



**City of Keene**  
**New Hampshire**

**AGRICULTURAL COMMISSION AGENDA**

Wednesday, November 8, 2017

3:30 PM

2nd Floor **Committee** Conference  
Room

**Commission Members**

Sarah Wilton, Chair  
Charles Daloz, Vice Chair  
Councilor Bettina A. Chadbourne  
Mark Florenz  
Aaron Moody

**Staff Present**

Rhett Lamb, Planning Director  
Michele Chalice, Planner

- 1) Call to order
- 2) Approve October 11, 2017 minutes
- 3) PB Regulatory Revision & Review Process
- 4) Chicken Brochure Revision Discussion
- 5) Sample Brochure Discussion/MFCC Distinction
- 6) New or Other Business
- 7) Next Meeting – Wednesday, December 13, at 3:30PM
- 8) Adjournment

City of Keene  
New Hampshire

AGRICULTURE COMMISSION  
MEETING MINUTES

Wednesday, October 11, 2017

3:30 pm

City Hall, 2<sup>nd</sup> Floor  
Conference Room

**Members Present:**

Sarah Wilton, Chair  
Charles Daloz, Vice Chair  
Bettina A. Chadbourne, Councilor  
Aaron Moody, Member  
Mark Florenz, Member  
David Souther, Guest  
Catherine Souther, Guest

**Staff Present:**

Michele Chalice, Planner

**Members not present:**

1) Call to order

Chair Shedd called meeting to order at 3:35 pm.

2) Approve August 9, 2017 minutes

Councilor Chadbourne motioned to approve the August 9 minutes, Mr. Daloz seconded and it was passed by unanimous vote.

3) Monadnock Region Agriculture Commissioner/Policy Advocacy Training – Debrief

Chair Shedd announced that she and Mr. Daloz and Mr. Florenz attended the Monadnock Region Agriculture Commissioner/Policy Advocacy Training. He said there were three presentations from the seacoast region and they were promoting agriculture within Lee, Durham and Rye. He said that the Town of Lee was looking at the agricultural ordinances and that is something AGC should pursue as well. Ms. Chalice said that there is a Land Use Code update just getting started but ordinances are different. She said zoning is a better place to start and Ms. Tara Kessler is project lead with the former City Manager, Medard Kopczynski, as the consultant, and they will probably be hearing more about their project as they go out to community to talk about what community would like to see changed about the land use code. She said it will be a fabulous opportunity for AGC to have their input heard. Mr. Daloz said the Land Use Code has great agricultural potential.

Ms. Chalice asked if Mr. Florenz had any reflections on the training. He explained that he is having a structure put up on his farm and he is encountering a lot of red tape with the City as there is no

consideration that he is putting up an agricultural building to house livestock and not a building for people. He said the process is costing a lot of money and there are ways to make the process less burdensome for agricultural buildings because they present a different set of considerations. Chair Shedd asked him to explain what a hoop structure is. Mr. Florenz explained that a hoop structure is a three-sided metal truss that provides shelter from the elements in the winter for livestock. Chair Shedd asked what animals they are housing and Mr. Florenz said his structure will house pigs, but other farms build hoop structures for other livestock as they present a more efficient alternative to a barn in terms of managing livestock. Mr. Florenz said the City has no objection it is just a tedious process that is lengthy and expensive. He said he understands the regulations but there should perhaps be exceptions to streamline the process for agricultural properties. Mr. Daloz said Stonewall has had similar problems. Mr. Florenz said he had to pay over \$500 for a building survey and over \$500 for a site plan review for a structure that will house pigs. Chair Shedd asked how that related to the advocacy training they attended. Mr. Florenz said they discussed the site plan review and code and ways to have AGC write language into the regulations to make the process easier for agricultural review. Chair Shedd said she did not hear an example of interfacing with farmers at the training and she felt there needed to be more interfacing between rural and urban agriculture, for example, making a City or yard bee-friendly.

Mr. Florenz said there were three agricultural commissions represented and each had a different flavor. He said Durham, which is a college town, had more incentive because perhaps they do not have a lot of agriculture as opposed to Lee and other areas where there is more agriculture and more focused on real problems farms are experiencing. He said it is up to Keene to determine where their interests fall. Councilor Chadbourne asked how AGC would bring this forward to make it more visible. Ms. Chalice said she brought a recommendation for an adjustment to the building and that involved Ms. Chalice making a draft and AGC making modifications to the document and the change being put forth to that regulatory body. She said in Mr. Florenz' case she brought it to Mr. Lamb at the Planning board and said there are currently no exclusions for agricultural buildings. She said perhaps AGC can take a look at the language for the construction for new buildings.

She said if AGC would like her to bring Planning Board standards to AGC she can do that or they could be part of the broader land use update which will happen over more years, but will have broader, long-term impacts. She said Mr. Florenz is talking about a very specific agricultural construction project that exceeded certain standards and required a site plan review. Chair Shedd said she would like to see the standards. Councilor Chadbourne said she would like to request that they put it on the agenda as a separate item. Mr. Florenz said that some agricultural commissions had been able to put forth agricultural-specific language into the planning and site plan review process that made it easier for farmers to accomplish projects. He suggested that they motion that AGC look into the language in Keene. Mr. Florenz said that the State leaves site plan review, code and zoning to the municipalities Councilor Chadbourne motioned to ask Ms. Chalice to bring forth information of the City's planning standards for AGC to review, it was seconded by Mr. Daloz and passed by unanimous vote. Mr. Florenz said that they can also add discussion to the agenda for next month.

Ms. Souther and committee members introduced themselves. She said she is in the process of getting approval to become a member.

Chair Shedd stated that other agriculture commissions at the training had brochures. She suggested that AGC could make a brochure similar to that with a map of all the farms and include their priority areas, agro business, liason w farmers and environmental corridors. Ms. Chalice said she could

research some ideas and come up with an idea to be part of the next packet. Chair Shedd said it is consistent with their outreach goals they had set and that they can pass them out at the Farmer's Market. She asked members to motion to create an AGC brochure and put on the agenda for next meeting. Mr. Florenz motioned to create an AGC brochure, Mr. Daloz seconded and it passed by unanimous vote.

#### **4) Fall Festival Table – Debrief**

Chair Shedd said Fall Festival was rained out but one of the restaurant owners gave her access to an awning to keep dry. Chair Shedd and Mr. Daloz were also successful in recruiting a new member for AGC, Ms. Souther. Mr. Daloz said it was not as successful as they had hoped due to the rain, but it was a good trial run and that they hope to attend the Pumpkin Festival on Sunday, October 29. Ms. Chalice said they have to sign up to participate and she will look into it. Chair Shedd asked if they need to prepare for Pumpkin Festival and Ms. Chalice said she is not sure they can just show up and they likely will have to register first. Chair Shedd asked members about their thoughts on having a table at the Pumpkin Festival. Mr. Daloz said it would be good practice for getting out to Chamber or Practice and the Farm Bureau, etc. Ms. Chalice said she will send a registration form to members for Pumpkin Festival in order for them to attend. Members said they thought it might just be for children to carve pumpkins and might not be appropriate for tabling. Ms. Chalice said there will be all sorts of kid activities; they want to keep Keene festival local and are not permitting vendors. Ms. Sother added that AGC is not a vendor so it would not hurt to approach them about a table. Ms. Chalice said there is no contact information. Ms. Chalice said she is not sure if there is licensing and the Town Clerk would maybe have contact information. Mr. Florenz said he knows a person organizing the festival and he could send her an email. Ms. Chalice asked him to please email her the info when he gets a response and she will email it to the group. Mr. Daloz said he would reconsider his vote but Mr. Florenz said he thinks a table is still appropriate for the Keene community. Chair Shedd said in the future AGC's role could be greater involvement in the planning of these sorts of events. Ms. Chalice said someone would need to contact organizers quickly because the date is fast approaching. Ms. Chalice recommended that the committee makes a motion that they will be present at the Pumpkin Festival.

Mr. Florenz motioned that AGC pursues tabling at the Keene Pumpkin Festival, it was seconded by Ms. Chadbourne and was approved by unanimous vote. Chair Shedd said if they get a location she will pick up equipment on October 27 and will deliver equipment on Sunday, October 29. Ms. Chalice said the website is [pumpkinfestival.org](http://pumpkinfestival.org) and the title is Pumpkin Festival 2017. Ms. Chadbourne said SAU never was represented and the organizers are Let it Shine.

#### **5) Solicitation of Potential New Commission Members**

Chair Shedd introduced Ms. Southers again. Ms. Chalice said AGC still have room for one more commission member and one alternate. She said new members must be Keene residents and they must submit themselves for consideration. Chair Shedd said she would like to know the exact procedure for recruiting new members for next month. Mr. Daloz asked about what types of focus they will have, for example, big landowners. Ms. Chalice mentioned a Keen State College professor but Mr. Daloz said he does live in Keene. Councilor Chadbourne asked if they should assign tasks for finding additional members. She suggested colleges and Antioch University New England (AUNE). Mr. Daloz said there are a couple of African people from AUNE that may live in Keene. Chair Shedd said she is running for the Co-Op board so she will tap into that source as well. Councilor

Chadbourne said she would look into AUNE and KSC and Mr. Florenz said he would look into UNH extension. Councilor Chadbourne asked new member, Ms. Souther, if she would ask around at the Farmer's Market. She also asked about the high school. Mr. Daloz said he would speak to Mr. John Mitchell and look into the different landowners in the area. Mr. Florenz said he would ask people from Green Wagon Farm.

**6) New or Other Business**

Councilor Chadbourne said she had some questions about the chicken brochure, for example, the lack of information about anti-predator fencing. She said there are many predators that can dig and that fencing may need to be deeply set and to elaborate on housing. Mr. Florenz said he does not think that the brochure is supposed to be greatly details and that is why they provide links on additional information on keeping chickens. Chair Shedd said they will put an item on agenda for next month for revisions.

**7) Next Meeting – Wednesday, November 8 at 3:30PM**

**8) Adjournment**

Chair Shedd adjourned meeting at 4:34.

**REFERENCES:**

New Hampshire Farms Network - <http://newhampshirefarms.net/articles/monadnock-region>

PLANNING BOARD SITE PLAN AND SUBDIVISION REGULATIONS



Formally adopted on June 23, 2008, last revised February 24, 2014

- I. AUTHORITY ..... 3**
- II. PURPOSE ..... 3**
- III. JURISDICTION ..... 3**
  - A. GENERAL REQUIREMENTS ..... 3**
  - B. SITE PLAN REVIEW ..... 4**
  - C. SUBDIVISION REVIEW ..... 6**
  - D. CONDITIONAL USE PERMIT REVIEW ..... 9**
- IV. SUBMISSION AND PROCEDURAL REQUIREMENTS ..... 10**
  - A. GENERAL REQUIREMENTS ..... 10**
  - B. PRELIMINARY CONCEPTUAL CONSULTATION (“ADVICE AND COMMENT”) ..... 11**
  - C. DESIGN REVIEW ..... 12**
  - D. FORMAL PLAN REVIEW BEFORE THE PLANNING BOARD ..... 13**
    - 1. General Requirements ..... 13*
    - 2. Submission Requirements: ..... 15*
    - 3. Exemptions for Specific Submission Requirements ..... 23*
    - 4. Application Submittal Deadline ..... 25*
    - 5. Initial Completeness Review ..... 26*
    - 6. Departmental Review ..... 27*
    - 7. Revision Submission Deadline ..... 27*
    - 8. Noticing of a Public Hearing and of Boundary Line Adjustments ..... 28*
    - 9. The Planning Board Meeting ..... 29*
    - 10. Hiring of Consultants ..... 31*
    - 11. After the Board Makes a Decision ..... 32*
  - D. PROCEDURES FOR ADMINISTRATIVE PLAN REVIEW OF A MINOR PROJECT ..... 36**
- V. PROCEDURES ASSOCIATED WITH CONDITIONAL USE PERMIT APPLICATION REVIEW ..... 37**
  - A. GENERAL REQUIREMENTS ..... 37**
  - B. CONDITIONAL USE PERMITS FOR TELECOMMUNICATION FACILITIES ..... 37**
  - C. CONDITIONAL USE PERMITS FOR ACCESSORY DWELLING UNITS ..... 37**
- VI. CONSERVATION RESIDENTIAL SUBDIVISIONS ..... 40**
- VII. FEES ..... 54**

<b>VIII. SECURITY .....</b>	<b>54</b>
<b>IX. ENFORCEMENT AND PENALTIES.....</b>	<b>55</b>
<b>X. WAIVER OF REGULATIONS AND DEVELOPMENT STANDARDS .....</b>	<b>55</b>
<b>XI. VALIDITY AND AMENDMENTS.....</b>	<b>56</b>

## **I. AUTHORITY**

- A. In accordance with the authority vested in the Keene Planning Board by the Keene City Council and in accordance with the provisions of Chapter 674 of the New Hampshire Revised Statutes Annotated, the Keene Planning Board adopts the following regulations governing the review of applications for development and redevelopment in the City of Keene.

## **II. PURPOSE**

- A. The Keene Planning Board recognizes that the subdivision and development of land can lead to significant social and economic benefits for the citizens of Keene. If done inappropriately, these actions can also result in adverse impacts upon the health, safety and general welfare of the community.
- B. Subdivision and development of land can adversely affect adjacent property owners, or negatively impact the quality and functioning of natural systems including, but not limited to groundwater, surface waters, floodplains, wetlands, drainage, wildlife, and wildlife habitat. Subdivision and development of land can also affect the capacity and safety of public roads, disrupt the orderly provision of City services, result in overcrowding of schools, conflict with the schedule of improvements contained in the Keene Capital Improvement Program or in other ways be inconsistent with the Keene Master Plan.
- C. It is the intent of these regulations to avoid such problems and to facilitate orderly development which will result in a strong viable economy, enhance the attractiveness of the community, preserve the quality and function of natural systems in the City and maintain and enhance the City's quality of life, while not imposing unreasonable costs upon the City.
- D. The Keene Planning Board recognizes that accurate project plans and documentation associated with subdivisions, site plans, and conditional use permits are essential for maintaining a comprehensive and accurate record of the City's development.

## **III. JURISDICTION**

### **A. General Requirements**

- 1. Unless otherwise indicated herein, all development and/or subdivision of land in the City of Keene, as defined herein, shall comply with the City's codes, these regulations and the Planning Board's Development Standards, which are incorporated into these regulations by reference.

2. Unless otherwise indicated herein, all proposals for new development, modifications or expansions of existing development, and or subdivision of land shall be reviewed and approved in accordance with these regulations to verify that the proposed project complies with the City's codes, these regulations and the Planning Board's Development Standards.
  - a) For the purpose of these regulations, "Development" shall mean any form of land improvement and/or construction involving land, structures, or infrastructure including but not limited to the following:
    - 1) The introduction of new primary or accessory uses as defined in the zoning ordinance, where no such use previously existed;
    - 2) The expansion or modification of existing primary or accessory uses as defined in the zoning ordinance;
    - 3) The introduction, expansion, modification, or relocation of structures, impervious surfaces, utilities, exterior lighting, waste handling facilities and other features or amenities required to meet City codes and the Planning Board's Development Standards;
    - 4) Site work associated with proposed development or subdivision of land including but not limited to:
      - (i) clearing of vegetation;
      - (ii) grading, filling, excavating, or recontouring of any portion of a site;
      - (iii) stock piling materials on the site;
      - (iv) Surcharging of soils on a site
      - (v) installation of erosion and sedimentation control measures;
      - (vi) construction of roads or driveways;
      - (vii) installation of utilities
      - (viii) Installation of site improvements or amenities.
    - 5) Noncommercial excavation and/or filling of land where the total volume of material to be excavated or to be placed as fill exceeds 1000 cubic yards.
3. Other than for site investigation, site work associated with a proposed development or subdivision of land shall not commence until the proposal has been approved by the Planning Board or its designee in accordance with these regulations, and approved plans have been signed by the Chair or Vice-Chair of the Planning Board as required.

## **B. Site Plan Review**

1. Site plan review shall be completed by either the Planning Board during a duly noticed public hearing if the proposed project meets

- any of the threshold criteria set forth below or Administratively by the Planning Director if the proposed project does not meet any of the threshold criteria set forth below.
2. Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:
    - a) Development that proposes the introduction of a new primary use as defined in the zoning ordinance, where no such use previously existed; or
    - b) Development that proposes to increase the total foot print of structures on the property by 1000 sqft or more; or
    - c) Expansion of use on a property that will, based on the most recent edition of the ITE manual, result in an increase in vehicular traffic entering or leaving the site by more than 50 vehicles during peak hour or 100 vehicles per day; or
    - d) A change in site configuration that generates or increases the potential for adverse impacts to drainage systems, surface waters, groundwater, wetlands, floodplains, pedestrian safety or vehicular safety; or
    - e) Development that proposes changes to the landscaping, screening, lighting, driveways, parking lots, architectural appearance or visual appearance of an existing structure or site, and that, in the judgment of the Planning Director, warrants review and approval by the Planning Board; or
    - f) Any development where the applicant or property owner specifically requests in writing review and approval by the Planning Board.
  3. Proposed projects that do not meet the above threshold criteria are considered to be minor projects that shall be reviewed by City Staff and if found in compliance with the City's codes, these regulations, and Planning Board standards, can be administratively approved by the Planning Director.
    - a) The Board relies upon the professional judgment of the Planning Director to determine whether a proposed project meets the threshold criteria set forth above and must therefore be reviewed by the Planning Board.
    - b) Any applicant who disagrees with the decision of the Planning Director with respect to an administrative review may appeal the decision by applying for site plan review and approval by the Planning Board following the submission procedures outlined in these regulations.
  4. Development on property located within the Downtown Historic Overlay District (City of Keene Zoning Ordinance [as described in Sections: 102-1381 through 102-1383]) shall not be subject to the requirements of Planning Board Development Standard 19 -- Architectural and Visual Appearance if such development is an

activity requiring the issuance of a Certificate of Appropriateness according to City Code Article V Historic Districts.

5. Exceptions: Site Plan Review shall not be required for the following, however all development shall comply with all applicable City codes and with the Planning Board's Development Standards:
  - a) Development of an individual one or two family dwelling on an existing parcel;
    - 1) Installation or modification of an accessory dwelling unit associated with a single family dwelling is subject to Planning Board review and issuance of a conditional use permit in accordance with the zoning ordinance and the conditional use permit section of these regulations
    - 2) Applicants for subdivisions of land for one and two family dwellings may be required to demonstrate that the proposed new parcels can be developed in a manner that avoids or mitigates the potential for adverse impacts in accordance with the Planning Board's Regulations
  - b) Timber harvesting to be done in accordance with State of New Hampshire administrative rules and best management practices, and for which an appropriate intent to cut notice has been provided;
  - c) Excavation and/or filling of land that is not associated with the following:
    - 1) Commercial sale of earth materials.
    - 2) Site work associated with proposed development or subdivision of land.
    - 3) The total volume of material to be excavated and/or fill to be placed exceeds 1000 cubic yards of material.
  - d) Temporary outdoor activities such as circuses, carnivals or promotional activities, although City and/or State permits may be required.

