative session relative to zoning  
218 restrictions on dwelling units (Effective 9/13/2025).

219  
220 Ms. Brunner addressed the committee next. She stated this item also came out of the 2025  
221 legislative session. There was a bill that passed in last year's legislative session that says that you  
222 cannot restrict occupancy of a dwelling unit to less than two people per bedroom, and you also  
223 cannot regulate based on familial relationships. For example, the City definition for family is  
224 people who are related to each other. The City's current definition of family does not comply any  
225 longer as of September 13<sup>th</sup>, which is the effective date of that bill. Ms. Brunner stated this  
226 presentation is to give some background information on the issue in general.

227  
228 Ms. Brunner noted there are a few relevant laws the Committee should keep in mind throughout  
229 this discussion.

230 The Fair Housing Act prohibits discrimination on the basis of a few different factors. One factor  
231 is that you cannot discriminate based on disability, which includes people who are recovering  
232 from addiction and alcoholism. Local government that utilizes the definition of family that would  
233 otherwise restrict groups of people with disabilities or others who are protected by the Fair  
234 Housing Act have to be prepared to grant reasonable accommodation where necessary in order to  
235 maintain compliance with the Fair Housing Act.

236  
237 The State Law that recently passed was HB 457.  
238 This, again, restricts the number of occupants to less than two per bedroom and you cannot have  
239 a regulation or a Zoning Ordinance that is based on the familial or non-familial relationships or  
240 marital status, occupation, employment status or educational status of the occupants of the  
241 dwelling unit.

242  
243 Mr. Kost asked when they say that you cannot restrict occupants to less than two per bedroom,  
244 does this mean you can have 10 per bedroom. Ms. Brunner stated that this law is trying to say is  
245 that you could restrict it to two per bedroom, but you can't restrict it to be less than that.  
246 She added most municipalities don't deal with occupancy on a bedroom basis, so that portion of  
247 the law might not have any impact on Keene.

248  
249 Mr. Madison asked for clarification on if this law applies to the following scenario: a three-  
250 bedroom house advertised in Airbnb for 12 people. Ms. Brunner stated it depends on the  
251 municipality, and if they permit Airbnb, which Keene does; therefore, this law would apply to that  
252 scenario as well.

253

254 Chair Farrington asked whether this law applies to that area or does it refer to new construction  
255 or alteration to properties. Ms. Brunner stated this law affects how we regulate occupancy of  
256 dwellings.

257 She referred to the definition Keene currently has for “family” – *“families shall mean one of the*  
258 *following two or more natural persons related by blood marriage, civil union, adoption or foster*  
259 *care, living together as a single housekeeping unit, with or without customary household helpers*  
260 *in a developing unit or a group of four or fewer natural person who are not related by blood*  
261 *marriage, civil union, adoption or foster care, living together as a single housekeeping unit in a*  
262 *dwelling unit. This term shall not preclude one natural person from being the sole occupant of*  
263 *any dwelling unit.*

264 Ms. Brunner noted Keene’s definition includes familial or non-familial status. We are no longer  
265 allowed to have that portion of the definition.  
266

267 She went on to say Keene has other definitions that rely on the definition of family.  
268 For example, the definition of “single family” *is a free standing building with one dwelling unit*  
269 *on a single lot which is designed, occupied or intended for occupancy by one family.*

270 To answer the Chair’s question, Ms. Brunner stated the law impacts how many people can live in  
271 a dwelling unit, or who can live in a dwelling unit.  
272  
273

274 Councilor Haas clarified removing the definition of family is what is happening here, and  
275 essentially everything becomes a rooming house and we can define the number of people that  
276 can go into a bedroom as two or more. However, we can’t define who they are.

