



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
September 7, 2022
6:00 PM

A. AGENDA ITEMS

1. Keene Kiwanis Club - Request to Use City Property - Tree Lighting Ceremony
2. Relating to Amendments to the Land Development Code - Rural District and Conservation Residential Development Subdivision Regulations Ordinance O-2022-09-A
3. Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access

B. MORE TIME ITEMS

1. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way
2. Relating to Amendments to the Business, Growth and Reuse District - Recreational/Entertainment Facility - Indoor Ordinance O-2022-11

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: September 7, 2022

To: Mayor and Keene City Council

From: Peg Bruce - Secretary

Through: Patricia Little, City Clerk

Subject: **Keene Kiwanis Club - Request to Use City Property - Tree Lighting Ceremony**

Council Action:

In City Council August 18, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication - Kiwanis Club

Background:

Annual request from the Keene Kiwanis Club to host the Tree Lighting Ceremony Friday, November 25, 2022, on Central Square.



Kiwanis[®]

CLUB OF KEENE

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

OFFICERS:

Pete Southwell
President

Art Trombly
Vice President

Elizabeth Sayre
Past President

Pam Wilson
Treasurer

Janet Genatt
Assistant Treasurer

Peg Bruce
Assistant Treasurer

Peg Bruce
Secretary

Pam Wilson
Assistant Secretary

DIRECTORS:

Phyllis Custer

David Ganio

Diana Sommer

Patti Spears

Jeff Swenson

Scot Ward

PAST PRESIDENTS:

Elizabeth Sayre 2020-21

Arthur Walker 2019-20

David Ganio 2018-19

Eli Rivera 2017-18

Paul Bothwell 2016-17

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Keene Kiwanis is a 501 (c) 3
Organization: tax exempt
number – 020458160.

August 12, 2022

Mayor Hansel and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: 11/25/2022 Kiwanis Tree Lighting, Central Square, Keene, NH

Dear Mayor Hansel and the Keene City Council:

The Kiwanis Club of Keene requests a license to produce the 2022 Kiwanis Tree Lighting Event. The proposed date and time of the event is November 25, 2022, 5 p.m. to 8:00 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

Keeping with tradition, we would once again like to decorate the Bandstand on Central Square with wreaths and lights, decorate the City tree on Central Square and hope to put up a second tree with battery operated mini lights on the Roundabout at the Marlboro Street and Winchester Street intersection. We plan to do the decorating of Central Square on a Saturday in the month of November 2022 and take the decorations on Central Square down by the second week of February 2023. (If possible, we would keep the lights on through the Ice and Snow Festival, weather and City permitting.) We plan to string bars of soap on the trees to deter the squirrel population from damaging the light strings. We had no lights damaged this past year.

In spite of the bad weather, this past year's event was enjoyed by many and the decorations are very much appreciated by our community. The children enjoyed the entertainment with the bands and Mrs. Claus reading "Twas the Night Before Christmas. Santa's grand entrance with assistance from Keene Fire Department was especially spectacular! Each year Kiwanis youth groups participate and provide cookies and cocoa. Kiwanis distributes close to 600 Christmas bells for the children to ring as Santa rounds the Common. We greatly appreciate the support of the City of Keene departments who work together with Kiwanis to make the community event special each year!

Feel free to contact me should there be any questions. I can be reached at 603-762-7276 or at keenekiwanisinfo@gmail.com.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce
Kiwanis Club of Keene
63 Emerald Street, PMB 451
Keene, NH 03431
603-762-7276



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.2.

Meeting Date: September 7, 2022

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: John Rogers, Interim Community Development Director
Elizabeth Dragon, City Manager

Subject: **Relating to Amendments to the Land Development Code - Rural District
and Conservation Residential Development Subdivision Regulations
Ordinance O-2022-09-A**

Council Action:

Recommendation:

That Ordinance O-2022-09-A be referred to the Planning, Licenses and Development Committee.