### **C. Subdivision Review**

1. Subdivision Review before the Planning Board during a duly noticed public hearing shall be required for any division of a lot, tract or parcel of land into 2 or more lots, plats, sites, units or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium, conveyance or building development.
  - a) All subdivisions of land, including conventional subdivisions and conservation residential development subdivisions (hereinafter CRD), shall comply with the subdivision regulations set forth in RSA 674:36 paragraph II and the City's codes, these regulations and the Planning Board's Development Standards.

- 1) Subdivision review shall include an analysis of land characteristics and access potential to determine if each proposed new lot is of such character that it can be accessed in conformance with the Board's Development Standards and used for building in a manner that avoids or mitigates the potential for adverse impacts to health, safety, and welfare of the community and the environment.
- 2) The criteria for this determination are established in the subdivision section of the Planning Board's Development Standards and include but are not limited to a consideration of slopes, soil characteristics, suitability for on-site septic, and the presence of surface waters, wetlands, and bedrock close to surface.
  - b) Regulations pertaining to subdivision review shall also apply to the re-combination of lots, plats, sites, units or other divisions of land, except as indicated below under Section III C.4. Voluntary Merger, and Section III C.5. Adjustment of Boundary Lines.
- 2) Applications for subdivision of land consisting of three (3) or more proposed lots and which propose the layout and construction of a new road or street where the existing parcel to be subdivided meets the minimum lot size requirements for a CRD subdivision shall follow the CRD process set forth in the City's zoning ordinance and the Planning Board's Development Standards.
  - a) Applicants may request a waiver of the CRD requirement in accordance with the following provisions:
    - 1) A request for a waiver of the CRD requirement shall be made in writing.
    - 2) The Board shall grant a waiver of the CRD requirement upon reaching a finding that the applicant has demonstrated any of the following:
      - (a) Given the parcel configuration and site constraints, a conventional subdivision design provides the only reasonable alternative to developing the parcel to be subdivided; or
      - (b) A CRD design would significantly detract from the character of the surrounding neighborhood; or
      - (c) Conservation values on the property would be better protected by a conventional subdivision design.
- 3) Layout of a City Street: Approval by the Planning Board in accordance with all City codes and these regulations shall be required for any application that proposes the laying out of a new City street or the modification of the layout of an existing City street.
- 4) Voluntary Merger. Any owner of 2 or more contiguous pre-existing approved or subdivided lots or parcels who wishes to

- merge them shall do so by applying to the Planning Board or its designee.
- a) Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved administratively, and no public hearing or notice shall be required.
  - b) No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials.
  - c) No such merged parcel shall thereafter be separately transferred without subdivision approval.
  - d) Planning Board designates the Zoning Administrator as their designee for the approval of Voluntary Mergers, and in his/her absence, the Planning Director.
- 5) Adjustment of Boundary Lines. Landowners of 2 or more contiguous preexisting approved or subdivided lots or parcels, who wish to adjust the boundary lines between one or more of said lots or parcels, may do so by applying to the Planning Board.
- a) All such requests shall be reviewed by the Planning Board without public hearing. Notice to abutters is still required.
  - b) An updated survey showing the Boundary Line Adjustment(s), and all metes and bounds of the revised parcels shall be prepared and the resulting survey plats shall be filed for recording in the registry of deeds.
- 6) Hillside Protection. Subdivision of land that includes prohibitive and precautionary slopes as defined in Chapter 102-1401 of the Keene Code of Ordinances shall be subject to the following provisions:
- a) Any new lot or parcel created after the adoption Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances shall comply with all aspects of Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances.
  - b) Any new parcel created after the adoption Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances.
    - 1) Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, land areas meeting the definition of a prohibitive slope shall be excluded in the calculation of minimum lot size for each new lot.
    - 2) Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, fifty (50) percent of land areas meeting the definition of a precautionary slope

shall be excluded in the calculation of minimum lot size for each new lot.

3) A lot located in the Rural zoning district, conforming to the zoning ordinance in all respects at the time of the adoption of Chapter 102 Sections 1400 through 1409 of the Keene Code of Ordinances and that is at least ten (10) acres and less than fifteen (15) acres in size, shall be exempt from the above exclusions.

c) For all proposed subdivisions using the City's Conservation Residential Development (CRD) rules, land areas defined in Chapter 102-1401 of the Keene Code of Ordinances as prohibitive or precautionary slopes may be included in the area calculation of the Yield Plan as long as the following conditions can be demonstrated to the satisfaction of the Planning Board:

1) Access to each parcel shown on the yield plan and the proposed CRD plan can be gained without entering on and/or crossing a prohibitive slope;

2) Each parcel shown on the yield plan and on the proposed CRD plan shall have a suitable building envelop that consists of the following;

(a) A contiguous area of land of 20,000 square feet or more that in its predevelopment condition is free of characteristics that would constrain development including, but not limited to, prohibitive slope areas, surface waters, wetlands, or vernal pools;

(b) A regular shape with dimensions which provide sufficient width and depth to site permitted structures, accessory uses, and if necessary on-site water and waste water systems.

#### **D. Conditional Use Permit Review.**

1. Approval by the Planning Board following a duly noticed public hearing shall be required for all applications requesting the issuance of a Conditional Use Permit. The following uses require issuance of a conditional use permit:
  - a) Telecommunication Facilities: Conditional Use Permit approved by the Planning Board is required for the siting of telecommunication facilities, in accordance with the City of Keene's Zoning Ordinance, Article VII Telecommunications Towers and Antennas as amended, and these regulations.
  - b) Accessory Dwelling Unit: A Conditional Use Permit approved by the Planning Board is required for Accessory Dwelling Units as noted within the City of Keene Zoning Ordinance, Sections 102-332, 102-362, 102-372, and 102-896. In granting a Conditional Use Permit for an Accessory Dwelling Unit, all the requirements of Section 102-896 of the Zoning Ordinance and these regulations shall be met.

- c) Conservation Residential Development: A Conditional Use Permit approved by the Planning Board is required for Conservation Residential Development as noted within the City of Keene Zoning Ordinance, Sections 102-284 through 102-288. In granting a Conditional Use Permit for an Accessory Dwelling Unit, all the requirements of Section 102-284 through 102-288 of the Zoning Ordinance and these regulations shall be met.
- d) Surface Water Protection: A Conditional Use Permit approved by the Planning Board is required for certain uses and structures within the Surface Water Protection Overlay District, as defined in City of Keene Zoning Ordinance, Sections 102-1480 through 102-1496. In granting a Conditional Use Permit for uses and structures in the Overlay District, all the requirements of Section 102-1480 through 102-1496 of the Zoning Ordinance and these regulations shall be met.

#### **IV. SUBMISSION AND PROCEDURAL REQUIREMENTS**

##### **A. General Requirements**

- 1. All applications for site plan review before the Planning Board, administrative site plan review, subdivision review, boundary line adjustment, voluntary merger, conditional use permit, or request for waiver of the Board's Development Standards shall demonstrate compliance with the City's codes, these regulations, the Board's Development Standards and any other standards specifically referenced in these regulations.
  - a) Applicants are encouraged to discuss the requirements of relevant City codes, regulations, and standards with the Planning Department and other City staff (e.g. the City Engineer, the zoning administrator/plans examiner, and the Fire Prevention Officer) as early in the project planning stages as possible.
- 2. All applicants for site plan review (administrative or Planning Board review), subdivision review, boundary line adjustment, voluntary merger, conditional use permit, advice and comment, design review or waiver of Planning Board standards shall make application upon forms to be provided by the Planning Department and in conformance with detailed requirements set forth in these regulations. Such application forms shall be incorporated into these regulations by reference.
- 3. Ownership: The applicant for site plan review, subdivision review or conditional use permit review must either own the fee simple interest in the property(s) that are the subject of the review or have written permission of the fee simple owner. The Planning Department is directed not to accept any application for Site Plan

Review, Subdivision review or Conditional Use Permit review that does not include written evidence that the fee simple owner of the property is aware of the application and does not object to the application being made.

4. Permission to visit the property: For the City to properly review applications, City staff, members of the Planning Board, and designees of the Planning Board must have the ability to enter the property that is the subject of the application. Submittal to the Planning Department of an application for any and all types of review, either by the Planning Board or for administrative approval, shall be deemed as granting of permission for City staff, Keene Planning Board members, and/or their designees to enter onto the property for purposes of review.
  - a) Permission to visit the property extends from the date an application is submitted until the project is formally denied or construction of an approved project is complete, a certificate of occupancy has been issued, and/or final security has been returned to the applicant.
  - b) Due to the number of projects under review, it is not possible to notify property owners in advance of the specific time of each intended visit.
  - c) If the applicant wishes to place limitations upon access, then the limitations should be requested in writing at the time of application. Any such request should include the reasons for the limitations, and the Board shall use its reasonable judgment in determining the extent to which the request is to be granted.

## **B. Preliminary Conceptual Consultation (“Advice and Comment”)**

1. The Planning Board offers applicants the opportunity to seek preliminary advice from the Board in regards to project proposals. The Advice and Comment process has been established to assist the applicant in developing a project proposal that is consistent with City policies, goals, standards and regulations. The scope of the informal discussion between the Board and the prospective applicant shall be broad and general. The primary purposes of the discussion are to:
  - a) Inform the Board about the concept for the proposed Development and familiarize the Board with the location and general character of the land and its surroundings;
  - b) Discuss the proposed project in light of the City’s Master Plan, goals and policies; and
  - c) For the Board to provide the prospective applicant with guidance about the submission and procedural requirements set forth in these regulations.

2. Information for the Board to consider must be submitted to the Planning Department no later than seven (7) business days prior to the scheduled Board meeting date. Proposed development plans may be submitted to the Board for consideration but specific design and engineering details will not be discussed. Applicants submitting site plans, building elevations, or subdivision layouts for Board consideration should submit three (3) copies on D size paper and one (1) copy on 8 1/2" x 11" or 11" x 17" sized paper to facilitate copying and distribution to Board members.
3. Because this is a preliminary and informal review to assist the applicant in developing a project proposal, compliance with the Zoning Ordinance, abutter notification, and convening of a public hearing are not required. No analysis of the submitted information shall be required by City Staff. Comments by the public may be taken at the discretion of the Planning Board Chair. Anything said by the applicant or by the Board or City staff will not affect any subsequent review of the proposed development or redevelopment.
4. In providing advice to an applicant, the Board comment should focus on but not be limited to the following:
  - a) Informing the Board about the concept for the proposed Development and familiarize the Board with the location and general character of the land and its surroundings.
  - b) Advising the prospective applicant regarding how a proposed project could better meet established Community Goals, principles established in the City Master Plan, or generally accepted planning principles.
  - c) Providing the prospective applicant with guidance about the submission and procedural requirements set forth in these regulations.

### **C. Design Review**

1. Design Review is available at the option of the applicant. The Design Review process has been established to provide informal and nonbinding review and feedback prior to submittal of a formal plan, and is particularly encouraged for large or complex projects.
2. Information for the Board to consider must be submitted to the Planning Department no later than eleven (11) business days prior to the scheduled Board meeting date. Applicants submitting site plans, building elevations, or subdivision layouts for Board consideration, should submit three (3) copies on D size paper and one (1) copy on 8 1/2" x 11" or 11" x 17" sized paper to facilitate copying and distribution to Board members. The more information that is provided, the more feedback can be provided by the Board.

3. In accordance with the requirements of State law, abutters must be notified, at the applicant's expense. Although the Board will not conduct formal public hearings during Design Review, comments by the public may be taken at the discretion of the Planning Board Chair. Anything said by the applicant or by the Board or City staff will not affect any subsequent review of the proposed development or redevelopment.
4. Because this is a preliminary and informal review to assist the applicant in developing a project proposal, compliance with the Zoning Ordinance and the submission requirement for formal plan review are not required.
5. Discussion with the Board may include but is not limited to the following:
  - a) Improving the design, layout, quality, character, and/or appearance of the proposed project.
  - b) Advising the applicant regarding how a proposed project could better meet established Community Goals, principles established in the City Master Plan, or generally accepted planning principles.
6. Advice provided may extend beyond specific Planning Board Standards to assist the applicant in designing the best possible development for the City.

#### **D. Formal Plan Review before the Planning Board**

##### **1. General Requirements**

- a) Unless otherwise indicated, this section applies to all applications for site plan review before the Board, subdivision review, conditional use permit review, waivers of Planning Board Development Standards and requests for extensions to plan expiration dates.
- b) The following time line summarizes the City's development review process and highlights key deadlines that must be met for project reviews to move forward in a timely manner.

Planning Board Site Plan and Subdivision Regulations  
 (Adopted: June 23, 2008)

7 weeks prior to meeting	6 weeks prior to meeting	5 weeks prior to meeting	4 weeks prior to meeting	3 weeks prior to meeting	2 weeks prior to meeting	1 week prior to meeting	Week of meeting
M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F	M T W TH F
★	★	★			★	★	★★
<b>Pre-Submission Meeting</b>  On or before <u>Wednesday</u>  33 Business Days prior   ★ = Key Dates	<b>Application Submission Deadline</b>  <u>Friday 4PM</u>  26 Business Days prior  <b>NO EXCEPTIONS</b>	Internal Completeness Review <u>Tuesday</u>  24 Business Days prior  Distribute to Departments <u>Wednesday</u> 23 Business Days prior	<b>Department Review Week</b> <b>Weds – Weds (5 Business Days)</b>  Requests for modifications and additional information to applicant	<b>Applicant Revision Week</b> <b>Thurs – Mon (8 Business Days)</b>  Applicant incorporates staff comments into revisions	<b>Revision Submission Deadline</b>  <u>Monday 4 PM</u>  14 Calendar Days prior  <b>NO EXCEPTIONS</b>  Abutter Notices Mailed <u>Wednesday</u> 12 Calendar Days prior  Staff reports complete <u>Friday</u>  Packets mailed to PB <u>Friday</u> 10 Calendar Days prior	PB Review Week	<b>PB Meeting <u>Monday</u> 6:30 PM</b>  Decision letters mailed <u>Wednesday</u>

- c) **Pre-Submission Meeting with Staff:** For all proposed projects that meet the threshold criteria for site plan review before the Board, subdivisions proposing to create three (3) or more parcels, or projects requiring a conditional use permit, applicants shall meet with City Planning staff at least two (2) weeks prior to the Planning Board submittal deadline.
- 1) The purpose of this meeting is to review the proposed project when it is still at a conceptual stage of development, to identify any potential concerns with project design, and to ensure that the applicant is aware of all information that must be submitted with the application by the submittal deadline.
  - 2) Applicants proposing large or complex projects, or large subdivisions, are urged to meet with the planning staff as early in

the plan development process as possible so that any suggestions or changes can be integrated into the proposed design detail before significant time has been invested and design costs have been incurred by the applicant.

3) Failure to schedule and attend a pre-submission meeting with staff may result in a delay in the completion of the review process, depending on the complexity of the proposed project and the work load of City Departments.

4) Applicants are also encouraged to meet with the Zoning Administrator/Plans Examiner, Fire Safety Officer, and the City Engineer before the Planning Board submission deadline to ensure that all requirements of their respective departments are incorporated into the plan before submission to the Board.

d) **Compliance with Zoning:** Compliance with all applicable sections of the Zoning Ordinance and City Code shall be demonstrated by the applicant before an application can be noticed for review by the Planning Board.

1) Applications requiring the granting of a variance, special exception or other approval by the Zoning Board of Adjustment shall not be noticed for public hearing by the Planning Department until such variances, special exceptions or approvals have been obtained by the applicant.

2) An applicant may request a joint meeting of the Zoning Board of Adjustment and Planning Board if the application requires the issuance of a variance and/or special exception from the Zoning Board of Adjustment and a waiver of the Planning Board Site Plan and Subdivision Regulations.

## **2. Submission Requirements:**

a) Applicants shall provide sufficient information as defined in this section to enable the City Staff and the Planning Board to evaluate the proposed Development for compliance with the City Codes, the Planning Board Regulations, and the Planning Board Development Standards. The Planning Board shall consider advice from the Planning Director in reaching a determination as to whether an applicant has provided sufficient information to deem his/her application complete.

1) All plans submitted for Site Plan Review, Design Review and/or Conditional Use Permit Review shall be prepared and stamped by a professional engineer or architect registered in the state of New Hampshire. All building elevations and renderings shall be prepared and stamped by an architect registered in the state of New Hampshire. All subdivision plans, survey plans, and boundary line adjustment plans shall be prepared and stamped by a professional land surveyor registered in the state of New Hampshire

- b) Unless otherwise specified in the Planning Board Regulations or on individual application forms provided by the City or unless an applicant requests an exemption to provide specific information following procedures set forth in Section 3, “Exemption for Specific Submission Requirements” below, the required materials to be submitted as a complete application package shall include the following:
- 1) Two (2) copies of the completed application forms, as specified in Section c) “Application Forms” below. Such application shall be signed and dated by the property owner and his/her authorized agent (hereinafter “the applicant”).
  - 2) Two (2) copies of a descriptive narrative of the proposed project as specified in Section d) “Descriptive Narrative” below.
  - 3) For applications requiring a public hearing and for Boundary Line Adjustments, abutter notification materials as specified in Section e) “Abutter Notification Materials” below.
  - 4) Seven (7) copies on “D” sized paper and two (2) copies on 8.5”x11” or 11”x17” sized paper of complete plan sets prepared by an engineer or surveyor registered in New Hampshire and bearing the seal and signature of said engineer or surveyor, as specified in Section f) “Plan Sets” below.
  - 5) Three (3) copies of all technical reports as specified in Section g) “Technical Reports/Supporting Analysis” below. Reports prepared by an engineer shall be certified showing the stamp and seal of said engineer.
  - 6) Three (3) color copies on “D” sized paper and Fifteen (15) color copies on 11”x17” paper of all elevations showing the visual appearance and architectural details of all proposed structures, as specified in Section h) “Visual/Architectural Details” below.
  - 7) One (1) pdf of the complete plan set.
- c) Application Forms
- 1) The name, address, and telephone number of the owner of the parcel(s) upon which the proposed project or subdivision will occur; the name, address, and telephone number of the applicant’s authorized representative (if other than the property owner); the address, Tax Map Parcel Number(s) (TMP) and area in square feet and acres of the parcel(s) upon which the proposed development or subdivision would occur; the Zoning District(s) covering the parcel(s) subject to review; and the property owner’s signature.
    - (a) All applications shall include a completed checklist form indicating all information that has been submitted and any requested exemptions of information submission requirements. See Section IV D (3)(a)(1) below.

- d) Descriptive narrative: A narrative description of the proposed development or subdivision, including descriptions of the following:
  - 1) A brief description of the proposed Development including the type of development, the proposed uses, and the scope or scale of the development.
  - 2) The size of the existing parcel upon which the Development or subdivision is proposed.
  - 3) The location of the access point for the proposed use.
  - 4) Proposed methods for controlling storm water, drainage, erosion, and sedimentation during the project.
  - 5) Proposed methods of disposal of boulders, stumps, vegetation and other debris.
  - 6) Any other descriptive information that the Planning Board may reasonably deem necessary to determine compliance with City codes, the Planning Board Regulations, and the Planning Board Development Standards.
  