277 Ms. Brunner stated she would like to go through the rest of the slides, as there are some  
278 examples of how other communities have addressed this and what Staff are recommending.  
279 However, if the committee would like, it could be just pure numbers. For instance, every square  
280 footage of space there can be one person and it could be a calculation in that manner. She stated,  
281 she however, does not recommend that option.  
282

283 Councilor Jones stated the City has a better definition for family under City Council Rules of  
284 Order under the “conflict” section, and felt that should be reviewed. Ms. Brunner stated she  
285 could certainly check with the City Attorney to get that definition from her, but the City is no  
286 longer allowed to regulate based on how people are related to each other and wanted the  
287 Committee to keep that in mind.  
288

289 Ms. Brunner went on to say she wanted to illustrate how other communities have approached this  
290 with something called a “functional family” definition. Instead of trying to define a family by  
291 who the people are, it looks at characteristics and how they behave as a unit.  
292 Most of the “functional family” definition use phrases such as “single housekeeping unit”,  
293 “stable rather than transient living arrangement” “lives and cooks together” “share budget”.  
294

295 In Nashua, they define it as *a group of non-relatives living together in a non-traditional group.*  
296 *Can be the functional equivalent of a more traditional family unit. The factors that must be*  
297 *considered by the authority having jurisdiction are whether the group shares the entire house*  
298 *other than individual bedrooms, lives, cooks and functions together as a single housekeeping*  
299 *unit and is primarily non transient.*

300  
301 Wethersfield, Connecticut defines it *as any number of individuals living and cooking together as*  
302 *a single housekeeping unit whether related to each other legally or not, and shall be deemed to*  
303 *include domestic help, but not to include paying guests.*

304  
305 Ms. Brunner noted Mansfield, Connecticut, has a very long and involved definition.  
306 What is referred to on the screen is just a partial definition, but it includes a lot of the same  
307 things.

308 “Functional family” - They share the entire dwelling unit, living, cook together as a single  
309 housekeeping unit. They share expenses. They are permanent and stable. Ms. Brunner stated this  
310 municipality goes into a lot more detail, which she didn’t feel Keene needs.

311  
312 Ms. Brunner stated Staff’s recommendation is to keep it short and say a *group of individuals*  
313 *living and cooking together as a single housekeeping unit that is primarily non-transient.*  
314 She felt this was in keeping with what some other communities have. Ms. Brunner continued by  
315 stating that Staff recommend avoiding long definitions and trying to not regulate just based on  
316 square footage, because of the trend towards tiny houses and micro apartments. Assigning a  
317 certain square foot area to each person is likely not be the best way to approach this.  
318 She indicated Staff are open to comments or suggestions. The goal is to try and submit  
319 something next month to get the process started, because, as mentioned earlier, this State Bill  
320 went into effect on September 13th and Keene currently does not have a definition that really  
321 works with our Code that is legal.

322  
323 Mr. Kost referred to the property owned by Mr. Freeman where rooms are rented out but  
324 common areas are shared. He asked whether Ms. Brunner’s presentation refers to this situation.  
325 Ms. Brunner answered in the affirmative and went on to say that the City however, does not plan  
326 on inspecting properties if they are meeting these definitions. This proposed change is something  
327 for the City to fall back on should there be a need.

328  
329 Councilor Ruttle-Miller asked whether “cooking together” serves any legal purpose. She stated  
330 she understands this is language to fall back on. However, *living together as a single*  
331 *housekeeping unit that is primarily non-transient* essentially does the same thing and added she  
332 did see the examples that are included. Ms. Brunner in response stated she added the language  
333 around cooking because of those other examples and went on to say if you have separate cooking  
334 facilities for each person, then you start to get into a situation where they are operating less like a  
335 family. She indicated there is no formal Ordinance yet submitted and it can be changed.

336  
337 Mr. Hoefler asked about the impacts, regardless of what definition the City comes up with; for  
338 example, how does it, other than complying with State Law, get used in the day-to-day functions  
339 of the City. Ms. Brunner stated it is likely not going to change the day-to-day functions of the  
340 City, except when there is a complaint. She added the history of the City’s current definition of  
341 family goes back to when Keene State College was much bigger than it is today and there were  
342 many more students living in neighborhoods and there was conflict between party houses and the  
343 neighbor living next door. This issue has gone away with Keene State College building more  
344 student housing on campus. What it will affect are other definitions in the Code.