Attachments:

1. Application
2. Narrative
3. Ordinance O-2022-09-A_referral
4. O-2022-09-A_Redline
5. Communication_Sarah & Parker Hansel_Redacted
6. Communication_Tochterman
7. Communication_Redfern
8. Communication_Matthews
9. Communication_Haas_Redacted
10. Communication_Clark

Background:

A Public Hearing was held on September 1, 2022. Prior recommendations included a vote of 7-1 of the Planning Board that Ordinance O-2022-09, as amended, is consistent with the Comprehensive Master Plan.

The attached materials include the full text of Ordinance O-2022-09, as amended, relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-09, as amended. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

The proposed changes include:

- Reducing the minimum lot size for the Rural District from five acres to 2 acres.
- Changing the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Adding three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modifying the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.
- Amending Table 8-1, "Permitted Principal Uses by Zoning District, and the "Permitted Uses" sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Removing the requirement to submit a "Yield Analysis Plan" as part of a CRD application.
- Adding additional submittal and filing requirements for CRD applications include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of these proposed changes is to expand opportunity for housing development in the Rural District while maintaining and protecting environmentally sensitive areas. In addition, the intent of the proposed density incentive options is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Keene Community Development Date: 6/14/2022

Address: 3 Washington Street, Keene, NH

Telephone: (603) 352-5440 Email: mbrunner@keene-nh.gov

Existing Section Reference in Chapter 100, Land Development Code: 3.1.2, 19.3, 25.10

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

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

Does the amendment affect a zoning district that includes 100 or fewer properties?*

(For assistance in determining answer,
Please contact Community Development)

☒ Yes ☐ No

LD-1 District

I, Mari Brunner hereby certify that I have contacted Community Development to confirm whether the amendment affects a zoning district that includes 100 or fewer properties, and I certify that the information I have provided on this application is true and correct.

Attest:

Mari Brunner
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 affects a zoning district that 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.



APPLICATION TO AMEND THE ZONING ORDINANCE

Date Received by City Clerk: 7/18/22 Ordinance Number: 0-2022-09
On City Council agenda: 7/21/22 Workshop to be held: _____
Public Hearing to be held _____

APPLICABLE FEES:

Application Fee @ \$100.00

\$ n/a

Publication of Notice in The Keene Sentinel @ \$90.00

\$ n/a

Postage Fees for property owners/agents and abutters at
current USPS 1st Class Mailing rate

(Only needed if amendment impacts 100 or fewer properties)

\$ n/a

Total Fees submitted to City Clerk

\$ n/a

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

CITY OF KEENE
NEW HAMPSHIRE

O-2022-09 Relating to Amendments to the City of Keene Land Development Code, Rural District and Conservation Residential Development Subdivision Regulations

The attached materials include the full text of Ordinance O-2022-09 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-09. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

The proposed changes include:

- Reducing the minimum lot size for the Rural District from five acres to 2 acres.
- Changing the density factor and minimum lot size for the Rural District within the Conservation Residential Development Subdivision (CRD) regulations to 2 acres per unit and 32,000 square feet, respectively.
- Adding three density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive.
- Modifying the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations. The number of dwelling units per structure shall be limited to three, and this use shall only be permitted in conjunction with a workforce housing density incentive application.
- Amending Table 8-1, “Permitted Principal Uses by Zoning District,” and the “Permitted Uses” sections of the Rural, Low Density, and Low Density 1 Districts in Article 3 to display uses that are permitted within the Conservation Residential Development Subdivision regulations.
- Removing the requirement to submit a “Yield Analysis Plan” as part of a CRD application.
- Adding additional submittal and filing requirements for CRD applications that include a request for a solar density incentive and/or a workforce housing density incentive.

The intent of these proposed changes is to expand opportunity for housing development in the Rural District while maintaining and protecting environmentally sensitive areas. In addition, the intent of the proposed density incentive options is to promote community goals related to open space preservation, renewable energy, and providing a balanced and diverse housing stock.