- e) Abutter Notification materials: For the purpose of abutter notification, the following items shall be submitted with the application:
  - 1) An abutters list that includes all owners of properties that directly abut and/or that are across the street or stream from the parcel(s) that will be subject to review, and all owners of properties located within 200 feet of the parcel(s) that will be subject to review. The 200 foot measurement shall not include the width of any streets or streams. The certified list shall include all property owner names, property street addresses, property tax map parcel number, and mailing address if different from the property address. In the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3, XXIII
  - 2) Two (2) sets of mailing labels for each abutter and including the owner of the property that will be subject to review and his/her designated agent(s).
  - 3) A check in an amount sufficient to cover the cost of legal notice advertising and mailing of certified letters to abutters.
  
- f) Plan Sets: Plan sets shall contain at least the following information:
  - 1) A location map depicting the location of the proposed development or subdivisions.
  - 2) A detailed existing conditions map at a scale of 1 inch = 100 feet or smaller (showing a greater level of detail) as the Planning Director may reasonably deem necessary under the circumstances, showing the entire proposed development or subdivision property and depicting of the following information:

- (a) Contours of at least five (5) foot intervals, or at other intervals as the Planning Director may reasonably deem necessary under the circumstances, showing existing topography and drainage patterns.
  - (b) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
  - (i) All wetland areas on parcel(s) to be developed or subdivided shall be delineated by a wetlands scientist certified by the State of New Hampshire.
  - (ii) A waiver of the wetland delineation requirement may be granted for boundary line adjustments if the applicant designates areas not delineated as "no build" areas and such designation is clearly shown and noted on the plan.
  - (c) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.
  - (d) Existing public streets and rights of way, lot lines, abutter names, and Tax Map Number(s) of all abutting properties.
  - (e) Location of existing wooded and vegetated areas.
  - (f) Location of existing structures, power lines and other utilities, wells, septic systems, private roads or driveways, stonewalls, cellar holes, cemeteries, easements, and rights of way on the property, and to the extent practical on abutting properties.
- 3) A detailed proposed condition site plan or subdivision map drawn at a scale of 1 inch = 100 feet or a smaller scale (showing greater detail) as the Planning Director may reasonably deem necessary under the circumstances, showing the proposed development or subdivision property and showing the following information:
- a) Existing and proposed contours of five (5) foot intervals, or at other intervals as the Planning Director or City Engineer may reasonably deem necessary under the circumstances, showing existing topography and drainage patterns.
  - b) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
  - c) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.

- d) Existing and proposed public streets and rights of way, lot lines, abutter names, and Tax Map Number(s) of all abutting properties.
  - e) The location of existing and proposed wooded and vegetated areas.
  - f) The location of existing structures, power lines and other utilities, wells, septic systems, private roads or driveways, stonewalls, cellar holes, cemeteries, easements, and rights of way on the property, and to the extent practical on abutting properties.
  - g) The locations and footprints of proposed structures, accessory facilities, storm water drainage facilities, lighting fixtures, fences, walls and dumpsters.
  - h) The locations of existing and proposed provisions for vehicular and pedestrian traffic, including parking areas, access driveways, and sidewalks, including the design, striping, signing, and materials to be used for constructing said parking areas, driveways, and sidewalks,
  - i) Any additional information that the Planning Board or its designee may reasonably deem necessary to determine compliance with the Zoning Ordinance and the Planning Board Regulations.
- 4) A grading plan showing erosion control, sedimentation control and drainage management facilities that will be constructed or utilized control storm water runoff volume, velocity and water quality. This plan shall be drawn at a scale of 1 inch = 50 feet or a smaller scale as the Planning Director may reasonably deem necessary under the circumstances, showing the following information:
- (a) Contours of at least two (2) foot intervals, or at other intervals as the Planning Director or City Engineer may reasonably deem necessary under the circumstances, showing existing and proposed topography and drainage patterns. This data is available electronically from the City Planning Department but may need to be field verified for accuracy.
  - (b) Notations indicating the location of all proposed finish slopes that will be in excess of 25%, expressed as a ratio or as a percent.
  - (c) The location of all existing surface waters as defined in Section 102-1482 of the City of Keene's Surface Water Protection Ordinance, as well as any man-made ditches, basins, ponds, or waterways.
  - (d) The location of floodways and 100 year floodplain delineation as shown on the most current FIRM maps.
  - (e) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.

- (f) Existing and proposed structures, public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.
  - (g) Existing structures and impervious surfaces on abutting properties, for the extent to which such properties are shown.
  - (h) Location and dimensional information, as appropriate, of existing and proposed utilities including but not limited to water lines, sewer lines, storm drain lines and catch basins, gas lines, gas storage tanks, fire hydrants, irrigation lines, grease traps, pump stations, ground water monitoring wells, ground water source wells, septic systems, electric lines, transformers, communication lines, and sector cabinets. For complex projects, the City Engineer may request that Utilities be shown on a separate plan sheet.
  - (i) Location of any existing and proposed utility or drainage easements or rights of way.
  - (j) The location(s) and design details for all proposed erosion control, sediment control, and storm water and drainage management structures, devices, and processes including but not limited to:
    - (i) Catch basins and storm water lines, including invert elevations
    - (ii) Storm water detention or retention ponds or devices.
    - (iii) Sediment settlement areas.
    - (iv) Silt fences and other erosion control devices.
    - (v) Flow dissipation measures.
    - (vi) Soil stabilization measures.
    - (vii) Any other measures proposed to minimize erosion and sedimentation, and promote soil stabilization.
  - (k) A note describing the procedures and timing for inspecting, maintaining, and repairing erosion control, sedimentation control, and water and drainage management structures, devices and processes.
  - (l) A note indicating the requirement for documenting in a log all inspection and maintenance activities, all adverse impacts identified during inspections, and actions taken to remediate the adverse impacts.
- 5) A landscaping plan providing the following information:
- (a) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.
  - (b) Existing and proposed public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.

- (c) The location, species and size of all landscaping materials proposed to be installed on the site.
  - (i) Plants shown on the landscaping plan shall be drawn to scale and shall show a circle (bolded) corresponding to the diameter of the drip line of each plant at the time of planting and a second circle (grey outline) corresponding to the average diameter of the drip line of each plant at maturity.
  - (e) A table listing all species and materials to be installed on the site, and indicating the size and number of each species to be installed.
  - (i) Invasive plant species shall not be permitted in landscaping designs. An invasive species list is available through the NH Department of Agriculture, Markets, and Food website.
  - (ii) Plant sizes shall include height and width at time of planting as well as average height and width at maturity.
  - (f) A table indicating the number of trees and shrubs required by the Zoning Ordinance to meet parking lot landscaping and street design standards, and indicating the number of corresponding trees and shrubs to be provided to meet the Zoning Ordinance standards
  - (g) Design details following best management practices for installing landscaping materials.
- 6) A lighting plan providing the following information:
- (a) Location and outline of existing wooded and vegetated areas and proposed changes to the outline of these areas.
  - (b) Existing and proposed public streets, rights of way, lot lines, easements, structures, parking lots, driveways, and sidewalks.
  - (c) Location of all exterior lighting fixtures with a notation differentiating the types of fixtures
  - (d) Cut sheets for all fixtures proposed clearly indicating the following:
    - (i) Type of fixture
    - (ii) Type of bulb
    - (iii) Wattage of bulb
    - (iv) Height of fixture head
  - (e) Photometric analysis on a map showing light intensity in foot candles across the site and immediately (minimum of 20 feet) beyond the perimeter of the site.
  - (f) An analysis of the minimum, maximum and average light intensity in foot candles for the site.

(g) A separate analysis for full lighting and security lighting shall be provided when security lighting is proposed by the applicant or required by the Planning Board.

g) Technical Reports/Supporting Analysis: Supporting analysis, including but not limited to the analyses set forth below, prepared by qualified individuals, may be required by the Planning Board or its designee based on the nature and or scope of the proposed development or subdivision. Reports and technical analysis prepared by an engineer shall be so certified with the stamp and seal of the engineer. Applicants are encouraged to discuss the need for technical reports with City Staff prior to submitting an application.

1) Drainage Analysis:

2) Traffic Analysis:

(a) An initial analysis shall provide an estimate of the expected volume of traffic to be generated by a proposed Development or subdivision, an evaluation of potential impacts to safety and capacity of City streets as a result of the proposed Development, and an analysis of safety related to on-site traffic patterns/flows including potential truck movements and pedestrian movements.

(i) The estimated daily and peak hour vehicle trips to and from the proposed Development or subdivision site shall be derived from the most recent edition of the ITE manual based on the use shown in the manual that most closely represents the proposed Development. The applicant may propose alternative methods for estimating traffic volumes, and the Planning Director shall provide advice to the Board as to whether the proposed alternative method is reasonable.

(b) In the event the estimated number of vehicle trips exceeds one hundred (100) vehicle trips per day or 50 vehicle trips during the peak hour, the applicant shall provide a complete traffic study prepared and stamped by an engineer, which shall include at least the following:

(i) Daily and peak hour traffic counts for all intersections within ½ mile of the development access point, or within an alternative distance as may be reasonably determined by the Planning Board or its designee.

(ii) An estimate of the volume distribution for vehicles entering and leaving the proposed development.

(iii) A level of service analysis for all intersections that may be impacted by the proposed development.

(iv) An accident analysis for all road segments and intersections that may be impacted by the proposed development.

- 3) Soils Analysis:
  - (a) An analysis of soils maps as shown in the Cheshire County Soil Survey (CCSS), providing descriptions and locations of soils with the following characteristics:
    - (i) soils classified as very poorly drained or poorly drained soils;
    - (ii) soils and/or topographic conditions that are susceptible to erosion;
    - (iii) soils where bedrock may be located 48” or closer to the surface.
  - (b) The location and logs for all soil test pits and/or borings made on the site in preparing the permit application.
- 5) All special reports, analysis, and information as may be required pertaining to review of telecommunications facilities proposals.
- 6) Any other special reports, analysis, and information as may be reasonably requested by the Planning Board including but not limited to, Natural Heritage documentation, historic evaluation, screening analysis, or architectural/visual appearance analysis.
- h) Visual/Architectural Details: Three (3) color copies on “D” sized paper and Fifteen (15) color copies on 11”x17” paper of elevations showing the visual appearance and architectural details of all proposed structures, with proposed construction materials, finishes, and colors clearly labeled, and with façade height and length dimensions shown on the elevations. Landscaping should not be included on elevations.
  - 1) Additional color representations, simulations, or renderings of a proposed Development may be required by the Planning Board during the review process.

### **3. Exemptions for Specific Submission Requirements**

- a) An applicant may make a request to the Planning Director to exempt his/her application from specific submission requirements associated with plan sets and technical reports when such requirements are not applicable to the Planning Board’s evaluation of the application and are not necessary for proper documentation of the project.
  - 1) Requests for exemption shall be made at the time of application submission. Exemption requests shall be made on a checklist form included with the application form (available on the City Website), and shall include a brief explanation as to why the information specified for exemption is not relevant to the Planning Board’s evaluation of the application.

2) The Planning Department shall review all such requests during the Department Review Week. The Planning Director may grant an exemption of specific information submission requirements if he/she finds that the information is not applicable to the Board's determination of whether the applicant complies with the City codes, these regulations, and the Planning Board's Development Standards, and is not necessary for proper documentation of the project.

(a) Factors to consider in determining whether to grant an exemption include consideration of the size, scale, scope, design and nature of the proposed development or subdivision project.

(b) The Planning Department shall notify the applicant as soon as possible if any requested exemption will not be granted.

(i) If the information pertaining to the requested exemption is necessary for proper documentation, but not central to the initial departmental review of the application, the Applicant will be permitted to provide the required information by the Revision Submission Deadline of 4 PM, fourteen (14) Calendar days prior to the Board's meeting date.

(ii) If the information pertaining to the requested exemption is central to the departmental review of the application, then the application shall not be accepted and shall be returned to the applicant.

3) Any exemption granted by the Planning Director shall be evaluated and approved by the Planning Board during review of completeness of the application. The Board may consult with City Staff and/or its consultant prior to confirmation.

(a) If the Planning Board determines that information not provided is relevant to its decision on the merits of the application, then the applicant shall provide said information prior to the Board making a decision on the application.

4) In the event that the Planning Director rejects an applicants' request for exemption for the submission of specific information, the applicant may appeal the Planning Director's decision to the Planning Board prior to the Board's determination of completeness.

(a) Applicants wishing to appeal the Planning Director's rejection of a request for exemption for the submission of specific information, shall submit a letter indicating the request for appeal by the Revision Submission Deadline. The appeal request shall outline the specific information in question and shall provide specific

explanation for why the applicant believes the information is not necessary.

(b) Upon receipt of the request, the Planning Director shall proceed with noticing the application for public hearing at the next Planning Board Meeting.

(c) The Planning Board shall consider the appeal prior to making a finding of completeness on the application.

(d) In the event that the Board determines that the information that is the subject of the exemption request is necessary for the Board to complete its review, then the Board shall table the application to give the applicant time to provide the required information.

(i) When all information pertaining to a tabled application has been received prior to the Revision Submission Deadline, the application shall be re-noticed at the applicant's expense. The applicant shall be required to provide an updated abutters list, 2 sets of updated mailing labels and a check covering the cost of re-noticing prior to the Revision Submission Deadline.

(e) In the event that the Board determines that the information that is the subject of the exemption request is not necessary for the Board to complete its review and all other information necessary to complete the review has been provided, then the Board shall find that the application is complete and proceed with the public hearing.

(f) Even after deeming an application complete, the Planning Board reserves the right to require the applicant to provide additional information as may be reasonably necessary to evaluate compliance with City codes, the Planning Board Regulations and the Planning Board Development Standards.

(i) Failure by the applicant to provide information reasonably required by the Board shall constitute adequate grounds for denying an application.

#### **4. Application Submittal Deadline**

a) The Planning Board has established an Application Submittal Deadline date corresponding with each scheduled Planning Board meeting date. All applicants wishing to have a proposed project reviewed at a regularly scheduled meeting shall submit a completed application package along with all supporting documentation set forth in the "Application and Submission Requirements" to the Planning Department no later than 4 pm on the Application Submission Deadline date corresponding with the Planning Board meeting date.

- 1) The submission deadline corresponding to each regularly scheduled Planning Board meeting date shall be listed on a schedule approved by the Planning Board and made available to the public. The submission deadline will typically be no later than 4PM, twenty-six (26) business days prior to the corresponding regularly scheduled Planning Board meeting date.
- 2) The submittal deadline has been established by the Board to provide adequate time for staff to review projects, for applicants to address staff comments and for staff to prepare a summary staff report for distribution to the Planning Board prior to the scheduled meeting date.
- 3) The submission deadline shall not be waivable under Section X of these regulations.

## **5. Initial Completeness Review**

- a) Within two (2) business days following the application submittal deadline, the Planning Department shall complete an initial review of each application to evaluate whether the submission requirements set forth in Section IV(D)(2) have been met.
- b) If the Planning Department makes an initial determination that the application does not conform with the submission requirements set forth in Part IV(D)(2), the Planning Department shall notify the applicant of the application's nonconformance.
  - 1) If the missing documents or information are necessary for proper documentation, but not central to the initial departmental review of the application, the Applicant will be permitted to provide the required information by the Revision Submission Deadline of 4 PM, fourteen (14) calendar days prior to the Board's meeting date.
  - 2) If the missing documents or information are central to the departmental review of the application, then the application shall not be accepted and shall be returned to the applicant.
  - 3) Applicants shall retrieve the nonconforming applications from the Planning Department. Any fees submitted with the nonconforming application shall also be returned.
- c) Requests for exemption of submission requirements shall be reviewed by the Planning Staff during the Departmental Review Week as set forth in Section IV (D)(3) above.
- d) Applicants wishing to appeal the Planning Department's initial determination of nonconformance shall submit a letter indicating the request for appeal by the Revision Submission Deadline. The appeal request shall outline the basis for the Planning Department's finding and shall provide specific explanation for

why the applicant believes the application meets the submission requirements. Upon receipt of the appeal letter, the Planning Director shall proceed with noticing the application for public hearing at the next Planning Board Meeting.

## **6. Departmental Review**

- a) Once the Planning Department has made an initial determination that a submitted application conforms to the submission requirements, copies of plan sets shall be distributed to the Engineering Division, the Code Enforcement Department, the Fire Department and the Police Department for technical review.
  - 1) The Planning Department shall make every reasonable effort to distribute the plans to City Departments no later than the first Monday following the submission deadline.
  - 2) City Departments will be requested to return comments to the Planning Department within five (5) business days of the distribution date.
  - 3) The Planning Department will communicate departmental comments to the applicant as soon as they are all received. All comments received on each application will be included in the Planning Department's report to the Board. Applicants may be asked to work directly with individual City Departments as necessary to address issues raised and to ensure that revisions submitted are adequate and acceptable.
  - 4) The Planning Department is directed to work with the Applicant to improve the project as much as possible prior to the Revision Submission Deadline.

## **7. Revision Submission Deadline**

- a) All plan revisions (two copies of complete plan sets on "D" size paper, one copy of complete plan sets on standard 8.5 x 11 letter paper, one pdf of the complete revised plan set) and/or any additional information requested by City Departments shall be delivered from the applicant to the Planning Department no later than the Revision Submission Deadline of 4PM, fourteen (14) calendar days prior to the Planning Board meeting date.
  - 1) This deadline is necessary to ensure that applications are as complete as possible prior to advertisement of the public hearing.
  - 2) The Revision Submission Deadline shall not be waivable under Section X of these regulations.
- b) If plan revisions and/or requested information are not received by this deadline, the Planning Department is directed to withhold the advertisement for the public hearing and to remove the application

from the agenda for the next Planning Board meeting. The application shall be considered for inclusion on a future agenda once all revisions and/or requested information have been received prior to the corresponding Revision Submission Deadline.

- c) In the event that an Applicant wishes to revise an application or provide additional information after the Revision Submission Deadline has passed, the Planning Director shall advise the Board that the information was received after the Revision Submission Deadline and shall indicate whether the City Staff has adequately reviewed the information submitted and whether the revisions or additional information materially affect the application to be considered.
  - 1) If the Planning Board deems that the revisions are significantly different from the plans that were previously reviewed by Staff and/or that City Staff has not had sufficient time to adequately review the revised application or the additional information, then the Planning Board may, within its sole discretion, table the application to its next regularly scheduled meeting. An application that has been tabled shall be re-noticed at the applicant's expense at least ten business days prior to the Planning Board meeting at which the application will next be considered.
  - 2) Alternatively, if the Board finds that the revisions are minor and do not materially alter the substance of the application, the Planning Board may find the application as complete and open the public hearing.