345 The definition of family is foundational to the whole Land Development Code for residential  
346 uses.

347  
348 Ms. Brunner went on to say the City Attorney is planning to talk to the City Council about the  
349 Congregate Living and Social Services Ordinance. This is one area that there could be an impact  
350 and another area could be short-term rentals, which, again, is not regulated at the present time by  
351 the City in any way; this could have a ripple impact on that as well.

352  
353 Mr. Madison, with reference to the living and cooking language, suggested changing it to  
354 *group of individuals residing together*. He felt residence is a legal term. There is a legal  
355 definition for what a residence is; it is a place you use to receive mail, to register to vote, to  
356 register your car. It implies your legal address. By saying, it is group of individuals residing  
357 together as a single housekeeping unit, it refers to people who are staying at this property as their  
358 primary domicile.

359  
360 Councilor Jones felt the City should encourage the common kitchen, as we don't want to  
361 encourage people using hot plates in their bedrooms for safety reasons.

362  
363 Mr. Kost asked whether there is an occupancy concern here; a residence could have too many  
364 people, which ends burdening the neighborhood. Ms. Brunner stated that is a concern, hence the  
365 reason why many communities have the definition the way that Keene has it, in which there is  
366 either a natural family or an occupancy limit in place, but this is no longer allowed. Ms. Brunner  
367 felt the only way to regulate occupancy if we were to go with this route would be through the  
368 Building and Life Safety Code.

369  
370 Ms. Mastrogiovanni stated there was some discussion about many of these larger homes being  
371 divided into more dwelling units to address the housing crisis. In doing so, the City placed a lot  
372 of regulations for those homes as soon as they get over the five-unit limit. At that point they have  
373 to install sprinklers, etc. She asked how that would affect a unit that would encourage a large  
374 amount of people and would regulations be imposed. Ms. Brunner stated the City is  
375 preempted by the State on that specific issue. The City, for a single family and two family,  
376 cannot require sprinklers. If there is an existing building and it is four units or less, then you  
377 don't necessarily have to provide a sprinkler as long as you meet other fire code requirements,  
378 which is dictated by the State and is not a local regulation.

379  
380 Ms. Brunner referred to Ms. Mastrogiovanni's question. If there is a single dwelling unit where  
381 there were a large number of people, a sprinkler would not be required. Ms. Mastrogiovanni  
382 noted by requiring owners of these very large homes to install sprinklers, it could be cost  
383 prohibitive, as opposed to turning it into a rooming house, in which they wouldn't have those  
384 types of regulations.

385  
386 Mr. Brunner stated, under the building code, when you have transient guests, it moves that use to  
387 another level of review in which they have to provide more stringent life safety code  
388 requirements.

389

390 Councilor Williams asked whether the City has a definition for transient. Ms. Brunner stated this  
391 is something the City would have to define if it were to be used in that definition.  
392

393 Mr. Kost used the example of a large home in which about 30 friends decide to live together and  
394 share all the expenses. He clarified, in that instance, no life code upgrades would be required.  
395 Ms. Brunner stated this could potentially meet the definition of family as referenced today,  
396 whether or not the house would need to be upgraded would fall back on the fire and building  
397 code. She indicated she was not sure what that threshold was. Chair Farrington noted, in that  
398 case, based on the number of persons per bedroom, that specific house would be required to have  
399 15 bedrooms. Ms. Brunner stated if the Committee wished to have a limit per bedroom, this is  
400 something staff could start looking into.

401  
402 Mr. Hofer felt including the term “functional family” would be prudent as it speaks to the goals  
403 the City is trying to convey.  
404

405 Ms. Miller stated, perhaps placing a restriction on the people per room, could become an issue if  
406 it was a family with many children. Ms. Brunner agreed, if there was to be an occupancy limit  
407 this is something Staff would need to give some thought to and bring a draft for Committee  
408 review for next month.  
409

410 Councilor Haas stated he likes Mr. Madison’s suggestion. He felt this issue should also be  
411 opened to public input.  
412

413 Mr. Kost felt, if there was going to be a limitation, it should be based on common practices and  
414 life safety issues.  
415