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

Relating to Amendments to the Land Development Code

AN ORDINANCE

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 Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	5-acres <u>2 acres</u>
Min lot area per dwelling unit without city water & sewer	5-acres
Min lot area per dwelling unit with city water & sewer	2-acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

2. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
3. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
4. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.
5. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

6. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

~~C. Density. The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.
 2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.
7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.
8. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to add a footnote that states “New lots in the Rural District that are created as part of a CRD that are less than 1 acre in size may utilize an approved Subsurface Disposal System.”
9. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”
10. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	4-acres <u>2 acres</u>	50%
	3-acres	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹ Density bonus(es) may be granted as specified in Section 19.3.6

11. That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P ¹ (max of 3 dwelling units per structure)	P ¹ (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

P1 = Use permitted with workforce housing density incentive

12. That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

Section 19.3.6: Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

- A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**
- B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**
- 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
 - 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
 - 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
 - 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**

C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).

1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:

- a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.**
- b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.**
- c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.**
- d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.**

2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:

- a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.**
- b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.**
- c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.**
- d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.**

3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a

local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.

13. That Section 25.10.5 “Submittal Requirements,” sub-section C “Conservation Residential Development Subdivision Applications” of Article 25 be amended as follows:

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
3. ~~A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
 - a. ~~The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City-sewer service is not available.~~
- 4 ~~3~~. A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- 5 ~~4~~. A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
 - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - b. The location, species and size of all landscaping materials proposed to be installed on the site,

including street trees.

- c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6 **5.** Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.
- 6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**
- a. A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
 - b. A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**
- 7. Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**
- a. A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
 - c. Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
 - d. The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**

14. That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:

- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.

George S. Hansel, Mayor

In City Council August 18, 2022.
Mayor set the Public Hearing for
Thursday, September 1, 2022 at 7:15 PM.

A handwritten signature in dark ink, appearing to read "William L. Dow". The signature is fluid and cursive, with the first name "William" and last name "Dow" clearly legible.

Deputy City Clerk

Twenty-Two

Relating to Amendments to the Land Development Code

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 Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	5 acres <u>2 acres</u>
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

2. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
3. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
4. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.
5. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

6. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

C. Density. ~~The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. ~~The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~
2. ~~A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.~~

7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.

7.8. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to add a footnote that states “New lots in the Rural District that are created as part of a CRD that are less than 1 acre in size may utilize an approved Subsurface Disposal System.”

8.9. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”

9.10. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	4 acres 2 acres	50%
	3 acres	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹ Density bonus(es) may be granted as specified in Section 19.3.6

~~10.11.~~ That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P ¹ (max of 3 dwelling units per structure)	P ¹ (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted

P1 = Use permitted with workforce housing density incentive

~~11.12.~~ That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

Section 19.3.6: Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

- A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**
- B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**
 - 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
 - 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
 - 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**

4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.
- C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).
1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
 - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.
 - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.
 - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.
 - d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.
 2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:
 - a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.
 - b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.
 - c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.
 - d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.

- 3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.**

12.13. That Section 25.10.5 “Submittal Requirements,” sub-section C “Conservation Residential Development Subdivision Applications” of Article 25 be amended as follows:

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
- ~~3. A yield analysis (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
 - ~~a. The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~
- ~~4~~ **3.** A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- ~~5~~ **4.** A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:

- a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.
 - c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6 ~~5~~. Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.
6. **Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**
- a. **A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
 - b. **A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.**
7. **Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:**
- a. **A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.**
 - c. **Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.**
 - d. **The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.**

~~13.14.~~ That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:

- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land ~~to the Community Development Department.~~ **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board.** Such documents **shall be submitted to the Community**

Development Department and are subject to the review and approval of the City Attorney prior to signature.

George S. Hansel, Mayor

September 5, 2022

Keene City Council
Keene, NH 034312

RE: Proposed Ordinance O-2022-09-A

Dear Keene City Councilors,

Please note our objection to the proposed Ordinance O-2022-09-A as submitted by the City of Keene Community Development Department. Our main objection is to the proposed change of the minimum lot size in the Rural District from 5 acres to 2 acres.