## **8. Noticing of a Public Hearing and of Boundary Line Adjustments**

- a) The Planning Department shall prepare and submit legal advertisements for all applications for which all information has been received by the stated deadlines.
- b) Using the labels and the certified abutters list provided by the applicant, the Planning Department shall prepare abutters' notices to be mailed by certified mail in accordance with State statute.
- c) Applications for which all information has been received by the stated deadlines shall be placed on the agenda in an order established by the Planning Board Steering Committee.
  - 1) The Chair of the Planning Board may, with the consent of the majority of the Board members present, modify the order of items appearing on the agenda at the time of the meeting.
- d) The Planning Department shall prepare a staff report, as needed, for each application listed on the Planning Board's agenda. Staff reports shall contain a brief summary of the project and a summary analysis of how the project relates to each of the Board's

- Development Standards. Sample motions including any suggested findings and/or conditions may also be provided.
- e) A packet containing the meeting agenda, the application form, narrative, reduced plans, and color elevations for each new project appearing on the agenda and any staff reports for new and/or continued projects, will be delivered to Planning Board members during the week prior to the scheduled Planning Board Meeting.
    - 1) The Planning Department will make every effort to distribute and post the packet on the City's web site ten (10) calendar days prior to the scheduled Planning Board meeting date.
  
  - f) Planning Board members are strongly encouraged to visit project sites prior to the Planning Board meeting to review site conditions and evaluate the potential for adverse impacts associated with the development of the site.
    - 1) At the discretion of the Planning Director or Planning Board Chair, a formal Planning Board site visit to a project site may be scheduled prior to the Planning Board meeting at which the project will be considered.
    - 2) In the event that no site visit is scheduled, Planning Board members are encouraged to review the staff report for guidance as to what to look at during a site visit.

## **9. The Planning Board Meeting**

- a) The Planning Board shall not approve an application until it is satisfied that all necessary information has been placed on the record and review of the application is complete.
- b) At the first meeting during which the Planning Board reviews an application, the Board shall determine whether the application is complete prior to opening the public hearing.
  - 1) In determining completeness, the Planning Board shall consider advice from the Planning Director in reaching a determination as to whether an applicant has provided sufficient information to deem his/her application complete. The Planning Board shall make the final determination of completeness for each application.
  - 2) In its determination of completeness, the Board shall also consider any requests for exemption of information that the Planning Director has granted and any appeals of the Planning Director's decision not to grant an exemption.
  - 3) If the Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board.
    - (a) If the application is tabled, the applicant will be given until Revision Submission Deadline of 4PM, fourteen

- (14) calendar days prior to the next Planning Board meeting date to meet the completion requirements as specified by the Board.
- (b) An application that has been tabled shall be re-noticed at the applicant's expense at least ten business days prior to the Planning Board meeting at which the application will next be considered.
- (c) If the Planning Board finds that the application is not complete at the next Planning Board meeting, the application shall be rejected by the Board and the Public Hearing canceled.
  - (i) A decision by the Board that an application is not complete shall be delivered to the applicant in writing.
- c) Upon reaching a finding that an application is complete, the Planning Board may open the public hearing for the application and request that a person representing the application present a summary of the proposed project.
  - 1) This summary should be relatively brief and concise and should include a description of the project location, the characteristics of the site, and the project designs and features that relate specifically to the Board's Development Standards.
    - (a) Applicants may be asked to limit the time of this presentation, particularly if the Board has a full agenda.
  - 2) Following the applicant's presentation and questions by the Board, City staff may summarize issues identified during the departmental review, with particular emphasis placed on those issues that may not conform with the Board's Development Standards.
  - 3) The Staff's presentation is typically followed by testimony from the general public. Any abutter or other person with a direct interest in the matter may testify in person or in writing, and other persons may testify at the Board's discretion.
  - 4) The applicant will be given an opportunity to respond to any testimony raised by Staff or the public and to answer any questions raised by the Board.
  - 5) At any point after opening the public hearing, the Planning Board may determine that it needs additional information from the applicant to complete its review, including, but not limited to, special studies or technical analysis.
    - (a) Any such information shall be provided at the applicant's expense, and a failure to provide such studies for the Board shall be grounds for denial of the application.
    - (b) The Board will make every effort to be reasonable in its requests for information and recognizes that such studies can add both time and cost to a project. However, it shall remain the sole responsibility of the applicant to

demonstrate to the satisfaction of the Board that the application complies with these regulations and the Board's Development Standards.

- 6) The Board may also request that the Applicant modify elements of a proposed project to bring it into compliance with the Board's Development Standards.
- 7) If necessary, the Board may vote to continue the public hearing to its next regularly scheduled meeting to allow the applicant to produce additional information or modify the proposal.
  - (a) No additional noticing shall be required for applications that have been continued to a specific time and date.
  - (b) In accordance with State law, the Board is required to finish its review within sixty-five (65) days of the meeting at which the Board accepts an application as being complete. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under RSA 676:4 can be extended by mutual agreement of the Board and the applicant, so long as the applicant submits a request for the extension in writing.
  - (c) If an applicant does not consent to an extension and the Board needs additional time to review an application and render a decision, then under the authority and process set forth under RSA 676:4, the Planning Board may petition the City Council for an extension of the decision deadline.
- 8) Once all testimony has been taken, the Chair shall close the public hearing and the Board shall deliberate before reaching a decision. When the Board has completed its deliberation it will approve, approve with conditions, or disapprove an application. All decisions shall be delivered in writing to the applicant and shall include any conditions for approval or reasons for denial.
- 9) A written notice of decision including the minutes of the meeting at which a vote was taken to approve, conditionally approve, or disapprove an application before the Planning Board shall be placed on file at the Planning Department and shall be available for public inspection within 144 hours of such vote.

## **10. Hiring of Consultants**

- a) With applications where the information submitted is deemed by the Planning Board to be complex or technical in nature, the Board may direct staff to hire a consultant, at the applicant's expense, to review the application and provide advice to the Board. The Board may determine this need at any time during the review process.

- 1) To expedite the process of hiring a consultant, staff shall evaluate each application during the Departmental Review Week and recommend to the Planning Board Steering Committee whether a consultant will be necessary. The Steering Committee may authorize staff to engage a consultant.
- 2) If the Planning Board Steering Committee authorizes the hiring of a consultant prior to determining completeness of the application, then the Board shall not rule on the completeness of the application until a consultant has been retained.
  - (a) Decisions regarding the selection of a consultant and the scope of the consultant's work may be made by the Planning Board Steering Committee.
  - (b) The Planning Board Steering Committee may wish to seek the input from the entire Board regarding the need for a consultant or the scope of the consultant's work. As such the Planning Board Steering Committee may wait until after the determination of completeness and the opening of the public hearing to authorize the hiring of a consultant.
  - (c) City Staff shall follow the City's purchasing procedures for hiring a consultant.
- 3) The cost of any such consultant shall be at the applicant's expense and failure by the applicant to agree to pay for the cost of the consultant shall be grounds for denial of the application.
- 4) The Planning Board shall make every effort to be reasonable in its requests for consulting services, recognizing that such studies can add both time and cost to a project.

## **11. After the Board Makes a Decision**

- a) If an application is conditionally approved, the applicant has 180 days, beginning the day following conditional approval by the Board, to meet any conditions that the Board determines must be met prior to signing of the plan by the Planning Board Chair.
  - 1) Any and all conditions that must be met after the plan is signed shall be satisfied within 36 months, beginning the day following approval by the Board.
  - 2) Prior to the Board's granting of a conditional approval, the Applicant may request a reasonable extension of the time limit for satisfying the conditions.
- b) Active and substantial development of a project must be completed within 36 months beginning the day following the Board's decision to approve or conditionally approve the application.
  - 1) For purposes of these regulations, "active & substantial development" shall be defined as:

- i. Construction of and/or installation of basic infrastructure to support the development (including all of the following: at least 1 building foundation wall/footing, roadways, access ways, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
    - ii. Construction and completion of drainage improvements to service the development in accordance with the approved plans; and
    - iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
    - iv. Items i, ii, and iii shall be reviewed and approved by the City of Keene.
  - 2) Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered “active and substantial development.” Plans approved in phases shall be subject to this definition for the phase currently being developed.
- c) Any failure to meet the above deadlines shall result in automatic expiration of Planning Board approval.
- 1) This section shall not be waivable under the “Waivers of Requirements” section of these regulations.
  - 2) Applicants are urged to submit applications to other permitting authorities, including but not limited to state and federal permits, in a timely fashion, to keep the Planning Department informed as to the progress of the project, and to formally request an adjustment to the Planning Board’s deadlines prior to expiration, if that becomes necessary.
  - 3) In the event that an approved plan expires due to a failure to meet established deadlines, the following shall occur:
    - (a) All site work associated with the expired plan shall immediately be halted.
    - (b) Prior to initiating additional site work associated with the expired plan, a new application requesting approval of the plan shall be submitted and reviewed in accordance with these regulations.
    - (c) Any uses of the property associated with the expired plan shall be prohibited.
- d) Prior to the expiration of the above timeframes or of a previously-extended deadline, an applicant may request an extension of the timeframe for meeting conditions or achieving active & substantial development. Under no circumstances shall an applicant be granted more than three (3) extensions total for their application.

The procedure for requesting an extension from the Board is as follows:

1) Such requests for extension shall be submitted in writing to the Planning Department prior to the deadlines noted above and at least ten (10) business days prior to the Planning Board Meeting at which the request will be considered. In addition to submitting the required written request, the applicant or their representative(s) shall appear in person at the Planning Board meeting at which their request will be considered.

2) Prior to expiration of the initial condition approval timeframes, an applicant shall be granted a first extension if said applicant demonstrates that the extension is necessary and provides a review and update to the Board about the nature of the project and its status.

3) Prior to expiration of the first extension, an applicant may be granted a second extension if said applicant demonstrates that the second extension is necessary and summarizes what changes, if any, have occurred to state law, City Codes, Ordinances or Regulations applicable to the project. In evaluating the request, the Board shall consider whether any changes identified by the applicant would have influenced the Board's decision with respect to the project, resulting in either modification of the project, the imposition of additional or different conditions in the approval, or disapproval of the project. If the Board finds that substantive changes to applicable state law, City Codes, Ordinances, or Regulations have been adopted which would have resulted in either modification of the project, the imposition of additional or different conditions in the approval, or disapproval of the project, then the extension request shall not be granted.

4) Prior to expiration of the second approved extension period, an applicant may request a third extension. A third extension shall only be granted by the Planning Board where an applicant can demonstrate that there are extraordinary circumstances that warrant a third extension of the deadline. For purposes of this section extraordinary and compelling circumstances shall be defined as "a highly unusual set of facts or circumstances that are not commonly associated with a conditional approval." Extraordinary circumstances may include, but not be limited to, litigation that is entered into after the conditional approval is granted and which prevents the applicant from completing conditions required for signature or from completing active and substantial development.

5) Length of time for extensions is six (6) months for meeting conditions of approval and one (1) year for achieving active & substantial development.

- (a) An extension of the conditions deadline by six (6) months will also automatically extend the deadline for active & substantial development by one (1) year.
  - 6) If the request for extension is denied by the Board, and the above deadlines have not passed, the Applicant may submit an application for modification of the conditional approval to address concerns leading to the Board's denial of the extension. Said application shall be reviewed in accordance with the Jurisdiction section set forth in these regulations.
  - 7) No modifications to the plan shall be considered in conjunction with the request to extend the deadline.
- e) For some conditions established as part of a conditional approval, a compliance hearing will be required. Conditions for which approval may become final without further public hearing based upon certification by the Planning Department or evidence of satisfactory compliance include:
  - 1) Minor plan changes, compliance with which is administrative and which does not involve discretionary judgment;
  - 2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  - 3) Conditions with regard to the applicant's obtainment of permits or approvals granted by other boards, commissions or agencies.
- f) The Board will inform the applicant at the time of the conditional approval if a compliance hearing will be required. The applicant shall pay for all abutter notification and public notice associated with a compliance hearing in accordance with the Fee Schedule (available from the Planning Department).
- g) Building permits for plans approved by the Planning Board shall not be issued until said plans have been signed by the Chair or Vice Chair of the Planning Board. Said signature shall signify that that the plan has been duly approved by the Board and that all conditions precedent to plan signature have been met as specified in the approval.
  - 1) Prior to signature of plans approved by the Board, applicants shall demonstrate to the satisfaction of the Planning Department that any and all conditions have been met as specified by the Board.
  - 2) Prior to signature of plans approved by the Board, the applicant shall provide complete copies of the approved plan set in a number and form as specified by the Planning Department.
  - 3) Prior to signature of plans approved by the Board, applicants shall provide a CD containing an electronic copy of the complete plan set in a format specified by the Planning Department (dwg or dfx preferred, TIF accepted)

4) After a project is completed and prior to release of any security held in accordance with Section VIII below, applicants shall provide two (2) complete plan sets on “D” size paper showing the “as built” condition. Applicants shall also provide a CD containing an electronic copy of the complete “as built” plan set in a format specified by the Planning Department (.dwg or .dxf preferred, TIF accepted)

**D. Procedures for Administrative Plan Review of a Minor Project**

1. Upon receipt of an application for administrative plan review, the Planning Staff shall verify that the request qualifies for administrative approval under the Jurisdiction section of these regulations.
  - a) Applications that do not qualify for administrative approval in accordance with the Jurisdiction section of these regulations, or do not have sufficient information to determine compliance with Board regulations, shall be returned to the applicant.
  - b) To ensure that the project is eligible for administrative review, Applicants are strongly encouraged to discuss the proposed project with the Planning Department before submitting an application.
2. Within fourteen (14) days of receipt of all information necessary to evaluate a request for administrative approval, the Planning Department shall complete its review of the proposed project, in consultation with other City departments as appropriate.
  - 1) All applications for administrative approval shall be reviewed by the Code Enforcement Department to verify that the proposed project is in compliance with the Zoning Ordinance and other applicable City Codes.
3. Upon completion of its review, the Planning Department shall issue a written decision approving the application, approving the application with conditions, or disapproving the application.
  - a) If the Planning Department evaluation determines that the proposed project does not meet the Board’s Development Standards, the department staff shall work with the applicant in an attempt to modify the proposed project so that it conforms to the Board’s Development Standards.
  - b) Alternatively, within 20 days of the Department’s written decision, the applicant may request to have the application placed on the agenda for the next regularly scheduled Planning Board meeting, following the submission requirements and procedures for formal

plan review. A new application for Board review must be received in accordance with deadlines established for formal plan review.

**V. PROCEDURES ASSOCIATED WITH CONDITIONAL USE PERMIT APPLICATION REVIEW**

**A. General Requirements**

1. All Conditional Use Permit Applications shall be to the Planning Board in accordance with the submission and procedural requirements as provided for in these regulations and RSA 676:4.
2. In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the Board's Site Plan/Subdivision Regulations and the Keene Zoning Ordinance.
3. Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be rendered in writing and shall be based upon substantial evidence contained in the written record.
4. Modification of Conditional Use Permits. Requests to modify an approved Conditional Use Permit shall be in accordance with the submission and the procedural requirements set forth in these Regulations.

**B. Conditional Use Permits for Telecommunication Facilities**

1. In the review of Conditional Use Permit applications for telecommunication facilities, the Planning Board shall evaluate the application for compliance with the Planning Board's Development Standards, all applicable Design Standards and Conditional Use Permit Review Criteria as provided for in Section 102-1267 and the General Requirements of Section 102-1266 of the Keene Zoning Ordinance. To the extent that there is inconsistency between these regulations and the requirements of Article VII of the Keene Zoning Ordinance, the requirements of Article VII of the Keene Zoning Ordinance shall govern.
  - a) Standard 19, Architectural and Visual Appearance, of the Planning Board's Development Standards shall not be considered as applicable.

**C. Conditional Use Permits for Accessory Dwelling Units**

1. An Accessory Dwelling Unit is an accessory use that is permitted in conjunction with a single family residential use. Engineered site plans are not required under the submission requirements of these regulations for single and two family uses.
  - a) In lieu of an engineered site plan, an applicant shall submit a scaled and dimensioned plot plan or diagram of the property showing existing conditions on the property and any proposed changes necessary to bring the site into compliance with the criteria set forth below, as well as a narrative describing the proposed changes.
2. The Board shall apply the following additional criteria in granting a Conditional Use Permit for an Accessory Dwelling Unit:
  - a) A buffer yard having a minimum depth from the common property boundary line of seven (7) feet shall be maintained to screen an accessory dwelling unit from adjacent residential dwellings.
    - 1) The depth of the buffer yard shall be increased to fourteen (14) feet when an accessory dwelling unit abuts a non-residential use.
    - 2) The location and length of the buffer yard and the density and height of the vegetation within the buffer yard shall be as determined by the Planning Board where necessary to supplement or provide screening.
    - 3) In certain instances, the minimum depth of the buffer yard may be reduced when it is determined by the Planning Board that the installation of a fence, wall or berm, or combination thereof will accomplish this objective.
    - 4) Where a fence, wall or berm is installed it shall be a minimum of four (4) feet in height.
    - 5) Existing trees and shrubs within the buffer yard may satisfy the requirement of this paragraph, but the Planning Board may require that existing vegetation be replaced or new vegetation be installed in order to present a reasonable finished appearance and furnish reasonable screening; and,
  - b) Architectural elevations shall be submitted for all new exterior construction as part of the Conditional Use Permit application.
    - 1) Such exterior construction shall be designed to match the foundation, architectural style, and materials of the primary dwelling unit.
    - 2) The Planning Board shall review this information, taking into consideration roof pitch, siding, and building foundation to ensure that the accessory dwelling unit matches the architectural character of the primary single-family dwelling.

3. Decisions. All applications for Conditional Use Permits must comply with sections 102-242, 102-332, 102-362, 102-392, and 102-896 of the Keene Zoning Ordinance. Possible decisions rendered by the Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be in writing and shall be based upon substantial evidence contained in the written record.
  - a) In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to preserve the intent of these regulations.

**D. Conditional Use Permits for Uses and Structures within the Surface Water Protection Overlay District**

The Surface Water Protection Overlay District is defined in Sections 102-1480 through 102-1496 of the City of Keene Zoning Ordinance. The ordinance defines what water bodies qualify as surface waters and requires a seventy five foot buffer around these areas in Rural, Agriculture, or Conservation Zoning Districts, with a thirty foot buffer required in all other zoning districts, as listed in Sections 102-1483 and 102-1493 of the Keene Zoning Ordinance. In specific cases, an applicant may be unable to comply with the terms of the Surface Water Protection Ordinance and require a reduction in buffer width. In zones with a seventy-five foot buffer, a Conditional Use Permit (CUP) is required to reduce the buffer area, with the Planning Board able to reduce the buffer to thirty feet. A CUP is also required to provide relief from the thirty foot buffer requirement of all other zoning districts, with the Planning Board able to reduce the buffer width to ten feet. To reduce buffer widths further, a variance must be granted by the Zoning Board of Adjustment.