416 Ms. Mastrogiovanni stated Keene has many apartments rented to students, some extremely small  
417 with eight people in two small bedrooms, and asked how this type of rental would be impacted.  
418 Ms. Brunner stated this was one of the main driving forces behind the Bill that passed, which  
419 was to prevent municipalities from developing regulations geared towards students.  
420 The way it would impact this type of student rental is that if they are operating as a single  
421 housekeeping unit and they meet Keene’s definition of family, they would be allowed.  
422 However, there are building and fire codes that they would have to meet.  
423

424 Chair Farrington asked what Staff are looking for from the Board tonight. Ms. Brunner stated she  
425 would like to see if a poll could be taken to see if the Committee is in favor of what Staff  
426 proposed and Mr. Madison proposed or whether it should go in an entirely different direction.  
427

428 Chair Farrington stated he was in favor of merging Mr. Madison’s suggestion and Staff’s  
429 recommendation but not going in an entirely different direction. He added he would go with the  
430 phrase *a group of individuals residing together as a single housekeeping unit*.  
431

432 Councilor Jones asked what going in an entirely different direction would entail. Ms. Brunner  
433 stated what Staff is trying to find out is whether what Staff is referring to is the direction the  
434 Committee would like to move forward with.  
435

436 Mayor Kahn stated he prefers “residing together” as opposed to “residence” as residence has  
437 other legal issues.

438  
439 Councilor Filiault stated, regardless of what this Committee decides today, it is something that  
440 would eventually need the City Attorney’s review and approval. He felt most everything has  
441 been covered today and commended Staff for their work on this item.

442  
443 **6. New Business**  
444 Councilor Haas stated he would like to accelerate discussion on Short Term Rental Properties.  
445 He felt Air Bnb and short-term rentals are becoming an issue in neighborhoods. The Mayor  
446 stated, absent a State definition for Air Bnb’s, short-term rentals are 30-days by statute. He stated  
447 accelerating this item comes with its challenges. The Chair felt short term rentals don’t seem to  
448 be an issue for Keene and felt it would be good to see how other communities handle this.

449  
450 Mr. Madison stated there is a State definition for short-term rentals. He continued by stating the  
451 State says any property that is available for rent for a term of six months or less is considered a  
452 short-term rental.

453 This is the definition used by the rooms and meals tax and this is what other communities, like  
454 Conway, have been using as their legal basis to regulate and it already made it through the New  
455 Hampshire Supreme Court. He added, even though Conway lost their case, the Supreme Court  
456 upheld their right to regulate short-term rentals. He added that the Courts ruled against Conway  
457 on how they were enforcing it. He stressed, under State Statute, that the City has the legal  
458 authority to regulate for properties that are rented for a term of lease of six months.

459  
460 Ms. Miller stated she had attended a Housing Conference in the fall in which she had learned a  
461 legal precedence in New Hampshire for using zoning Ordinances to help with cases like this. She  
462 added here is a case in Portsmouth in which New Hampshire ruled in favor.

463  
464  
465 **7. Next Meeting – February 9, 2026**

- 466  
467  
468 **B. MORE TIME ITEMS**  
469 1. Private Roads  
470 2. Neighborhood / Activity Core areas (“Neighborhood Nodes”)  
471 3. Short Term Rental Properties

472  
473 **C. ADJOURNMENT**

474  
475 There being no further business, Chair Farrington adjourned the meeting at 8:05 PM.

476  
477 Respectfully submitted by,  
478 Krishni Pahl, Minute Taker

479  
480 Reviewed and edited by,  
481 Megan A. Fortson, AICP – Planner

482 Emily Duseau, Planning Technician

## MEMORANDUM

**To:** Joint Committee of the Planning Board and PLD Committee  
**From:** Mari Brunner, Senior Planner  
**Through:** Paul Andrus, Community Development Director  
**Date:** March 2, 2026  
**Subject:** O-2026-02 Relating to the Definition of Family

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### Overview

This Ordinance proposes to amend the definition of the term “Family” in Article 29 of the Land Development Code (LDC) to bring the city’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