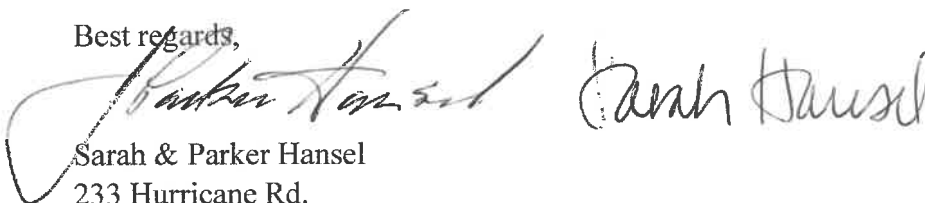
Keene is a wonderful and beautiful City with a vibrant downtown surrounded by multiple, close neighborhoods and parks which are in turn surrounded by seemingly endless woods, hills, trails and country roads for all to enjoy and explore. This outer rural area only still exists because of the wisdom of previous City Councils to zone it for 5 acres. Changing that zoning to 2 acres will change the whole character of Keene. The country roads will become development roads, the forests will gradually disappear. The Keene we know will also disappear. And what do we gain?

The change to 2 acre zoning will not result in more low or moderate income housing. As a former small business owner I know that many of my employees couldn't afford to live in Keene because of the cost of housing and high taxes. They can't afford these two acres and this zoning change won't ease the tax burden either. We need more affordable housing, but it should be as close to downtown as possible. Less traffic, less runoff ... better for the environment. Isn't that our goal? In Europe the towns are densely populated and surrounded by fields not suburban sprawl. There is less internal traffic and more access for everyone to the countryside. We can do the same.

If you are determined to make this zoning change, at least change the minimum road frontage requirement from 50 ft to 200 ft. (The minimum road frontage for the 1 acre LD-1 zone is 100 ft.)

Thank you for your consideration and for all your hard work.

Best regards,



Sarah & Parker Hansel
233 Hurricane Rd.
Keene, NH 03431

6 September 2022

Ms. P. Little – City Clerk
Mr. G. Hansel, Mayor
Ms. E. Dragon, City Manager
Ms. M. Brunner, Senior Planner

Members of Planning, License & Development Committee

Ms. K. M. Bosley, Chair
Mr. M. Giacomo, Vice-Chair
Mr. P. M Jones
Ms. G. Johnsen
Mr. R. C. Omerod

We, the undersigned, find ourselves opposed to the Amendment to the City of Keene Land Development Code – Ordinance O-2022-09-A as currently written for all of the oppositional reasons stated at the public hearing on Thursday, September 1, 2022. And while we agree with the principle of adding more housing to the city of Keene, we are not in agreement with how that might be accomplished without creating past precedent and current needs.

We wish to stress the following:

1. **Property Tax Impact: No property tax impact can occur before the owner(s) of Rural Zone Property takes action to make use of the 2-acre Minimum Lot size, either now or in the future.**

As written, the amendment seems to be an unreasonable and unfair attempt to raise taxes on existing properties because it assumes the owners will subdivide their property, when they do not. So as an implementation approach of the 2-acre minimum, there should be no tax increase on any lots until subdivisions and new homes are made and built, and only for the new lots created within the existing parcel of land and buildings in place when this change is implemented. See Examples below.

In short, Current and Future Owners of Property in the Rural Zones would not have a tax increase as a result of this change unless and until a new home is built on a subdivided portion of their existing landholding.