- 1) When State and Federal permits are required, local Conditional Use Permits shall only be required for those areas within the overlay district that are not covered by the State or Federal permits.
- 2) Verification of Surface Water Boundaries:
  - a) The location, area, and limits of all surface waters and their buffers shall be field determined and delineated by a New Hampshire Certified Wetland Scientist, with the applicant solely responsible for bearing the costs.
- 3) All applications for Conditional Use Permits must comply with sections 102-1480 through 102-1496 of the Keene Zoning Ordinance. Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Disapproval. All decisions shall be in writing and shall be based upon substantial evidence contained in the written record.
  - a) In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to preserve the intent of these regulations.

## **VI. CONSERVATION RESIDENTIAL SUBDIVISIONS**

1. Objectives. The objectives of a CRD are as follows:
  - a) To permit reduced lot sizes and flexible dimensional building setback requirements in exchange for permanently preserving open space;
  - b) To allow an increase in residential density by meeting specific criteria which demonstrate public benefits;
  - c) To promote the siting of buildings and roads, which are sensitive to existing natural and historic features;
  - d) To promote the efficient provision of municipal services and a more efficient use of land requiring a smaller network of streets and utilities;
  - e) To maintain the rural hillsides and scenic character of the community;
  - f) To preserve and protect environmentally sensitive site characteristics, historic features, and open space areas, such as mature tree stands, pastures and fields, stonewalls, wildlife habitats, natural drainage ways, wetlands, aquifer recharge areas, existing and potential water supplies, steep hillsides, scenic roads and vista outlooks; and,
  - g) To further the goals and objectives of the City Master Plan;
2. Application Procedure. A CRD shall be submitted to the Planning Board as a Conditional Use Permit application in accordance with these regulations.
  - a) As part of this application, a subdivision plan shall be required for all single-family and duplex dwellings located on individual lots.
  - b) A site plan shall be required for all multi-family dwellings with more than two dwelling units to be constructed on common land, and/or nonresidential structures, facilities, or accessory uses located on common land, as set forth in RSA 674:43.
  - c) All Conditional Use Permit applications pertaining to CRD projects shall comply with the City Zoning Ordinance and the Planning Board's Site Plan and Subdivision Regulations, as amended.
  - d) The application shall clearly list all plans, drawings, and other submittals that are part of the Conditional Use Permit.

- e) Everything shown or otherwise indicated on a plan or submittal that is listed on the Conditional Use Permit shall be considered to be a condition of approval.
3. Pre-Application Meeting. A pre-application meeting is encouraged between the applicant and the City Planning Staff to review the applicant's objectives, to schedule meetings and site inspections, and to review the procedures of the Planning Board, the Board's Site Plan & Subdivision Regulations as they pertain to CRD, and the City's Zoning Ordinance regulations.
4. Site Inspection. After preparing an Existing Site Conditions Plan and a Yield Analysis (see Sections 6 b and 6 d of these regulations), the applicant shall arrange for a site inspection of the property by the Planning Board and city officials.
- a) The applicant is encouraged to accompany the Planning Board on this inspection.
  - b) The purpose of the visit is to familiarize the Board and city officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space lands and potential locations for buildings and streets.
5. Design review. The Planning Board encourages an informal review of a CRD project prior to the submission of a formal CRD application package.
- a) The applicant may elect to meet with the Planning Board for Advice and Comment to discuss the findings of the site inspection and to review a preliminary design concept.
  - b) The applicant may elect to meet with the Planning Board for Design Review.
    - 1) A complete application for design review must be submitted by the Board's regular submittal deadline.
    - 2) Sufficient information including an Existing Conditions Plan and a Yield Analysis must be provided so that the Board and the City staff can understand the proposal.
    - 3) The more information that is provided, the more advice and comment will be provided by the Board.
    - 4) In accordance with the requirements of State law, abutters must be notified of the Design Review meeting at the applicant's expense. The Board will conduct a formal Public Hearing during the Design Review meeting if so requested by the applicant at the time of the application submission.

- 5) The Board will endeavor to provide a good faith indication of the conformity of the proposed design with the spirit and intent of the CRD Ordinance and the CRD Regulations; however, anything said by the Applicant or the Board, or City staff shall not be construed as binding during the subsequent Formal CRD Plan approval process.
  - 6) One of the specific purposes of Design Review is to assist the applicant in modifying a proposal to make it more consistent with City policies, goals, standards, and regulations.
6. The CRD Application Package. A complete application for a Conservation Residential Development shall consist of an overview plan, a Subdivision/Site Plan Application Form, the Subdivision Plan and the Site Plan if required, and the following additional documentation:
    - a) An Overview Plan
    - b) Existing Conditions Plan
    - c) A Proposed Conditions Plan
    - d) A Yield Analysis
    - e) Documentation of the CRD Design Process
    - f) A Final Open Space delineation noting the proposed land uses for each parcel and showing the location of proposed roads, sidewalks, trails, individual house lots, common land, buildings and accessory uses on common land, and specifically protected conservation values.
    - g) Landscape Plan
    - h) Technical Studies and Reports
    - i) Additional Approvals, Certificates, and Documents
    - j) Construction Plans
  7. All subdivision plans and site plans relating to Conservation Residential Developments shall be drawn in accordance with the standards outlined in Section XVI of these regulations.
  8. Plan Requirements
    - a) The Overview Plan. The Overview Plan shall show the entire tract and the existence of any public roads, any public or private protected lands, any woodlands areas, any surface waters, and/or

- any National Wetlands Inventory wetlands located within 200 feet of the tract.
- b) Existing Conditions Plan: For all Conservation Residential Development proposals, an Existing Conditions Plan shall be drawn in accordance with the standards set forth in Section IV of these regulations. This plan shall show all the conditions and characteristics of the site identified in Section IV.
  - c) The Yield Analysis. A Yield Analysis shall be prepared to determine the number of residential units that will be permitted within a CRD Design.
    - 1) This analysis shall be based on applying a conventional layout plan including lots conforming to the underlying zone dimensional standards, streets needed to access those lots, rights of way, and other pertinent characteristics of the tract.
    - 2) The conventional layout shall reflect a development density and pattern, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if the property is not served by public sewer, the suitability of soils for private subsurface wastewater disposal as indicated by the Soil Survey of Cheshire County, New Hampshire.
    - 3) Although this plan must 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.
  - d) The CRD Design Process.
    - 1) The layout of structures, streets, lot lines, common land, and open space shall be accomplished through consultation between the applicant and the Planning Board as part of the CRD Design Process. The four step CRD Design Process shall include:
      - (a) Step 1 - Identification of Conservation Values and Open Space Area
      - (b) Step 2 - Location of Structures
      - (c) Step 3 - Alignment of Streets and Trails
      - (d) Step 4 - Drawing in the Lot Lines
    - 2) The CRD Design Process may be approached as an iterative process. Applicants may proceed through the four steps and return back to the first step as alternative design and protection configurations are considered. The final delineation of the land area to be designated to meet open space requirements may be refined after the fourth step to better meet both the conservation intent of the Zoning Ordinance and the development objectives of the applicant. The end result of this process shall be a plan, which may be prepared as an overlay or a series of separate overlays to the Existing Conditions Plan. Applicants should be prepared to submit written documentation of each step of the CRD Design

Process, including alternatives considered, if so required by the Planning Board.

(a) Step 1: Identification of Conservation Values and Open Space Area. Identifying the most appropriate land areas to be designated to meet the Open Space required under the City's Zoning Ordinance will require an understanding of the conservation values of the tract and the surrounding lands. In defining the Open Space area, consideration shall be given to the tract's configuration and characteristics, its context in relation to conservation values on adjoining properties, and the applicant's subdivision and/or site plan objectives.

(i) Delineation of lands to be used to meet the Open Space requirements shall be based on an analysis and prioritization of primary and secondary conservation values identified on the tract, and displayed on the Existing Conditions Plan. Primary and Secondary Conservation values are defined by the following standards:

(ii) Primary Conservation values shall consist of stream channels, wetlands, vernal pools, ponds, floodways, floodplains, springs and steep slopes over 25 percent, which should be considered as the highest conservation priorities;

(iii) Secondary Conservation values shall include the following prioritized list of attributes (highest to lowest priority):

- (a) Significant natural areas of species defined by the New Hampshire Natural Heritage Inventory as endangered, threatened, or of special concern;
- (b) Slopes in excess of 15% (particularly adjacent to water courses, wetlands and ponds) where disturbance and resulting erosion and sedimentation could be detrimental to water quality;
- (c) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats;
- (d) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (e) Hedgerows, groups of trees and large individual trees of botanic significance.
- (f) Prime agricultural soils as defined by the USDA Natural Resource Conservation Service.

- (g) Historic and cultural structures or features including stonewalls and cellar holes.
  - (h) Existing trails connecting the tract to other locations in the City.
  - (i) Visually prominent topographic features such as knolls, hilltops, ridges, outlooks, and scenic view-sheds as seen from public roads.
- (iv) The selection of conservation values to be included in the Open Space shall be considered in consultation with the Planning Board. The applicant and the Planning Board shall use the prioritization reflected in the list of conservation values as a guideline for determining which lands are to be designated as Open Space, recognizing that trade offs may be necessary and that inclusion of all of the higher priority conservation values in the open space may not be feasible or practical.
- (v) In delineating the Open Space, the applicant shall maintain an interconnectedness of the conservation values and shall avoid fragmentation of the Open Space into small, disconnected parcels.
- (vi) The final result of this step in the CRD Design Process shall be a preliminary or final delineation of the open space, indicated as a clear line shown as an overlay to the Existing Conditions Plan.
- (b) Step 2: Location of Structures: Upon the completion of Step 1 above, the location of structures within the proposed Conservation Residential Development shall be drawn on the design plan.
- (i) The intent of this step is to site structures in the development so that they preserve the conservation values within the natural landscape to the greatest extent possible.
  - (ii) No structures shall be allowed within the designated Open Space area.
  - (iii) In addition, structures shall be located no closer than 50 feet from any Primary Conservation values not included in the Open Space and shall be sited to avoid disturbance of Secondary Conservation values not included in the Open Space.
  - (iv) Siting of structures shall take into consideration the impacts of the proposed development on identified conservation values as well as the benefits of such locations to provide attractive views and visual settings for residences.

- (v) The applicant shall refer to Section 9. Minimum Design Standards of these regulations for additional guidance in the siting of structures on the tract.
- (vi) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan indicating the approximate location of all structures to be constructed on the tract.
- (c) Step 3: Alignment of Streets and Trails: Upon completion of Step 2, the location and alignment of streets, sidewalks and trails necessary for vehicular and pedestrian access within the proposed development shall then be drawn on the design plan.
  - (i) Any outdoor recreational areas or accessory use areas to be located in the common land shall also be drawn on the plan in completing this step.
  - (ii) The applicant shall comply with the Street and Utility Standards, Section 2708 of the City Code in the design and construction of streets and sidewalks as well as the Street Design and Pedestrian Circulation standards contained in Section 8 of these regulations.
  - (iii) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan indicating the proposed location of all roads, sidewalks, trails, developed recreational areas and accessory use areas located in any common lands on the tract.
- (d) Step 4: Drawing in the Lot Lines: Upon completion of Steps 1, 2 and 3, lot lines shall then be drawn on the design plan delineating the boundaries of all individual lots, any common land areas, and/or the location of structures within the proposed development.
  - (i) Individual residential lots shall conform to the dimensional standards set forth in the CRD Ordinance.
  - (ii) Refinement of the Open Space delineation may be completed as part of this step, ensuring that the land area included in the open space meets the percentage of open space required under the Zoning Ordinance.
  - (iii) The final result of this step in the CRD Design Process shall be an overlay to the Existing Conditions Plan depicting the boundaries, acreage, and proposed use of each parcel within the CRD, including the area designated as Open Space and any common land areas.
- (e) Any proposed uses of the common lands and/or Open Space, including trails, agricultural areas, areas to be managed for forestry, recreational areas, or accessory use areas shall be noted on this overlay as such.

- (f) The information portrayed on each of the various overlays shall be transferred to the final Proposed Conditions subdivision plan and site plan if one is required.
- e) Landscape Plan. The CRD design shall incorporate existing native vegetation, landscaping and trees wherever possible, so that the development is left with the appearance of fitting in with the natural landscape.
  - 1) Where this is not possible, the applicant shall provide for landscaping and street trees in accordance with the City's Development Standards.
  - 2) The location and details of existing and proposed landscaping and street trees in a Conservation Residential Development shall be shown on a Landscape Plan.
  - 3) This plan shall be submitted as part of the subdivision plan and if necessary, a site plan. The City's street tree standards can be found in Section 9 of these regulations.
  - 4) Additional standards for landscaping and screening can be found in Development Standards #6 and #8 of these regulations.
- f) Technical Studies and Reports. Conservation Residential Development proposals may as required by the Planning Board include necessary technical studies and reports to assist in determination of the impact of the application upon municipal services and facilities, as set forth in Section IV of these regulations.
- g) Additional Approvals and Documents. Additional approvals may include such items as Homeowner's Association Documents and other recorded legal instruments, which are subject to the approval of the City Attorney.
- h) Construction Plans. Construction Plans shall conform to the standards and specifications of subdivision and/or site plan approval, including any conditions specified by the Planning Board as part of the issuance of the Conditional Use Permit and all applicable standards and regulations of the City Code.
- 9) Minimum Design Standards. The following minimum design standards shall be considered in the design of a Conservation Residential Development.
  - a) The siting of structures shall not encroach upon areas characterized by Primary Conservation values, as identified in the CRD Design Process (see Section 8. D of these regulations).
    - 1) Specifically, structures shall be located no closer than 50 feet from identified Primary Conservation values and shall be sited to



- 1) All building setbacks and other standards as proposed and approved shall be shown on a typical lot detail.
- f) Street Design and Pedestrian Circulation.
- 1) All interior streets and sidewalks within a Conservation Residential Development shall be designed and constructed in accordance with the City Street and Utility Standards, Section 2708.0 of the administrative code of the City.
  - 2) All streets shall be provided with sidewalks on at least one side of the street in all Conservation Residential Developments within the LD-1 and LD districts. However, in the Rural District an alternative pedestrian system (not parallel to the proposed street) is acceptable provided it complies with Section 608 of the State of NH Highway specifications.
  - 3) Street connections shall be encouraged within a Conservation Residential Development to minimize the number of new cul-de-sacs to be maintained by the City of Keene and to facilitate access to and from structures and dwellings located in different parts of the development (and adjoining parcels).
- g) Street Trees.
- 1) The locating and/or planting of deciduous shade trees within the right of way of all streets is a central feature of a Conservation Residential Development. To the extent to which it is feasible, effort should be made to site interior streets so that existing mature deciduous shade trees can be incorporated into the right of way. Where this is not possible, the planting of deciduous shade trees within the right of way shall be required (in accordance with Section 70-134 of the City Street and Utility Standards).
  - 2) Such trees shall be a minimum of 4 inch caliper, planted or remaining, for at least every fifty (50) foot interval on each side of a new residential street.
  - 3) Tree species to be planted shall be selected according to the following criteria:
    - (a) Cast moderate shade to dense shade in summer;
    - (b) Long-lived (over 60 years);
    - (c) Mature height of at least 50 feet;
    - (d) Be tolerant of pollution and direct or reflected heat;
    - (e) Require little maintenance, by being moderately strong (not brittle) and insect-and disease-resistant; and,
    - (f) Be able to survive two years with no irrigation after establishment.
  - 4) Among the species that are recommended are Sycamore (*Platanus occidentalis*), London Planetree (*Platanus xacerifolia*), Katsura tree (*Cercidyphyllum japonicum*), Sweet Gum (*Liquidambar styraciflua*), Red Maple (*Acer rubrum*), Green Ash (*Fraxinus pennsylvanica*), Pin Oak (*Quercus palustris*), Littleleaf Linden, (*Tilia cordata*), Silver Linden (*Tilia tomentosa*) and

Redmond Linden (*Tilia americana*), and Japanese Zelkova (*Zelkova serrata*).

5) The intent of this section is to allow trees planted within the right of way or within 20 feet of the right of way to count towards the minimum number of trees required for the development, in accordance with Section 70-134 of the City Street and Utility Standards.

h) Water and Sewer Utilities. The availability of water of acceptable quantity and quality for all Conservation Residential Developments must be shown by the applicant to comply with all City, State, and Federal standards prior to subdivision plan and if required, site plan approval.

1) All Conservation Residential Developments within the Low Density District shall be supplied with public water and public sewer.

2) Conservation Residential Developments within the Low Density-1 District shall be provided with public sewer.

3) Conservation Residential Developments within the Rural zone shall not be required to connect to public water and sewer services (unless the property is located within the required distance of an existing water or sewer line as outlined by the City's Street and Utility Standards), provided the availability of water of acceptable quantity and quality can be shown to exist.

4) The applicant must demonstrate that the site is adequate to accommodate on site wastewater disposal systems.

(a) All on-site wells and wastewater disposal systems must be shown to comply with applicable state laws.

(b) For all Conservation Residential Developments, which contain on-site wells, a disclosure statement may be required to be placed as a note on all subdivision plans recorded at the Registry of Deeds indicating that compliance with National Fire Protection Association, NFPA 1142 may be required.

5) All public water and sewer utilities shall comply with and be constructed in accordance with City Street and Utility Standards, Chapter 70 Art. III.

6) Any and all agreements or covenants related to private water and sewer provisions within a Conservation Residential Development shall be reviewed by the City Attorney and Planning Board prior to subdivision plan and if necessary, site plan approval.

7) A disclosure statement shall be required to be placed as a note on all subdivision plans recorded at the Registry of Deeds for Conservation Residential Developments which contain privately operated community water and/or sewer system(s). At a minimum, the following elements shall be included in a disclosure statement:

- (a) Identification of the type of community water/sewer system proposed;
  - (b) Identification of the lots/dwelling units responsible for the upkeep and
  - (c) maintenance of the system(s);
  - (d) How these costs will be shared among users; and,
  - (e) Recognition that the City of Keene bears no responsibility and makes no assurances for the safety, operation and maintenance of the system(s).
- i) Open Space Requirements. In a Conservation Residential Development, all lands designated to meet open space requirements shall be held in common ownership under the following requirements:
- 1) The areas of any such Conservation Residential Development designated to meet the open space requirement under the CRD Ordinance shall not be used for siting of individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic. Open Space shall be permanently maintained as open land for the purpose of passive recreation, conservation, agriculture or Silva culture;
    - (a) The Open Space areas shall be designed to maximize the conservation purposes of the CRD and to minimize the fragmentation of the conservation values on the landscape. The minimum size of any parcel designated as Open Space shall not be less than one (1) acre in area;
    - (b) The location and layout of all open space within a Conservation Residential Development shall require Planning Board approval.
    - (c) Planning of open space within a Conservation Residential Development shall be guided by the City's Open Space Master Plan and Section 6 C. of these regulations.
    - (d) The Open Space or any portion of it shall be held, managed, and maintained by the developer until at least a majority of the lots or dwellings have been sold. At that time, this Open Space shall be owned in one or more of the following ways:
      - (e) In common, by a Homeowner's Association for the control and maintenance as Open Space;
      - (f) By a Conservation Trust or other suitable private non-profit organization registered in the State of New Hampshire which shall ensure that the Open Space shall be held in perpetuity as open space;
      - (g) By the City of Keene which may accept the conveyance of any Open Space for perpetual public use and maintenance, if accepted by the City Council. The conveyance of any Open Space to the City shall also

include the donation of a trust fund for the specific purpose of the maintenance of such Open Space.