In addition, this ordinance proposes to amend the definition of the term “Dwelling Unit” in Article 29 to clarify that this term does not include transient occupancies such as hotels/motels or bed and breakfasts. Lastly, this ordinance proposes to add clarifying language to Article 1, Section 1.2.1 “Definitions” and Article 26, Section 26.4 “Land Development Code Amendments” to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

### Background

During the 2025 legislative session, the New Hampshire State Legislature adopted [House Bill 457 “relative to zoning restrictions on dwelling units”](#) with an effective date of September 13, 2025. This change to state law prohibits municipalities from adopting or enforcing an ordinance that restricts the number of occupants of any dwelling unit to less than 2 occupants per bedroom or that is “based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students.”

The City of Keene Land Development Code (LDC) currently defines the term “Family” in Article 29 as follows:

**Family** - Family shall mean one of the following: 1) two or more natural persons related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit with or without customary household helpers in a dwelling unit; or 2) a group of four or fewer natural persons, who are not related by blood, marriage, civil union, adoption, or foster

*care, living together as a single housekeeping unit in a dwelling unit. This term shall not preclude one natural person from being the sole occupant of any dwelling unit.*

This definition no longer complies with state law. The term “Family” is referenced in three definitions in the LDC, including the definitions of “Dwelling, Single-Family,” “Dwelling, Two-Family / Duplex,” and “Dwelling, Multi-family.” The term is used 148 times throughout the LDC, almost always in reference to one of these three terms/uses. The term is also used in the workforce housing section of the subdivision regulations.

To bring the city’s definition of family in the LDC into compliance with state law, staff recommend using a “functional family” approach that focuses on group behaviors and characteristics rather than the familial or non-familial relationships between the group members.

Functional family definitions often include the following components:

- The phrase “single housekeeping unit,”
- A focus on stable, rather than transient living arrangements,
- Shared cooking facilities, and
- Shared household budget.

## **Proposal**

This ordinance proposes to delete the existing definition of “Family” in its entirety and replace it with the following definition:

***Family*** – Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, “transient” shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.

This definition would not place an overall occupancy limit for the dwelling unit; rather, it focuses on how the group operates and whether the group is stable or transient. Transient is defined as an occupancy of less than 30 days, or rental with a term of less than one month (e.g. renting a room by the day or week) to be consistent with building and life safety codes.

This ordinance also proposes to amend the definition of “Dwelling Unit” to clarify that this term does not include hotels, motels, bed and breakfasts, or any other similar uses that are transient, as follows:

***Dwelling Unit*** - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**A dwelling unit use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

Finally, this ordinance proposes to fix a loophole identified by staff with respect to amendment procedures for definitions in Article 29. Currently, the LDC states that any amendments to Article 29 shall follow the regular City Council ordinance process; however, there are some definitions in Article 29 that, if changed, could change the meaning and/or effect of the zoning regulations. Examples include “Family” and “Frontage.” Staff propose adding language to two sections of the LDC, including the “Definitions” section of Article 1 (Section 1.2.1) and the procedure for

amendments to the LDC in Article 26 (Section 26.4), to make it clear that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

### **Discussion of Potential Impacts**

#### **Occupancy limits**

One potential impact of this proposed change is the removal of occupancy limits for single- and two-family dwellings. Under the current definition of family, a group of four or fewer unrelated people can live together in a single- or two-family dwelling unit whereas a “traditional” family of any size can occupy those same unit types. For example, a family of five could live in a single-family home, but five unrelated individuals cannot. In contrast, the proposed definition would not address occupancy numbers and instead focuses on the transiency of the group and whether it operates as a single housekeeping unit. However, although the proposed definition would not regulate occupancy within the zoning code, staff could still regulate overcrowded units under other codes such as life/safety codes to address safety issues (e.g., using the structure in a way that exceeds the structural capacity of the building). In addition, if there are impacts related to overcrowding such as trash or human waste piling up outside and/or infestation, the health code and housing property standards provide an avenue for addressing those issues.