- A. Example 1. Owner currently has a home on a lot of 6 acres at the date of the implementation of the new 2-acre building lot minimum.
 - a. *No change in taxing of the property beyond the normal annual tax change due to market value updates for the existing land and buildings.*

- b. At a point in future, a subdivision of the 6 acres creates a home on a 2-acre parcel. This would result in the current owner having a 4-acre lot and the current or a new owner having a separate 2-acre lot.
- c. The 4-acre lot would be taxed as it is now with no increase in value of the 4-acre parcel. The new subdivision building and land would be taxed at the estimated market value of the new building and the 2-acre lot.
- d. Should at some later date the current owner sells the 4-acre lot, it would still be taxed as in (a.) above unless and until the 4-acre lot is subdivided to create another 2-acre lot and new home is constructed.

B. Example 2. Owner owns 20 acres of land of which 16 acres are in "current use" and taxed as such, with the remaining 4 acres taxed at estimated market value of land and buildings as of date of the new 2-acre minimum building rule.

- a. As in example (1a.) above, until there is a subdivision, there is a no change in how the property is taxed.
- b. At some point in the future if either the existing fully taxed 4-acre portion of the property or the 16-acre current use portion is subdivided, only those subdivided land parcels and new homes would be taxed based on the size of the subdivided parcels, *leaving the original home and the remaining current use land taxed as now.*

Density Concerns: Fifty (50) feet of frontage combined with the Two (2) acre lot size will significantly negatively impact the "rural" nature of the current areas.

- A. Allowing the minimum to remain at 50 feet basically creates an urban development site in an area which is not currently supported by all city services and higher density; the rural properties will no longer appear different on the street than many neighborhoods in Keene that do receive all city services and thus significantly impact. *The frontage requirement should be increased to 150 ft.* Further the density percentage should not be reduced and remain at 60%.
- B. Further, many rural areas, such as Nims Road where I live, have narrow roads and no city water to support infrastructure of wells and septic systems and increased risk of fire which would arise from a significant increase in homes in an area. *So, should a change be desired to the minimum lot size it should **only** be implemented after the following:*
 - a. Road improvement to support increased traffic requirements.
 - b. Installation of city water and sewer connecting existing homes in the area before the subdivision is approved
 - c. The above infrastructure installations would be required to be deployed only in event of new subdivisions and not on a "just in case" basis.

- d. Of course, our taxes should not increase for these changes as we receive current benefit from the lack of city water or sewer and the narrow roads. Presumably these improvements would be completed by State bond initiatives which would be approved in the annual budgeting process.

There may be better ways to amend the new rules to retain the rural nature of the area. In general they should maintain the open space nature of rural lots AND not reinvest inadequate infrastructure for the current and future owners. The goal would be to optimize rather than maximize the number of potential new lots. The current plan from Community Development has not clarified the number of new lots they expect to create which is of concern since it seems structured to go for the maximum possible by reducing lot sizes, maintaining frontage requirements of only 50 ft on lots less than two acres and removing the current requirement that city water and sewer should be available on two-acre rural lots.

3. **Notification:** As it is written, the proposal does include a new tax. Owners of large properties feel it was negligent on the part of the city to proceed as it plans.
 - A. The city identified large parcels of land that would be affected by the amendment.
 - B. They then choose to not notify the owners of said properties.
 - C. The city has always sent a mailing to a property owner when a zoning change affects their land.
 - D. The city never quantified the impact to the city should all possible rural properties be sub-divided into 2-acre parcels, instead appearing to use a "hope and pray" planning method.

Respectfully,


Mr. Gary Tochtermann
74 Nims Rd.

Ms. Eileen Sarson
36 Nims Rd.



Date: September 6, 2022

To: The Honorable Members of the PLD Committee

Subject: Proposed Zoning Change- Rural Zone, 10 acres to 5 acres

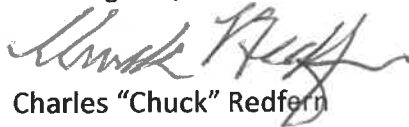
I am writing this letter as a former member of the PLD Committee to express my support for the proposed change in zoning to allow for minimum lot sizes from 10 acres to 5 in the Rural Zones. I believe this issue has a direct link as to the evolving dynamics of how the national economy will impact the economic well-being of the Keene community.