(h) All agreements, restrictions, covenants, easements, organizational provisions for a Homeowner's or Condominium Association, and any other method of management of the Open Space land, shall require approval of the Planning Board. Open Space shall not be subdivided. Provisions shall be made to assure that the Open Space always remains undeveloped. Such provisions may include:

(i) Granting development rights to the City, if accepted by City Council, or other suitable private non-profit organization; or,

(j) Granting of a conservation easement.

(k) Each dwelling unit shall have reasonable access to the Open Space, but need not front directly on such land. No portion of the Open Space land shall be conveyed in a manner, which would result in non-compliance with this section.

j) Common Land Requirements. In a Conservation Residential Development, all common land areas, not including land designated as open space, but including all lands surrounding multi family structures, commonly owned accessory use areas, all commonly owned outdoor recreational areas and enclosed recreational facilities, shall be held in common ownership with the following requirements:

1) The common land or any portion of it shall be held, managed, and maintained by the developer until at least a majority of the lots or dwellings have been sold. At that time, this common land shall be owned in common by a Homeowner's Association or Condominium Association for the control and maintenance of Common Land.

2) All uses of common lands shall conform to the requirements of the CRD Zoning Ordinance; Common Land shall not be subdivided, unless such subdivision is for the express purpose of dedicating and developing the sub-divided portion of the common land for non-residential uses permitted within the zoning district underlying the CRD. The subdivision of common land for these purposes shall be restricted from future residential development by deed restriction or conservation easement in a form acceptable to the City Attorney.

3) The location, layout and use of all Common Land areas within a Conservation Residential Development shall require Planning Board approval.

4) Planning of Common Land areas within a Conservation Residential Development shall be guided by the City's Open Space Master Plan and Section 6 C and Section 7 of these regulations.

- 5) All agreements, restrictions, covenants, easements, organizational provisions for a Homeowner's or Condominium Association, and any other method of management of the common land, shall require Planning Board approval.
  - 6) Each dwelling unit shall have reasonable access to the common land, but need not front directly on such land. No portion of the common land shall be conveyed in a manner, which would result in non-compliance with this section.
- k) **Phasing of Development.** In order to mitigate the impact of a Conservation Residential Development on community facilities, services or utilities and/or to provide for the completion of all proposed improvements including recreational facilities, streets, walkways, drainage, and landscaping, the Planning Board may establish a timetable through a written and executed security agreement to be approved and signed by the Planning Director and City Engineer for phasing the development of an approved Conservation Residential Development.
- l) **Waiver of Requirements.** The Planning Board reserves the right to waive strict compliance with these regulations on a case-by-case basis, provided such waiver is consistent with the overall spirit and intent of the CRD Ordinance and these regulations.
- 1) Waiver requests pertaining to the CRD regulations shall follow the conditions set forth in this paragraph and not in accordance with Section X. Waiver of Requirements set forth in the Planning Board Site Plan and Subdivision Regulations.
  - 2) In granting a request for waiver of any requirements under these regulations, the Planning Board shall find that all of the following four (4) conditions apply:
    - (a) That granting the waiver will not be contrary to the spirit and intent of the CRD Ordinance
    - (b) That granting the waiver will better protect the conservation values identified in the CRD Design Process.
    - (c) That granting the waiver will not diminish the property values of the abutting properties.
    - (d) That granting the waiver will be to the benefit of the public interest
  - 3) The Planning Board does not have the authority to waive compliance with any of the Conservation Residential Development regulations contained within the City Code or Zoning Ordinance.
  - 4) Any request for a waiver must be submitted in writing within the same time frame as a formal application for a Conservation Residential Development.
  - 5) Abutters are to be notified at applicant's expense when a request for a waiver is submitted.

## **VII. FEES**

1. The City Council has established and from time to time may amend a schedule of fees. The Planning Department is directed to accept an application for review only when the application includes the appropriate fees as established by the City's formal fee schedule.

## **VIII. SECURITY**

1. The Planning Board shall have the authority to require applicants to post a security deposit for public improvements, including but not limited to roads, sidewalks, parks, and utilities, and for performance of site improvements, including but not limited to erosion and sediment control, as specified by the Board at the time of approval.
  - a) The Board may require one or more "performance" securities to assure the proper functioning of elements of the project concurrent with and subsequent to construction. This typically includes security for all landscaping installed on a site to ensure its survival for 1 full growing season after installation (a minimum of 12 months), and security to assure that erosion control provisions are working, or to assure that required technical inspections take place.
  - b) The Board may require security to assure the submittal to the Planning Department of "as built," certified by a registered surveyor or engineer which includes the exact location and depth (when appropriate), size and materials of sewer, water, gas, drainage and any underground utilities (phone, electric, cable) as well as catch basins, hydrants, compensatory wetlands, compensatory flood storage areas, sidewalks, drainage basins, edge of pavement, edge of buildings, and other improvements as may be indicated by the Board at the time of approval.
    - 1) This information shall be submitted on a CD in a format specified by the Planning Department (dwg or dxf preferred, tif accepted)
  - c) The security must be in a form acceptable to the Board and the City Attorney. Acceptance of security in some instances can take considerable negotiation with City staff, and the applicant is encouraged to address this issue early in the review process so that conditionally approved plans can be signed before they expire. The preferred forms of security are certified checks made out to the City of Keene and letters of credit although the Board may consider other forms. Performance Bonds shall not be an acceptable form of security.
  - d) At its discretion, the Board may, and for large or complex projects normally will also require a written security agreement which specifies when various improvements will be completed. This agreement may be required to link the completion of phases of

improvement with the issuance of site work permits, foundation, or building permits, or certificates of occupancy. Applicants should anticipate that for large or complex projects it may take considerable time to properly formulate such an agreement and to obtain necessary reviews and approvals within the City. For that reason applicants are encouraged to address this issue early in the review process.

## **IX. ENFORCEMENT AND PENALTIES**

1. Enforcement of these regulations shall be the responsibility of the Code Enforcement Department.
2. Any violations of these regulations shall be subject to a civil fine. The City Council, the Planning Board, or the Code Enforcement Department may initiate action. Violation of conditions on Site Plan or Subdivision approvals may result in the loss of plan approval by the Planning Board.

## **X. WAIVER OF REGULATIONS AND DEVELOPMENT STANDARDS**

1. Unless otherwise set forth in these regulations, the Planning Board may waive strict compliance with the Board's Development Standards or other regulations on a case-by-case basis, when criteria established for the granting of specific standards are found to be met, and in any case, as long as the granting of such waiver meets each of the following criteria:
  - a) That granting the waiver will not be contrary to the spirit and intent of these regulations;
  - b) That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and
  - c) That granting the waiver has not been shown to diminish the property values of abutting properties.
  - d) Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.
2. In granting a waiver, the Planning Board shall require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
3. Any request for waiver shall be in writing and shall be submitted following the same process and time frame as is required for formal applications.

- a) Board decisions on requests for waiver shall be made in writing.

## **XI. VALIDITY AND AMENDMENTS**

1. If any portion of these regulations shall be declared invalid, it shall not be held to invalidate or impair the validity, force, or effect of any other portion(s) of these regulations.
2. These regulations may be amended by the Planning Board following a public hearing on the proposed changes. Such change(s) shall not take effect until a copy of the revised regulations, certified in writing by a majority of the Board has been filed with the Keene City Clerk.

PLANNING BOARD REGULATIONS  
Outline of Revisions

Site Plan and Subdivision Regulations

*The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted September 26, 1994) were amended by the Keene Planning Board on the dates indicated.*

	Public Hearing	Approval
1) Sec. VI General Requirements Sec. B – Submittal Deadline	June 26, 1995	June 26, 1995
2) Sec. XIII. Waiver of Requirements	October 23, 1995	October 23, 1995
3) Sec. III Jurisdiction Amend Section B., add new Section III B., Voluntary Mergers	March 23, 1998	March 23, 1998
4) Sec. III Jurisdiction Insert a new Subsection “D – Conditional Use Permit”	September 24, 2001	September 24, 2001
5) Sec. IX. Conservation Residential Development	May 28, 2002	May 28, 2002
6) Sec. III Insert sub-section “E. Conditional Use Permit, Accessory Dwelling Unit”	August 26, 2002	August 26, 2002
7) Sec. X. Performance and Utility Standards	September 23, 2002	September 23, 2002
8) Sec. VIII, Paragraph H, Amended to be not waivable	May 29, 2007	May 29, 2007
9) General Revisions to all Sections	June 23, 2008	June 23, 2008

PLANNING BOARD REGULATIONS  
Outline of Revisions

Site Plan and Subdivision Regulations

*The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted June 23, 2008) were amended by the Keene Planning Board on the dates indicated.*

	Public Hearing	Approval
1) Add Sec. III C.6 – “Hillside Protection”	February 22, 2010	February 22, 2010
2) Revise Sec. IV.D.11. “After the Board Makes a Decision” to clarify extension to timeframes for plan signature and active and substantial construction	February 22, 2010	February 22, 2010
3) Revise Sec. III.C.5.a. “Subdivision Review” to include abutter notification for Boundary Line Adjustments.	May 24, 2010	May 24, 2010
4) Revise Sec. IV.D.2.b.3. “Submission and Procedural Requirements” to include abutter notification for Boundary Line Adjustments.	May 24, 2010	May 24, 2010
5) Revise Sec. IV.D.7. “Revision Submission Deadline” to clarify required revision materials and to clarify the revision deadline; references to Sec. IV.D.7 are amended throughout the document.	August 23 2010	August 23 2010
6) Revise Sec. IV.D.2 “Submission Requirements” to require one digital copy of the complete application.	August 23 2010	August 23 2010
7) Add Sec. III.D.1.d “Conditional Use Permit Review” to include Surface Water Protection.	February 24, 2014	February 24, 2014

PLANNING BOARD REGULATIONS  
Outline of Revisions

Site Plan and Subdivision Regulations

*The following sections of the City of Keene Site Plan and Subdivision Regulations (Adopted June 23, 2008) were amended by the Keene Planning Board on the dates indicated.*

- |     |                                                                                       |                   |                   |
|-----|---------------------------------------------------------------------------------------|-------------------|-------------------|
| 8)  | Revise Sec. V.D “Procedures Associated with Condition Use Permit Application Review”. | February 24, 2014 | February 24, 2014 |
| 9)  | Revise Sec. IV.D.2.f.2.b “Submission and Procedural Requirements”                     | February 24, 2014 | February 24, 2014 |
| 10) | Revise Sec. IV.D.2.f.2.b.ii “Submission and Procedural Requirements”                  | February 24, 2014 | February 24, 2014 |
| 11) | Revise Sec. IV.D.2.f.3.b “Submission and Procedural Requirements”                     | February 24, 2014 | February 24, 2014 |
| 12) | Revise Sec. IV.D.2.f.4.c “Submission and Procedural Requirements”                     | February 24, 2014 | February 24, 2014 |

# DEVELOPMENT STANDARDS



Public Hearing held on August 22, 1994  
Formally adopted on September 26, 1994  
Last amended on February 24, 2014  
(Outline of Revisions: Appended)

## OUTLINE

1. DRAINAGE .....	1
2. SEDIMENTATION AND EROSION CONTROL .....	3
3. HILLSIDE PROTECTION.....	3
4. SNOW STORAGE AND REMOVAL.....	4
5. FLOODING .....	4
6. LANDSCAPING.....	4
7. NOISE.....	6
8. SCREENING .....	6
9. AIR QUALITY .....	6
10. LIGHTING .....	7
11. SEWER AND WATER.....	11
12. TRAFFIC .....	12
13. COMPREHENSIVE ACCESS MANAGEMENT .....	12
14. HAZARDOUS OR TOXIC MATERIALS .....	13
15. FILLING AND EXCAVATION .....	14
16. WETLANDS .....	15
17. SURFACE WATERS.....	15
18. STUMP DUMPS.....	15
19. ARCHITECTURE AND VISUAL APPEARANCE .....	15

## 1. DRAINAGE

a. **RUNOFF:** The development of a site shall not result in increased runoff or velocity of surface runoff onto adjacent properties or surface water bodies unless specifically approved by the City and agreed to in some formal, legally binding manner by the affected property owner(s). The applicant must provide sufficient data to demonstrate compliance with this requirement.

b. **LOW IMPACT DESIGN:**

1. Site design and drainage systems constructed to comply with this standard shall incorporate Low Impact Development (LID). Examples include but are not limited to bio-retention, porous pavement, vegetated swales, urban tree underground chambers, infiltration trenches, level spreaders, rooftop disconnection, cisterns, green roofs, vegetated filter strips, reduced impervious surfaces, stormwater disconnection, preserve and enhance native vegetation landscapes, and minimize soil compaction. All applications shall include a narrative describing accommodation of this section.
2. Where soils and other site conditions exist that make the installation of LID measures requiring on-site infiltration impractical, the Applicant shall demonstrate that the use of LID measures is not possible before proposing to use traditional, structural stormwater management measures including but not limited to stormwater retention and detention ponds and underground storage systems.
3. Seasonally high groundwater elevation as well as soil type and infiltration capacity shall be noted in the project's Site Data Table per the Natural Resources Conservation Service County Soil Survey.

c. **QUALITY OF STORMWATER DISCHARGE:**

1. Drainage systems which divert surface runoff into rivers, streams, brooks, wellfield protection zones, wetlands or floodplain compensatory storage areas shall utilize LID measures or wet or dry sediment basins or similar devices in combination with erosion prevention and sediment control practices to avoid sediment loading of the receiving area(s).
2. Attention must be given to the quality of stormwater and melt water leaving a site. Treatment systems such as wet detention basins, constructed wetlands, and/or LID measures combined with contamination prevention practices such as frequent sweeping of parking lots, the use of oil/gas traps in catch basins, shall be utilized to assure that upon discharge to surface waters, wetlands, floodplain compensatory storage basins or wellfield protection areas, drainage water meets Federal Clean Water Act standards.

d. **SECURITY DEPOSITS:** Drainage systems must be maintained to function at all times in conformance with these standards. To assure that drainage systems function properly, the City may require a security deposit to be held for up to twelve (12) months after

completion of construction. A maintenance plan, maintenance contracts, or associated information may be required by the City to assure compliance with this standard.

e. **TAX DITCH REQUIREMENTS:** The City shall, except by specific waiver granted by the City Engineer, require at least a fifteen (15) foot wide maintenance path on each side of each drainage ditch system. Slopes on drainage ditches shall be no steeper than 2:1, and all banks of ditches and drainage basins must be properly stabilized. Depending upon the depth, size and location, safety fencing may be required. For underground drainage pipes, the width of the maintenance path may need to be wider than 15 feet, depending upon the depth of the pipe. The required width will be determined by the City Engineer.

f. **BIKE FRIENDLY:** New street or trail drainage grates shall be of a design that is bicycle friendly so as to allow a bicyclist to ride over it safely.

## **2. SEDIMENTATION AND EROSION CONTROL**

a. Each project shall be designed so as to prevent sedimentation and erosion during and subsequent to construction in the following ways:

- 1) Minimize disturbance of natural soil cover and vegetation,
- 2) Minimize, in area and duration, exposed soil and unstable soil conditions,
- 3) Protect receiving water bodies, wetlands and storm sewer inlets,
- 4) Minimize off-site sediment transport on vehicles and equipment,
- 5) Minimize work in and adjacent to water bodies and wetlands,
- 6) Maintain stable slopes,
- 7) Minimize disturbance to and protect surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing,
- 8) Minimize the compaction of all site soils,
- 9) Pre-treat runoff to remove solids before discharging to infiltration areas,
- 10) Install vegetated swales, infiltration trenches, level spreaders, vegetated filter strips, stormwater disconnection to distributed infiltration, and other LID measures as appropriate.

b. Erosion and sediment control plans shall contain LID measures to control erosion and sedimentation throughout the period of construction, based upon the best available technology. Design and placement of all measures shall comply with the standards and practices contained in the most recent version of the New Hampshire Department of Environmental Services NH Stormwater Manual, unless specifically approved by the City Engineer.

c. To assure that erosion and sediment control measures work properly, and to assure that revegetation and slope stabilization takes place in a timely manner and is properly maintained, the City may require a security deposit for up to twelve months after the completion of construction. For critical or large areas of disturbance on steep slopes or adjacent to surface waters, the City may require inspections by a qualified firm or individual.

## **3. HILLSIDE PROTECTION.**

All development shall comply with Keene's Hillsides Protection Ordinance.

#### **4. SNOW STORAGE AND REMOVAL**

How and where snow is stored is of concern because large accumulations of snow can contain substantial amounts of road salt, sand, and contaminants from roads and parking lots. Large piles of snow can block drainage systems, causing spring flooding, or providing flooding on adjacent properties.

- a. Snow storage is not permitted within parking spaces, which are required to fulfill the minimal parking requirements of the Zoning Ordinance. Snow shall be stored and or removed so as to allow the continued safe passage of vehicles into, out of, and through all travel lanes and parking areas.
- b. Snow shall be stored so as to prevent accumulation on adjacent properties (unless specific approval for such storage has been obtained) and so as to prevent flooding of adjacent properties, including City streets.
- c. Snow may not be pushed, piled or otherwise moved directly into a lake, river or other surface water.
- d. Snowmelt discharge and associated runoff should be stored and its drainage routed so that it does not cause erosion.

#### **5. FLOODING**

All development shall comply with Keene's Floodplain Ordinance.

#### **6. LANDSCAPING**

The following guidelines indicate the policy and objective of the City to use a diverse palette of preferably native plantings of trees and shrubs to retain an attractive community and to minimize the impact of potentially conflicting uses.

It is the Planning Board's policy that landscape alternatives to turf grass lawns, such as native landscaping, edible landscaping, perennial groundcovers and rain gardens be utilized whenever feasible. The majority of green space required by zoning and the majority of site landscaping will be located on the front portions of the lot, visible from public streets.

- a. **ZONING STANDARDS:** All development shall comply with the landscaping standards for parking areas as specified in the Keene Zoning Ordinance.
- b. **TREE SIZES/CULTURE:** For projects having parking lots of 10 or more parking spaces, one (1) tree at least three (3) inches in diameter, as measured 24 inches from the ground after planting shall be required at the ratio of one (1) tree per ten (10) parking spaces. Tree groupings of three (3) or more trees at least six (6) feet tall or 2" in diameter as measured 12" above grade after planting may be substituted. Containerized trees shall not be permitted to meet the minimum standards of the landscaping requirement

c. LOCATION:

- 1) All landscaping should be located without impeding visibility or safety.
- 2) Trees should be located so as to avoid above-ground and below-ground utilities into the future.

d. PROTECTING VEGETATION: Protective devices such as temporary fencing should be installed prior to the start of site work to protect the root masses of existing vegetation and areas intended for infiltration to the satisfaction of a City Planner or Engineer. Such fencing shall be located:

- 1) To the outside dripline of shade and ornamental trees and
- 2) To a diameter distance that matches the height of all shrubs and/or perennial plants.

e. SECURITY: All landscaping required by these provisions shall be initially disease resistant, currently disease free, kept in good condition and replaced as necessary to comply with these standards. The City shall normally require a security for up to 12 months after the completion of construction to assure the survival or replacement of landscaping.

f. TREES: The Board encourages the use of a variety of trees as major landscaping material to reduce urban heat island impacts through leaf evapo-transpiration and shade. In addition, shrubs or other live groundcover planting material are encouraged to supplement the tree landscaping and reduce areas of resource-intensive turf grass.