#### **Congregate Living and Social Service Uses**

Another potential impact of this proposed change could be a shift in how the city regulates Congregate Living and Social Services uses where the occupants meet the new definition of a family, such as group homes. Currently, the City requires Small Group Home uses (up to 8 residents) and Large Group Home uses (up to 16 residents) to obtain a conditional use permit from the Planning Board and an annual license from the Congregate Living and Social Services Licensing Board. The City Attorney’s Office is currently in the process of reviewing this category of uses, and staff anticipate bringing recommendations to City Council regarding this use category later this year.

#### **Short-term Rental Uses**

Finally, this proposed change could impact properties where the principal use is for short-term rentals (e.g., Airbnb, VRBO) that are operating in residential districts where similar transient uses, such as hotels, motels, and bed breakfasts, are not allowed. The LDC does not currently address short-term rentals explicitly and data from the [2023 Housing Needs Assessment report](#) found that only 50 short-term rental units were available at the time in Keene, representing 0.5% of total housing stock. Staff recommend that City Council review current data related to short-term rentals and address this use in a separate ordinance.

### **Consistency with the 2025 Comprehensive Master Plan (CMP)**

The 2025 Comprehensive Master Plan is centered around six pillars: Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment.

#### **Livable Housing**

Goal 5 under the “Livable Housing” pillar is to “address the housing needs of all residents, current and future.” This ordinance proposes to eliminate an outdated definition of “family” that attempts to define what a family is based on the relationships between group members, rather than

focusing on behaviors and characteristics of the group and how it fits into a neighborhood setting. Switching to a definition based on how the group lives and operates will make housing in Keene more accessible, especially for specific groups such as college students and residents in recovery from drug or alcohol addiction who need a supportive living environment.

### Vibrant Neighborhoods

Under the “Importance of Vibrant Neighborhoods” section, the CMP notes that fostering strong community bonds and focusing on place-making will “enhance the community fabric, peoples’ sense of belonging, and being included in the community.” Goal 2 under this pillar is to “Foster Community Relationship-Building and Collaboration.” This ordinance proposes to establish a definition of “family” and “dwelling unit” that allows for non-transient groups that operate as a household unit to occupy residential dwellings and ensuring that dwellings continue to be used primarily as long-term residences. These family groups are more likely than transient occupants to form bonds with their neighbors and develop a connection to the neighborhood.

Goal 4 of this pillar is to “Foster a High Quality of Life for all Residents.” This ordinance furthers this goal by promoting non-transient occupancy of residential dwellings, which improves the sense of neighborhood safety and helps to promote interaction amongst neighbors. Studies have shown that high-opportunity neighborhoods with positive social and environmental conditions have a strong influence on the health, life expectancy, and employment prospects of the people that live there.<sup>1,2</sup>

### Adaptable Workforce

Goal 4 under this pillar is to “Meet Quality of Life Needs and Reduce Workforce Barriers, Such as Housing Availability, Childcare, and Transportation.” This ordinance opens up opportunity for existing housing stock to be utilized more efficiently by removing arbitrary occupancy limits for single-family and two-family dwellings. This could allow homes to be occupied by larger groups, as long as they are non-transient and operate as a household unit, which may help to meet some of the housing needs of Keene’s workforce and college student population.

### **Recommendation:**

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

***Planning Board Motion:*** “To find the proposed Ordinance O-2026-02 consistent with the 2025 Comprehensive Master Plan.”

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

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<sup>1</sup> Wang D, Li H and Liu P (2025) The impact of neighborhood environment and social interaction on the health of Chinese residents: empirical analysis from CGSS 2021. *Front. Public Health* 13:1547499. doi: 10.3389/fpubh.2025.1547499

<sup>2</sup> National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. Community Health and Economic Prosperity: Engaging Businesses as Stewards and Stakeholders—A Report of the Surgeon General [Internet]. Washington (DC): US Department of Health and Human Services; 2021 Jan. CHAPTER 2, How Neighborhoods Shape Health and Opportunity. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK568862/>



# APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: February 2, 2026

Address: 3 Washington St., Keene NH

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

Existing Section Reference in Chapter 100, Land Development Code: Article 29, Article 1, Ar