As I have witnessed certain trends in how my own circle of family and friends, who live and work out of state. Most, if not all of them live in homes that have lot and home sizes larger than my home in Keene. Another common link for them is the fact they work remotely for employers based in larger communities with economic opportunities usually greater than ours. Another common link is they all came from Keene at one time in their lives. They also moved out when finding prime career jobs in life.

As we all know, statically, Keene has been a greying population for the last two decades. Our major employers have suffered a growing problem finding workers. Many of these employers have shrunk in operating size. In my opinion, Keene's will not have a substantial, diverse or sustainable model to support the kind of living or working environment that our younger population seeks.

In reviewing all the facts presented to you, including those beyond this letter, please consider the emergence of the new economy and the type of housing that will meet the needs of all members of our community.

Best regards,

A handwritten signature in dark ink, appearing to read "Chuck Redfern", written over the printed name.

Charles "Chuck" Redfern
9 Colby Street
Keene

September 6, 2022

Ms. P. Little -City Clerk
Mr. G. Hansel, Mayor
Ms. E. Dragon, City Manager
Ms. M. Brunner, Senior Planner

Members of Planning, License & Development Committee

Ms. K. M. Bosley, Chair
Mr. M. Giacomo, Vice-Chair Mr. P. M Jones
Ms. G. Johnsen Mr. R. C. Omerod

RE: Land Development Code Proposed Amendment O-2022-09-A

Dear members of the Planning, Licenses and Development Committee:

We write in opposition to the change proposed change in the minimum lot size in the Rural District from 5 acres to 2 acres that is included in Amendment O-2022-09-A. While we appreciate the City and PLD's interest and efforts to improve the availability of affordable housing, we oppose the proposed reduction in the minimum lot size in the Rural District for the following reasons.

Property Tax Impact

As expressed by many members of the public at the 9.1.22 City Council meeting, the proposed Amendment seems likely to effect a significant tax increase on many property owners in the Rural District. Has the PLD considered whether and to what extent this Amendment would increase the assessed value of properties that would have multiple potential developable lots as a result of the minimum lot size change? If so, that information should be included with the public information presented by the City in support of the Amendment.

Overall Impact of Increased Housing Density in the Rural District

We echo the concerns raised by Eloise Clark and others at the 9.1.22 City Council meeting with respect to the likely impacts on the remaining open space in Keene, and potential for replacing open space with urban sprawl by dramatically increasing the potential for development in the Rural District. The fact that the current minimum lot size per dwelling in the Rural District is 2 acres if the lot has City water and sewer, indicates the City has previously considered the accessibility of those facilities an important factor in setting minimum lot size requirements. The various environment impacts of reducing the minimum lot size without requiring that the resulting smaller lots have access to City water and sewer, and therefore creating a greater density of private wells and septic systems, do not appear to have been planned for or well-considered with the current proposed Amendment. If the PLD has considered such impacts, that information be included with the public information presented by the City in support of the Amendment.

The minimum lot size change would effectively change the Rural District Dimensions and Siting requirements to those of the High Density-1 district, though the districts have much different stated purposes in the LDC, and the Rural district is noted to encompass areas "generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied." This minimum lot size reduction would result in a substantial change to the overall development patterns in the City, and it has not been clearly articulated by the PLD what goals would be achieved by the change. As Ms. Brunner stated at the 9.1.22 City Council meeting, the LDC was a multi-year project undertaken with careful assessment of the impacts and benefits of the proposed changes that were ultimately implemented just last year with the 2021 LDC. The same careful planning and consideration of the proposed changes, resulting impacting to the Rural District, and consistency with the 2010 Master Plan does not appear to have taken place with respect to the Rural District minimum lot size change included in this proposed LDC Amendment.