- 1) Trees shall be chosen and planted utilizing the best available practices: to develop essential root structure, to grow to their full stature, to thrive for decades, and to perform stormwater management, and environmental services at the highest possible levels.
- 2) All tree planting in non-native or compacted soil areas shall be excavated to enable the placement of 300 CF of native, permeable soil in an area no less than six (6) feet wide and three (3) feet deep enabling each plant to thrive.

g. For parking lots of 50 spaces or more the following additional landscaping standards apply:

1. LANDSCAPE COVERAGE: The interior of the parking lot shall include landscaping covering not less than ten (10) percent of the total area of parking spaces. Such landscaping shall be in addition to any required buffer zone landscaping.

2. VISUAL RELIEF: More than half of the required parking lot landscaping shall be either in continuous landscape strips or in large planting islands located entirely within the paved area of the parking lot, in order to break up the visual expansiveness of the lot.

3. **WIDTH OF PLANTING AREAS:** More than half of the planting areas shall be at least eight (8) feet wide. Curbs, setbacks or other protection must be provided to prevent damage to trees and shrubs from vehicles.

4. **LANDSCAPE BUFFER:** All parking lots of 50 spaces or more which abut a public road, sidewalk or a residential zone shall provide a landscape buffer along at least 75% of the length of the right of way or portion abutting the residential zone(s), at least six (6) feet wide. Berming is encouraged to provide screening of cars from sidewalks, roads, and adjacent residential areas.

## **7. NOISE**

All development shall comply with the City's Noise Ordinance.

## **8. SCREENING**

Landscaping should be used whenever possible to screen loading areas, trash storage and transfer areas and other areas likely to generate noise, dust or other disruptive conditions; to form a buffer between non-residential and residential uses; between single-family and multi-family projects, especially where multi-family projects are different in height, form or material than the adjacent single family units; and to screen vehicular headlights from adjacent properties.

a. All dumpsters and trash storage areas shall be fully screened by a solid fence of wood, masonry, vinyl or other material deemed acceptable by the Planning Board. Fencing shall be at least 6 feet in height. Chain link fencing with slats is unacceptable for screening.

b. Large commercial and office buildings are encouraged to provide rooftop screening of air conditioning, venting and other roof -top equipment that is visible from adjacent buildings or from public streets.

c. Drive-through businesses must erect suitable screening between their business and any adjacent residential areas. At a minimum, said screening shall consist of a living hedge not less than 4 feet in height or, as an alternative, may consist of a solid fence of wood or masonry at least 6 feet high.

## **9. AIR QUALITY**

a. It is a policy of the City to avoid any deterioration in existing air quality, and to ensure that future development meets that policy while also complying with the requirements of the Federal Clean Air Act.

b. Fumes, smoke, dust and odors must comply with all federal, state and local standards. All development shall comply with Federal and State Clean Air Act requirements and standards.

- c. The City may require air sampling, computer modeling and/ or other technical studies, paid for by the applicant to demonstrate that the proposed project complies with these standards.
- d. Any project requiring Federal or State air quality permits must have obtained those permits and must include one copy of all submission data as well as a copy of the permit(s) prior to the issuance of a building permit.
- e. The City may require a monitoring program, paid for by the applicant to assure continued compliance with these requirements.

## **10. LIGHTING**

### **A. Purpose**

The City of Keene Planning Board recognizes that inappropriate, poorly designed, and excessive outdoor lighting causes glare and unsafe driving conditions; results in light pollution that limits the ability of citizens to enjoy the nighttime sky, results in the unnecessary use of electricity, and adversely impacts the enjoyment of adjacent properties. Therefore, it is the purpose of Standard #10 to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, providing for lighting that will complement the character of the city (both urban and rural areas), reduce glare, minimize light trespass, reduce the cost and waste of unnecessary energy consumption and prevent the degradation of the night sky.

### **B. Intent**

The intent of this standard is to:

1. Design lighting with consideration of the setting, use, architecture, landscaping, existing trees, neighboring properties, and the architectural and community character and scale of the surrounding area. Where redevelopment is occurring and the setting, character, and scale are in transition, the applicant should seek guidance from the Planning Board and/or the Planning Board's designee.
2. Provide lighting levels that are reasonably uniform to avoid very bright and very dark areas.
3. Provide lighting levels that are appropriate to the task/use and/or condition of the site.
4. Ensure that objects appear as close to a natural color as possible.
5. Ensure that fixtures prevent glare and spillover onto adjacent property or into the sky. This can be achieved through the use of cut-off fixtures and/or reflectors in the lamp.

6. Allow flexibility in mounting heights in order to achieve lighting that is compatible with the scale of the surrounding architecture and site that is aesthetically pleasing.
7. Encourage the use of sensor or time controlled lights for security lighting and for energy savings.
8. Preserve the rural character of the community in non-urbanized areas.
9. Encourage use of new technologies.
10. Avoid unnecessary use of electricity and encourage energy efficiency.

### **C. General Standards**

1. **Shielding:** All lights, including lights placed on buildings, shall be fully shielded (full cut-off), opaque fixtures, with no portion of the bulb visible. Uplighting is prohibited.
2. **Glare<sup>1</sup>:** Lighting shall be designed, located, installed, and directed in such a manner as to prevent light levels from crossing property boundary lines (except for light that crosses property lines into the public right-of-way; not to exceed 2.0 footcandles) , and to prevent glare at any location, on or off the property.
3. **Illumination:** All illumination shall be of a white light, such as but not limited to, color corrected high pressure sodium, metal halide, incandescent or a combination of lamps having a color rendering index greater than seventy (70)<sup>2</sup>.
4. **Mounting Height:** The mounting height of fixtures, measured from the finished grade to the top of the pole (inclusive of fixture) shall not exceed fifteen (15) feet in height within Residential zoning districts, twenty (20) feet within Central Business, Central Business Limited zoning districts, and shall not exceed thirty (30) feet within Commerce and Commerce Limited and Industrial zoning districts. Street lighting must comply with the City's standards for street lighting, Section 70-128 of the City Code.
5. **Floodlighting:** Floodlighting is prohibited, unless:
  - a. The lights are directed toward the rear of a lot, placed on heat or motion sensors, and are directed away from the road and neighboring properties, and
  - b. The Planning Board determines that there will be no negative impact upon motorists and neighboring properties.

---

<sup>1</sup> Glare is defined as light emitted from a fixture at a level of intensity and in a direction such that it causes an annoyance, discomfort, or impairs the viewers' ability to see.

<sup>2</sup> The Color Rendering Index (CRI) is a measurement of the amount of color shift that the objects undergo when lighted by a light source, or, basically the ability of a lamp to show color accurately. CRI values generally range from 0 to 100.

6. Hours of Operation: Outdoor lighting shall not be illuminated between the hours of 10:00 pm and 6 a.m. with the following exceptions:
  - a. Low level lighting sufficient for the security of persons or property on the lot may be in operation between 10:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.
  - b. If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one hour after the activity ceases. This excludes 24-hour businesses.
  - c. For 24-hour businesses, lighting levels shall be reduced by a minimum of 50% between the hours of 10:00 PM. and 6:00 AM.

The use of timers, sensors, and other energy saving devices is encouraged. During the Planning Board's review, the Board may stipulate a specific time when lighting other than that used for security purposes should be turned off and this determination shall be noted on the final lighting plan submitted for signature.

7. Existing Lighting: When 50% or more of the lights of an existing outdoor lighting installation are being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of Standard #10. When less than 50% of the lights are being modified, extended, expanded or added to, those lights being installed, modified, extended or expanded shall be subject to the requirements of this standard.

#### **D. Specific Standards**

1. Parking Lot Lighting: In addition to the General Standards, Section C, Outdoor lighting of parking and related circulation areas shall comply with the following standards:
  - a. The mounting height for any fixture shall comply with C.4 above.
  - b. Illumination levels shall comply with the following IESNA recommendations based upon level of activity:

Level of Activity	Footcandle Recommendations (IESNA)					
	General Parking & Pedestrian			Vehicle Only		
	Ave.	Min.	U. Ratio <sup>3</sup>	Ave.	Min.	U. Ratio
<b>High</b>	<b>3.6</b>	<b>0.9</b>	<b>4:1</b>	<b>2</b>	<b>0.67</b>	<b>3:1</b>
<b>Med</b>	<b>2.4</b>	<b>0.6</b>	<b>4:1</b>	<b>1</b>	<b>0.33</b>	<b>3:1</b>
<b>Low</b>	<b>0.8</b>	<b>0.2</b>	<b>4:1</b>	<b>0.5</b>	<b>0.13</b>	<b>4:1</b>

Examples of Activity:

High = civic recreational facilities, regional shopping centers, fast food facilities, gas/convenience stores

Med= community shopping centers, office parks, hospital parking, commuter lots, residential complex parking

Low = neighborhood shopping, industrial employee parking, educational facility parking, church parking

- c. Illumination levels shall be reduced by a minimum of 50% within one hour after the end of public business hours.

These standards also shall apply to the top and/or unenclosed level of any parking garage.

2. Gas Station Island and Canopy Lighting: Lighting levels on gasoline station/convenience store aprons and under canopies shall be sufficient to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. In addition to the General Standards, Section C, the following shall be met:
  - a. Areas around the pump islands and under canopies shall be illuminated so that the minimum illuminance at grade level is 1.0 footcandle and no more than 5.5 footcandles. The uniformity ratio for areas around the pump island or under canopies in commercial and other zones where permitted shall not be greater than 4:1.
  - b. Canopies located in or adjacent to residential zoning districts and/or where they are associated with a pre-existing non-conforming use, the average illumination levels shall not exceed 5.5 footcandles.
  - c. Light fixtures mounted under a canopy shall be recessed so that the lens cover is recessed into, or flush with, the underside (ceiling) of the canopy.

<sup>3</sup> The uniformity ratio is the ratio of average illumination to minimum illumination. For example, if the Illuminating Engineering Society recommends an average-to-minimum ratio of 4:1 for a parking lot, the minimum illuminance should be no less than 1/4 of the average illuminance across the parking lot.

- d. No light fixtures may be mounted on top of the canopy, and the sides of the canopy (facade) shall be opaque and shall not be illuminated.
  - e. Areas away from fueling pump islands, as defined by the extent of the canopy, shall be considered parking and circulation areas. They shall be identified as such on the lighting plan submitted in accordance with the requirements outlined in Section D of the Planning Board's Site Plan and Subdivision Regulations, and shall be subject to parking area lighting regulations as set forth in section D.1 above.
3. Walkway Lighting: Outdoor lighting of walkways, alleys, and pedestrian paths shall comply with the following standards:
- a. The average illumination level on a walkway or pathway surface shall not exceed 0.5 footcandles. Maximum lighting levels shall not exceed 2 footcandles.
  - b. The area over which the average illumination level is computed shall only include the walkway surface plus an area on each side not more than 5 feet in width.
  - c. Lighting fixtures other than full cut-off fixtures may be used but shall be designed to minimize glare, direct illumination downward, and shall have an initial output of no more than 1,200 initial lumens.

## **E. Exceptions**

Technological advances in outdoor lighting lamp sources may allow for options not considered in these standards. Induction (electrodeless) or LED lighting are two current examples. The use of new technologies, and especially those that have energy saving properties, are encouraged. Applications that use new technologies, and follow the purpose and intent of the ordinance will be considered and evaluated for approval.

## **11. SEWER AND WATER**

- a. All sewer and water utilities must comply with the City's Utility Standards.
- b. The City may require technical studies, at the applicant's expense to assure that existing sewer and water services will not be adversely affected by the proposed development and that there in fact is adequate sewer and water capacity for the proposed development.
- c. In some instances State permits are required for modification or expansion of City sewer or water systems, and it shall be the responsibility of the developer to obtain those permits.
- d. Any development must comply with the City's industrial pre-treatment program.

## 12. TRAFFIC

The Planning Board recognizes the importance of all modes of transportation when considering traffic impact of development.

- a. It is a policy of the City to assure that new development does not diminish the safety or capacity of existing City streets, bridges and intersections. It is the responsibility of anyone wishing to develop in the City to comply with this policy. It is also a policy of the City that individual developers should not be asked to make road, bridge or intersection improvements that are not required to assure the capacity and safety of their project.
- b. Any commercial, office or industrial project involving 100 or more vehicle trips per day, or residential projects involving 15 or more units, as determined by the most recent published version of the **Trip Generation Manual**, must demonstrate to the Planning Department that their project will not diminish the capacity or safety of existing City streets, bridges and/or intersections, prior to the issuance of a building permit.
- c. It is further the policy of the City to require adequate interior circulation and parking so as to assure safe passage of vehicles and pedestrians, and to provide adequate on-site queuing areas so as to prevent congestion on City streets.
  1. All development shall comply with the parking requirements of the Zoning ordinance
  2. For Commercial and Multi-Family residential developments, bicycle parking shall be provided in racks or other similar facility. Bicycle parking shall not be located within parking areas for motorized vehicles.
- d. If technical studies are required to determine that a proposed development meets these requirements, they shall be conducted at the applicant's expense.
- e. Any development along West Street from School Street to the Bypass, and along Winchester Street from Island Street to the Bypass must receive State Department of Transportation traffic impact review. A State driveway permit is required for any new driveway on a State road.
- f. If improvements to roadways, bridges, signals, or intersections are required for a proposed development to avoid diminishing the existing capacity or safety of these public systems, those improvements will be made as part of the development, at the developer's expense.

## 13. COMPREHENSIVE ACCESS MANAGEMENT

- a. Safe and efficient access from roads and streets should be available to all users, regardless of their mode of transportation and their level of mobility. Therefore, new development shall take into consideration current and future needs of walkers, bicyclists and transit riders in addition to private vehicle trips. Driveway locations, sidewalks, crosswalks, bicycle/pedestrian paths and accessible paths of travel shall be considered as an integral design feature of every development proposal.

b. All applications shall include a written narrative describing accommodation of non-automobile trips to and from, and within the development site, including walking, bicycle, and transit trips.

c. Driveways:

1. Entrances and exits onto public streets shall be designed so as to provide safe and convenient vehicular passage into and out of the site. It is a policy of the City to limit the number of curb cuts or driveways on public streets. The use of common driveways and service roads is encouraged, and in some instances may be required. Curb cuts shall not block the flow of gutters or existing drainage systems, unless specifically approved by the City Engineer. All driveways must comply with Sections 70-135 through Section 70-137 of the Keene City Code on Driveways.
2. Landscaping shall be carefully selected, located and maintained so as to not create a sight line hazard.

d. Accessibility. Pedestrian facilities must be designed to accommodate persons with disabilities in accordance with the access standards required by the Americans with Disabilities Act (ADA). Sidewalks, shared use paths, street crossings and other infrastructure must be constructed so that all pedestrians, including people with disabilities, can travel independently.

e. Pedestrian connections within and between properties

1. Where appropriate, connections shall be made for the continuation of sidewalks, walkways and bicycle lanes within the property, between adjoining properties, and site amenities shall be installed such as bicycle racks, benches and bus stop shelters. Grade changes, textures, colors or other methods of distinguishing sidewalks, walkways and crosswalks from vehicular travel shall be applied.
2. Appropriate lighting, signage, crosswalks, and other safety devices shall be used.
3. Pedestrian enhancements, such as benches and shade trees, are recommended.

## 14. HAZARDOUS OR TOXIC MATERIALS

a. **Proposed Use:** Any application for Site Plan review which involves the proposed receiving, handling, storing or processing of any hazardous substances (as defined by RSA 339-A:2) shall disclose this information as part of the application submission. Copies of all appropriate State permits and Best Management Plans as required by Department of Environmental Services (DES) for the proposed use shall be submitted to the Keene Health Department and the Keene Fire Department.

b. **Prior/Existing Use:** Any Site Plan Review or Subdivision application which involves property which has been contaminated by hazardous or toxic materials (as defined by RSA 339-A:2) from a prior or existing use shall disclose such information as part of the application submission. If, as a result of the content and review of the application (including review of available records at DES and City Departments), the Board finds that a potential health risk or an environmental threat exists from a previous or existing use of the site, then the Planning Board may require that a *initial site characterization* (see New Hampshire Code of Administrative Rules Env-Ws 412) be completed and submitted to DES. When such a report is required, it shall be submitted to and reviewed by the Keene Health Department prior to the issuance of a building permit.

## 15. FILLING AND EXCAVATION

a. All development must comply with the City's Fill and Excavation regulations.

b. Any project, which involves the placement of fill within the floodplain, must comply with the City's Floodplain Ordinance.

c. The placement of fill or excavation may involve wetlands. The Planning Department should be contacted for a free evaluation of whether wetlands are likely to exist on the site. If wetlands are involved, the applicant must comply with Federal and State wetlands regulations and procedures.

d. The City will give particular attention to excavation or fill proposed within any wellfield protection area identified in the Keene **Water Supply Master Plan**. The City will give particular attention to excavation or fill proposed within 100 feet of a river, stream, or brook. A State shoreline development permit may be required for such earth disturbance. A review by the Planning Department shall be required for each such project prior to the issuance of a building permit. If an applicant feels that the Planning Department is unreasonable in its review or request, a request in writing can be made to the City Manager, who shall have the authority to determine what if any conditions are required, if a dispute arises.

e. The City will give particular attention to excavation or fill proposed on hillsides to assure that it does not result in erosion, sedimentation, increased flooding, or landslides.

f. Any project, which will result in 50 or more trucks of earth or gravel entering or leaving a site, must submit a plan to the Planning Department as to the proposed truck route(s). The Planning Department shall consult with the Police Department and City Engineer, and as appropriate, the State Highway Department in reviewing the proposed haul routes. The intent of this review is to assure the safety of residents and prevent unreasonable damage to City roads and bridges. If an applicant believes that the Planning Department is unreasonable in its review or requirements, the applicant can petition in writing for the City Manager to review

the issue. The City Manager shall have authority to determine what if any conditions shall be imposed if a dispute arises.

## **16. WETLANDS**

All development shall comply with all federal and state wetland and surface water regulations, and with the City's policy of no net loss of wetland values or functions and any other applicable City regulations.

## **17. SURFACE WATERS**

Reserved.

## **18. STUMP DUMPS**

In accordance with RSA 149-M:1, all locations of on-site burial of stumps incidental to the clearing of land for site plans and subdivisions must be included on the final plans. The applicant is responsible for sending this information to the State Director of the Bureau of Solid Waste. Under no circumstances shall stump burial locations be located within 75 feet of any public or private water system.