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

Does the amendment affect "Permitted Uses"?  Yes  No

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

Validation of Number of parcels by the  
Community Development Department

**Petitioner's Signature**

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

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

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

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

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

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

**O-2026-02 Relating to the Definition of Family**

This Ordinance proposes to amend the definition of the term “Family” in Article 29 of the Land Development Code (LDC) to bring the city’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

In addition, this ordinance proposes to amend the definition of the term “Dwelling Unit” in Article 29 to clarify that this term does not include transient occupancies such as hotels/motels or bed and breakfasts. Lastly, this ordinance proposes to add clarifying language to Article 1, Section 1.2.1 “Definitions” and Article 26, Section 26.4 “Land Development Code Amendments” to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

The attached materials include the full text of Ordinance O-2026-02 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with this ordinance. Text that is **bolded and underlined** is proposed to be added, and text that is ~~stricken through~~ is proposed to be deleted.



# CITY OF KEENE

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

AN ORDINANCE \_\_\_\_\_ Relating to the Definition of "Family"

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

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

1. That Article 1, Section 1.2.1 "Definitions" be amended by adding a new sub-section "D," as follows. The intent of this proposed change is to ensure that any future changes to definitions in the Land Development Code that would modify the meaning of the zoning regulations are treated as a zoning amendment.

#### 1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

2. That Article 26, Section 26.4.3.A be amended to state that modifications to the definitions in Article 29 which would have the effect of modifying the zoning ordinance shall follow the same application and review procedures described in Section 26.3 of the LDC, as follows:

- A. Articles 1 through 19 **and Article 29**. For amendments proposed to Article 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations**, the same application and review procedures shall be followed as those

described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

3. That the definition of the term “Dwelling Unit” in Article 29 be amended to clarify that this term does not include transient uses such as hotels or motels, as follows:

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

4. That the definition of the term “Family” in Article 29 be deleted in its entirety and replaced, as follows. The intent of this proposed change is to bring the City of Keene’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

~~Family – Family shall mean one of the following: 1) two or more natural persons related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit with or without customary household helpers in a dwelling unit; or 2) a group of four or fewer natural persons, who are not related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit in a dwelling unit. This term shall not preclude one natural person from being the sole occupant of any dwelling unit.~~

**Family – Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, “transient” shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.**

---

Jay V. Kahn, Mayor

## 1.2 RULES OF INTERPRETATION

### 1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

### 1.2.2 Lists & Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

### 1.2.3 Time Computation

In computing any period of time prescribed or allowed by these rules, except as may be required by order of a court or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the City is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the City is closed.

### 1.2.4 Conjunctions

- A. "And" indicates that all connected words or provisions apply.
- B. "Or" indicates that the connected words or provisions may apply singly or in any combination.
- C. "Either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

### 1.2.5 Mandatory, Prohibitory, & Permissive Terms

- A. "Must," "will," and "shall" are mandatory terms that express a requirement.
- B. "Must not," "will not," "shall not," and "may not" are terms that express a prohibition.
- C. "Should" is a term that expresses a suggestion or recommendation.
- D. "May" is permissive term.

### 1.2.6 Current Versions & Citations

All references to other regulations or manuals in this LDC refer to the most current version and citation for those regulations or manuals, unless indicated otherwise. When the referenced regulations or manuals have been repealed and not replaced by other regulations or manuals, the requirements for compliance as specified in this LDC are no longer in effect.

### 1.2.7 Graphics, Illustrations, & Flowcharts

Graphics, illustrations, diagrams, and flowcharts are included in this LDC to visually explain the intent and requirements of the text. In the case of a conflict between the text and any graphic, illustration, diagram, or flowchart, the text controls.

### 1.2.8 Common Abbreviations

- A. "ft" is an abbreviation for "feet."
- B. "in" is an abbreviation for "inch."
- C. "Max" is an abbreviation for "maximum."
- D. "Min" is an abbreviation for "minimum."