Public Notice and Awareness of the Proposed Amendment

As expressed by many members of the public at the 9.1.22 City Council meeting, the proposed Amendment has not been well publicized, and therefore many questions raised by the public at that meeting have not been addressed. Additionally, it appears that under LDC Section 25.2.4 regarding Public Notice, and the accompanying table 25-2, that such zoning changes in the form of an LDC Amendment require mailed notice to affected parties. The residents in the Rural District that would be most impacted by the proposed minimum lot size change in the Amendment have not received such notice by mail. The PLD should clearly address the statutory notice requirements of this proposed LDC Amendment, and whether those requirements have been met for O-2022-09-A.

Thank for considering these comments,

Handwritten signatures of Gordon and Tiffany Mathews in blue ink.

Gordon and Tiffany Mathews
85 Nims Rd, Keene, NH

Edward Haas
114 Jordan Road
Keene, NH 03431

06 September 2022

Honorable Mayor and City Council
Planning Licensing and Development Committee

City of Keene
c/o Pat Little, City Clerk

re: O-2022-09-A, Ordinance related to Amendments in the Land Development Code

Thank you for your time listening to residents regarding this issue. I personally apologize for not being involved or commenting over the course of the developed work. My comments are simple:

- Decreasing development thresholds creates opportunity for unforeseen consequences, resulting from individuals / developers exploiting the written ordinance.
- Reduction of lot size requirement may result in development and concentration of “McMansions” at the perimeter of the rural areas.
- Interior neighborhoods should be improved whenever possible

Growth will require development. Growth should come from densification from the inside out: CBD, hi-density, lo-density, rural, in that order.

Given the above three points, I am opposed to the reduction in lot size from 5 acres to 2 acres in the ordinance as written. It could become possible with changes; here are some conceptual ideas to alleviate concerns while encouraging and controlling development:

- 1- Densify from the inside out: conceivably move some rural parcels into low density zoning, some low density into medium, etc. (good luck with this one, although it probably would solve the non-conforming properties.)
- 2- Make the proposed change available to non-conforming properties only (existing lot size less than 5 acres.)
- 3- Increase the required road frontage and setbacks to avoid creating excessive density with curving roads; 200 ft. frontage? 100 ft setbacks? Higher set back from road?
- 4- Require that site runoff design be carried all the way to a main discharge (lake or river.)
- 5- Require site runoff design equivalent to 100 yr / 24 hr (5.89 inches rain) retention; increase retention requirement if #4 cannot be met. That is, if downstream runoff can

only handle 25 yr / 60 min flow (1.77 inches) retention on site should be increased proportionately.

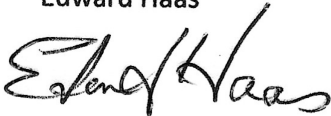
- 6- Specify that solar credits are applicable to rooftop arrays only, to prevent use of otherwise open space.
- 7- Encourage duplex and triplex development separately from "credits". There should be lots of opportunity to develop in the interior by investing in existing neighborhoods.

Keene should and can develop – densify – to support increased workforce and affordable housing without turning the outer rural areas into suburbs.

Summarizing, I am opposed to the reduction in lot size for the ordinance as written.

Thank you for your service and hard work!

Edward Haas



114 Jordan Road
Keene, NH 03431

Comments on the Amendments to the Land Development Code September 2, 2022

Dear City Councilors, Planning Board and Community Development Staff,

I would like to register my opposition to changes in the Land Development Code as proposed for the Rural District of Keene. This momentous shift will dramatically change the character of Keene. Development will bring more traffic and human impact from the valley floor onto the hillsides surrounding the city hub. If you've ever been to a metropolitan area you'll notice houses and development has crept up the hillsides. Do we really want or need suburban sprawl in our rural areas? Do we really want to lose the wonderful mix of urban and rural areas we now have?

When the last City-wide Master Plan was developed ten years ago, I attended several sessions seeking citizen input. How should Keene look in the future? The Rural District was much valued by participants. People really appreciated that Keene wasn't like other cities with suburban sprawl. Perhaps the City needs to develop a new Master Plan? Why can't we have a citywide discussion about the zoning districts before these amendments are adopted? The City did these just a couple of years ago about downtown. Or, are these efforts an attempt to do an "end run" around the Master Plan? This process seems very rushed by comparison.

We also need a more thorough appraisal of the impacts of these proposed changes. For example, what would be the traffic impacts of multifamily housing on the narrower roadways? Would the soil types support numerous clustered septic systems? Would the next step be a costly infrastructure project of installing City water and sewer to accommodate the denser development? How many parcels would be exempt from the Hillside Protection Ordinance (2009) or the Surface Water Protection Ordinance (2014) because they are "grandfathered"? If parcels are subject to these two ordinances, what is the likelihood they could be developed?

What will these changes mean to the taxpayers in the Rural District? Will they see an increase in taxes because we now have developable land? For example, if a property owner has 200 feet of road frontage, will they be taxed as having three developable lots plus their own home? How could this not happen? Is one of the unstated goals of these revisions to force landowners in the rural district to sell land because of increased land values and taxes? This outcome would be a rude surprise to many in the Rural District.

What of the environmental impact of development on hillsides? What of the City's commitment to prevent flooding in Keene? What of the City's commitment to open space? Forested hillsides and wetlands of all types are our "natural infrastructure". They are the best protection Keene has from flooding of the valley floor. How would the creation of more impermeable surfaces in rural areas affect the flooding situation in Keene? Is it wise to plunk development on our hillsides and rural areas?

Has the Joint Committee even discussed these broader questions? They are very, very important! How do we really want our City to look in a generation or two? Please answer these questions before you move forward.

The drumbeat for workforce housing is strong right now. While that is a laudable goal, I question whether these changes will achieve that.

Respectfully submitted,

A handwritten signature in black ink that reads "Eloise Clark". The signature is written in a cursive, flowing style.

Eloise Clark
Roxbury Road
Keene



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

Meeting Date: September 7, 2022

To: Mayor and Keene City Council

From: Councilor Mitchell H. Greenwald

Through: Patricia Little, City Clerk

Subject: **Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access**

Council Action:

In City Council July 21, 2022.

Removed from the table.

Voted 10 in favor and four opposed to Suspend Section 33 of the Rules of Order to allow the consideration of this issue again in the same calendar year as the previous amendment.

Referred the communication to the Planning, Licenses and Development Committee.

In City Council July 7, 2022.

Tabled until the next regular meeting.

Recommendation:

Attachments:

1. Communcation_Greenwald
2. Section 4 - Quorum and Remote Participation

Background:

Councilor Greenwald is requesting a further amendment to the Rules of Order that would provide that a member could be allowed to participate remotely for personal reasons up to two meetings per year. This maximum of meetings would not apply to being remote for serious health issues, disability, or out-of-town employment responsibilities.



Mitchell Greenwald
Chairman, Municipal Services, Facilities & Infrastructure Committee
Ward 2, City Councilor

July 5, 2022

To: Mayor and Council

Re: Amendment to Rules of Order

Prior to the last Council meeting, I requested to be allowed to participate by "Zoom".

Permission was not granted, I assume because according to our recently adopted "Rule", Zoom may be allowed by the presiding chair (Mayor) if the reason is health, or business travel.

I was away on a previously planned vacation.

As a result, I was unable to participate and vote on the Budget, and also a matter that I had significant interest in. The residents of Ward 2 were deprived of representation.

My requested amendment to the rules of order would allow a member to participate remotely, for a personal reason, up to a maximum of 2 meetings with or without permission from the chair. The maximum of 2 meetings would not apply to serious medical issues, disability or out of town responsibilities.

I wish to discuss this at the next PLD meeting.

Thank you,

Mitchell Greenwald

▼ Section 4 Quorum and Remote Participation

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In the event that a quorum is not achieved, the meeting shall be rescheduled by the Mayor or the Temporary Chair. Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, out of town employment responsibilities, or otherwise permitted in the reasonable discretion of the public body. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.

(Amended 8-2-1984, 1-18-2018, 3-17-2022)