## 26.4 LAND DEVELOPMENT CODE AMENDMENTS

### 26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

### 26.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

### 26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. **Articles 1 through 19 and Article 29.** For amendments proposed to Articles 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations,** the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 20, 21, 25 and Sections 26.10-26.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.

- a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of Planning and Development (OPD) for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with OPD shall not affect their validity.

- C. **Article 22 and Section 26.15 of Article 26 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 22 of this LDC, the following procedures shall apply.

1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed

**Driveway** - The travel surface for vehicles that connects an off-street parking space(s), or a parking area of a parking lot to the street access.

**Drug Treatment Clinic** - A non-residential facility authorized by the state to provide treatment and licensed drugs to natural persons, including, but not limited to, methadone or suboxone, to manage and treat drug dependencies.

**Dwelling** - A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

**Dwelling, Above Ground Floor** - A dwelling unit that is located on the second story or higher of a building that is above ground.

**Dwelling, Manufactured Housing** - Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-I:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.

**Dwelling, Multi-family** - A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

**Dwelling, Single-Family** - A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

**Dwelling, Two-Family / Duplex** - One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

**Dwelling Unit** - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

**Earth** - Sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.

**Earth-Disturbing Activity / Earth-Disturbing Events** - Actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

**Economic Hardship** - Quantifiable or verifiable expenditures or fiscal loss that is unreasonable for the property owner to bear under the circumstances. Demonstration of economic hardship shall not be based on or include any of the following circumstances: willful or negligent acts by the owner; purchase of the property for substantially more than market value; failure to perform normal maintenance and repairs; failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements.

**Elevation (Building)** - (1) A wall of a building; (2) An architectural drawing showing vertical elements, generally exterior, of a building.

**Equipment Shelter** - For the purposes of Article 13 "Telecommunications Overlay District", equipment shelter shall mean an enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver structures."

**Erect** - To construct, reconstruct, excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

**Event Venue** - A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

**Excavation Activity/Excavation Operations/Processing Activities** - For the purposes of Article 24 - "Earth Excavation Regulations," excavation activity/excavation operations/processing activities shall mean the act of moving or removing earth, including but not limited to, all activities associated with the commercial taking of earth, production and processing of construction aggregate, transportation of earth and site restoration. Associated excavation and processing activities also include, but are not limited to: digging, drilling, blasting, bulldozing, crushing, washing, screening, sorting, scaling, weighing, stockpiling, loading, and transporting earth.

**Excavation Area** - For the purposes of Article 24 - "Earth Excavation Regulations," excavation area shall mean the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this LDC, and NH RSA 155-E. This area may be also referred to as the "pit surface area."

**Excavation Perimeter** - For the purposes of Article 24 - "Earth Excavation Regulations," excavation perimeter shall mean the land within an excavation site, which includes the excavation area, areas where excavation operations and processing activities are performed, stockpiling areas, and any areas where earth materials are or will be loaded or unloaded for purposes of transport.

**Excavation Project** - For the purposes of Article 24 - "Earth Excavation Regulations," excavation project shall mean a timeframe that includes all excavation activities to be conducted on an excavation site, including all excavation phases.

**Excavation Site** - For the purposes of Article 24 - "Earth Excavation Regulations," excavation site shall mean any area of contiguous land in common ownership upon which excavation takes place.

**Façade** - The front of a building or structure or any of its sides that faces a public right-of-way.

**Fall Zone** - The area within which there is a potential hazard from falling debris, such as ice, which encompasses a circle with a diameter equal to twice the height of a telecommunication facility as measured on the ground from the base of the facility.

**Family** - **Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, "transient" shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.**

**Farming** - Any land, buildings or structures on or in which agriculture and farming operations or activities are carried out or conducted as defined by NH RSA 21:34-A. Such operations include, but are not limited to, animal husbandry, the cultivation, production, harvesting and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops as well as ancillary activities integral to the operation of a farm.

**Feather Sign (also known as Blade Sail Sign)** - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

**Fenestration** - The arrangement of windows, exterior doors and other exterior openings on a building.

**Fire Line** - Any pipe, including appurtenant valves or fittings, conveying water from a water main to private fire apparatus, and conveying water at no