## **19. ARCHITECTURE AND VISUAL APPEARANCE**

a. Introduction and Purpose. The City of Keene is treasured for its natural beauty, cultural activity, and rich heritage. The geographic and social growth of the City, and its distinctive architectural identity, are heavily influenced by its agricultural, industrial, milling, and railroading history. It is the Planning Boards intent that future development reflect design influences of this historic architecture and settlement pattern in such a way that new and redeveloped buildings blend aesthetically with the City's historic character. The purpose of the architecture and visual appearance standards set forth in this Section is to preserve the unique character of the City, to visually improve our gateways and commercial corridors, to preserve our viewsheds and view corridors, and to preserve property values by encouraging development and redevelopment that is consistent with the prevailing scale, orientation, and design of the City.

b. Standards for Aesthetic Character. The following standards shall govern the aesthetic character of development and redevelopment:

1. Front facades and exterior walls shall be articulated to reduce the massive scale and the uniform, impersonal appearances often found in contemporary commercial development, and to provide visual interest consistent with the City's distinctive architectural identity, unique character, and prevailing human scale.
2. The height of any proposed structure or improvement shall not overwhelm the prevailing architectural scale of the City, impede upon any viewshed identified in the Viewshed Overlay District set forth in the Telecommunications Tower and Antennas Ordinance (Chapter 102, Article VII of the Code of Ordinances for the City of Keene) or view corridors (such as Central Square), or detract from valued architectural resources.
3. Structures shall have architectural features (such as dominant gable ends, cornices, granite sills, arched openings, and/or large windows framed with architecturally consistent trim) and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and harmonize with the City's distinctive architectural identity, unique character, and prevailing scale.
  - i. Architectural features shall not serve primarily as an advertisement, commercial display, or identifying characteristics corresponding to corporate identity.
  - ii. Architectural features shall conform to accepted architectural principles of design and construction.
4. Exterior materials, textures, and colors shall minimize visual aggressiveness (for example, light colors; glossy finishes, reflective glass or dark tinted exteriors; or natural aluminum, stainless steel, or metal exterior finishes) and shall harmonize with the City's distinctive architectural identity and unique character. Any subsequent substitutions, alterations, or changes to materials, textures and colors previously approved by the Planning Board shall require additional Planning Board review and approval.
5. The presence of any existing development in the surrounding area that does not conform to these standards for aesthetic character shall not exempt the applicant from complying with the standards.

c. Site Design and Relationship to Surrounding Community. The following standards govern site design and its relationship to the surrounding area and structures:

1. Orientation of structures on a site shall conform to a parallel or orthogonal pattern in relation to the City street pattern.
2. Off-street parking and traffic flow shall not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment. All required off-street parking shall be to the side and/or rear of buildings on the proposed site, and such parking shall be screened or aligned so that headlights do not adversely impact abutting properties.
3. The placement, orientation, or design of a development, and the structures thereon, shall not interfere with viewsheds identified in the Viewshed Overlay District set forth in the Telecommunications Tower and Antennas Ordinance (Chapter 102, Article VII of the Code of Ordinances for the City of Keene) or view corridors (such as Central Square).

## Outline of Revisions

### Development Standards

The following sections of the City of Keene Development Standards (adopted on September 26, 1994) were amended by the Keene Planning Board on the dates indicated:

	<u>Public Hearing</u>	<u>Approval</u>
1) Sec. 16 Wetlands	Nov. 21, 1994	Nov. 21, 1994
2) Sec. 14 Hazardous & Toxic Materials	Oct. 28, 1996	Nov. 25, 1995
3) Sec. 19 Architecture & Visual Appearance	Aug. 26, 2002	Aug. 26, 2002
4) Sec. 13 Driveways	Jun. 27, 2005	Jun. 27, 2005
5) Sec. 10 Lighting & Sec. 1 Drainage	Mar. 23, 2009	Mar. 23, 2009
6) Sec. 8 Screening & Sec. 10 Lighting	Aug. 26, 2010	Aug. 26, 2010
7) Sec. 3 Hillside Protection	Nov. 22, 2010	Nov. 22, 2010
8) Sec. 1 Drainage & Sec 12 Traffic & Sec 13 Comprehensive Access Management (Driveways)	Mar. 26, 2012	Mar. 26, 2012
9) Sec. 1 Drainage & Sec. 2 Sedimentation and Erosion Control Sec. 4 Snow Storage and Removal Sec. 6 Landscaping	Nov. 25, 2013	Nov. 25, 2013
10) Sec. 16 Wetlands & Sec. 17 Surface Waters	Feb. 24, 2014	Feb. 24, 2014

1766-Our 250th Birthday-2016

# Town of Lee New Hampshire

## Agriculture and Farm List



A PROJECT OF THE  
LEE, NH AGRICULTURAL COMMISSION  
FUNDED BY LEE FARMERS AND GROWERS AND THE TOWN OF LEE



**FLAG HILL**  
Owner  
Brian Ferguson  
Flag Hill Winery & Vineyard, LLC  
Flag Hill Distillery, LLC  
Flag Hill Catering & Events, LLC

297 North River Road  
Lee, NH 03861  
p: 603.659.2949  
f: 603.659.5107  
brian@flaghill.com

[flaghill.com](http://flaghill.com)

Misty Meadows Herbal Center

183 Wednesday Hill Rd.  
Lee, NH 03861

[www.mistymeadows.org](http://www.mistymeadows.org)

Wendy Snow Fogg  
Sr. Herbalist / Director  
(603) 659-7211

[mistyoffice@comcast.net](mailto:mistyoffice@comcast.net)

**DeMeritt Hill Farm**  
Owner  
Meg Wilson

66 Lee Road (rte. 155)  
Lee, New Hampshire 03861

603.868.2111  
[info@demeritthillfarm.com](mailto:info@demeritthillfarm.com)  
[www.demeritthillfarm.com](http://www.demeritthillfarm.com)

Open 10am to 6pm - 7 Days  
August through December

Apples - Peaches - Nectarines - Pumpkins - Blueberries - Christmas Trees

The Seacoast Area's premiere facility for the event horse & rider

**COYOTE SPRING FARM**

150 Mast Road (Rt. 155A), Lee, NH 03861 (603)769-3888  
[Jocelyn@CoyoteSpringFarm.com](mailto:Jocelyn@CoyoteSpringFarm.com) [www.CoyoteSpringFarm.com](http://www.CoyoteSpringFarm.com)



**Babcock Farm LLC**  
Vegetables, Honey,  
Fine Wood Turnings

Dick Babcock  
225 N. River Rd.  
Lee, NH 03861

603-659-9329  
tubadirt@comcast.net

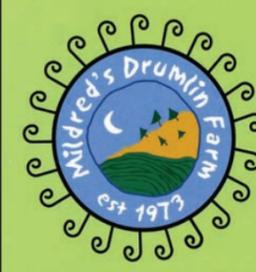


105 North River Road 603-659-2997

**The Hollister Family Farm**

163 Lee Hook Road. Lee, N.H.  
(603) 659-7189  
www.thehollisterfamilyfarm.com

We Sell: Tomatoes, Cantaloupe, Lettuce,  
Squash, Cucumbers, Greens, Plants, Honey & more...



Steve Haendler

314 Lee Hook Road  
Lee, New Hampshire 03861

603-292-5949  
603-988-5016 cell

henly@comcast.net

www.MildredsDrumlinFarm.com

**Tuckaway Farm**

36 Captain Smith Emerson Road  
Lee NH 03861

603-868-1822

Chuck & Laurel Cox  
tuckawayfarm@comcast.net



A local source for organically grown  
fruits, vegetables and hay

**Walnut Grove Farm**

48 Cartland Road, Lee, NH 03861



**Agricultural Electric  
Fence Systems**  
Gallagher - Geotek - Dare  
Farm Supply - Gripple - Applegate

John & Laura Gund

Tel. 603-659-2044  
walgrove@comcast.net

**BEDROCK GARDENS**

an oasis

- horticulture
- art
- inspiration

Jill Nooney • Bob Munger info@bedrockgardens.org  
45 High Road www.bedrockgardens.org  
Lee, NH 03861 603.659.2993

**Coppal House Farm**

SCENIC 78-ACRE FAMILY FARM  
SOUTHERN NH'S ONLY CORN MAZE  
HEIRLOOM PUMPKINS, GOURDS & SQUASH  
PASTURE RAISED, GRAIN FED MEATS & EGGS  
PRIVATE & PUBLIC CARRIAGE, WAGON & SLEIGH RIDES

JOHN & CAROL HUTTON, OWNERS  
118 NORTH RIVER ROAD - LEE, NH 03861

**NHCORNMAZE.COM / 603.659.3572**



**William Kuegel  
Farrier ~ Lee, NH**

"Happy Horses, Healthy Hooves"

Providing hoof care in the  
Southeastern New Hampshire area

Find us on facebook www.facebook.com/equicraftnh  
(603) 659-7919 or williamkuegel@gmail.com



**PAWTUCKAWAY  
NURSERY CORP.**

Route 125, Lee, NH

Trees • Shrubs • Perennials  
Design • Installation

Mail To: 301 Calef Hwy Lee, NH 03861  
(ph) 603-659-8085  
(fax) 603-659-8086  
pawtuckawaynursery@comcast.net

**Velvet Pastures  
Elk Ranch**

Jim Griswold  
Lou Ann Griswold

95 Wednesday Hill Road  
Lee, New Hampshire  
Phone: 603 659-6972  
www.velvetpastures.com



elk meat  
velvet antler

**WOOLMARK FARM**

Border Leicester and Tunis Sheep

Local lamb for your freezer. USDA Inspected  
Limited Quantities - Call to reserve your order



Dwight and Sally Barney  
52 Cartland Road, Lee, NH 03861

Woolmark@Live.com 603-659-5857

**Moore Andrew Sheep**

**Birch Branch Romney and Hampshire Sheep**

Katherine Moore  
75 Fox Garrison Rd.  
Lee, NH 03861 USA

603-659-3516 H  
603-674-2497 C  
www.birchbranchsheep.com  
birchbranchsheep@gmail.com

MAINE STATE SHELTER  
FRYEBURN

-Breeding Stock  
-Fleeces  
-Lamb

**RIVERSIDE FARM STABLES**  
DWIGHT WEBB  
603-292-5437

HORSE BOARDING

28 RIVERSIDE FARM DRIVE  
LEE, NH 03861

RIVERSIDEFARMSTABLES@GMAIL.COM  
INDOOR ARENA, TRAINING & LESSONS AVAILABLE

**Little River Herb Farm**  
Herbs for everyday life

5 Cartland Road, Lee, New Hampshire

603-205-0082 littleriverherbfarm@gmail.com  
facebook.com/littleriverherbfarmnh

**Pinewoods Yankee Farm**  
Tina Fottler Sawtelle & Erick Sawtelle

Fresh Cut Flowers  
Nature Inspired Floral Design

93 North River Road  
Lee, NH 03861  
Grass Fed Beef, Compost, Hay  
(603)659-8106 farm, (603)234-7908 cell/text  
www.localharvest.org  
Facebook Pinewoods Yankee Farm  
esawtelles@aol.com

**HICKORY NUT FARM**  
GOAT MILK PRODUCTS FROM OUR LADIES • LEE, NH

Visit our Stall Store at  
22 York Lane  
Lee, New Hampshire 03861  
(603) 659-6885

createdlw@aol.com  
www.hickorynutfarm.com

**Lee Hook Farm**  
Hay Rides/Sled Rides

**Beef for Sale**

Jim Brady

246 Wadleigh Falls Rd.  
Lee, NH 03861

(H) 603-659-5852  
(C) 603-418-1219



**Birch Hill Farm**

Birch Hill Road, Lee, NH  
603-659-0380

**ECHO RIDGE FARM**  
AND  
ECHO RIDGE SADDLERY & GIFT STORE

KELLY PERKINS  
22 CARTLAND ROAD  
LEE, NH 03824  
(603) 664-1028  
www.echoridgefarm.com

- BOARDING - TRAINING - LESSONS -

**LIVE & LEARN** naeyc  
Early Learning Center  
"Teaching that comes from the heart."

Livln2@comcast.net  
(603) 659-5047

www.live-learn.org

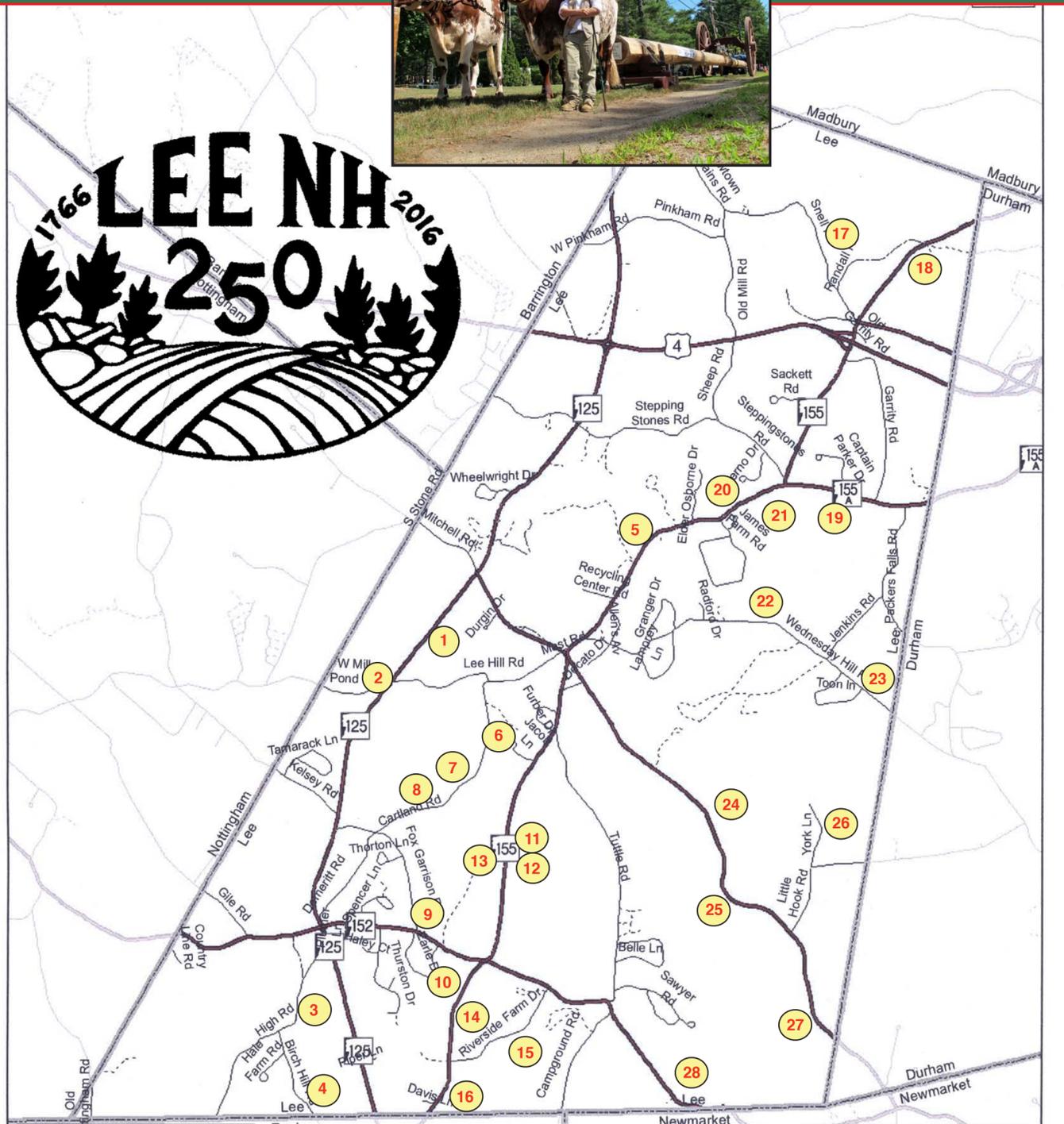
Nature Based Early Childhood Education in a Farm Setting

**LEE COOPERATIVE FARMERS MARKET**

Every Thursday  
3-6 PM

June-September  
Corner of Route 155  
and Recycling Road  
Lee, NH

Like us on Facebook@LeeFarmersMarket



- 1 **PAWTUCKAWAY NURSERY CORP.**  
301 Calef Hwy. (Rte. 125) (603)659-8085
- 2 **ALL PAINT FARM**  
38 West Mill Pond Road (603)234-8194
- 3 **BEDROCK GARDENS**  
43 High Road (603)659-2993
- 4 **BIRCH HILL FARM**  
Birch Hill Road (603)659-0380
- 5 **LEE FARMERS MARKET (JUNE-SEPT.)**  
Recycling Road Thursdays 3-6 PM
- 6 **LITTLE RIVER HERB FARM**  
5 Cartland Road (603)205-0082
- 7 **WALNUT GROVE FARM**  
48 Cartland Road (603)659-2044
- 8 **WOOLMARK FARM**  
52 Cartland Road (603)659-5857
- 9 **BIRCH BRANCH FARM**  
75 Fox Garrison Road (603)659-3516
- 10 **WILLIAM KUEGEL, FARRIER**  
36 Earle Drive (603) 659-7919
- 11 **PINEWOODS YANKEE FARM**  
93 North River Road (603)659-8106
- 12 **BLUE BELL NURSERY**  
105 North River Road (603)659-2997
- 13 **COPPAL HOUSE FARM**  
118 North River Rd.(603)659-3572
- 14 **BABCOCK FARM, LLC**  
225 North River Road (603)659-9329
- 15 **RIVERSIDE FARMS STABLES**  
28 Riverside Farm Drive (603)292-5437
- 16 **FLAG HILL WINERY**  
297 North River Road (603)659-2949

- 17 **TUCKAWAY FARM**  
36 Captain Smith Emerson Road (603)868-1822
- 18 **DEMERRIT HILL FARM**  
66 Lee Road (Rte.155) (603)868-2111
- 19 **COYOTE SPRINGS FARM**  
150 Mast Road (Route 155A) (603)769-3888
- 20 **MERRI-LEE FARM**  
97 Mast Road (603)659-3875
- 21 **LIVE&LEARN EARLY LEARNING CTR.**  
114 Mast Road (603)659-5047
- 22 **VELVET PASTURES FARM**  
95 Wednesday Hill Road (603)659-6972
- 23 **MISTY MEADOWS HERBAL CENTER**  
183 Wednesday Hill Road (603)659-7211
- 24 **HOLLISTER FAMILY FARM**  
163 Lee Hook Road (603)659-7189
- 25 **RAGGED ROBIN HERB FARM**  
198 Lee Hook Road (603) 659-5322
- 26 **HICKORY NUT FARM**  
22 York Lane (603)659-6885
- 27 **MILDRED'S DRUMLIN FARM**  
314 Lee Hook Road (603)292-5949
- 28 **LEE HOOK FARM**  
246 Wadleigh Falls Road (603)659-5852

### Upcoming Events/Programs: 2016-2017

- Lee Farmers' Market**  
Every Thursday from 3-6 PM June-September  
Corner of Rte.155 and Recycling Road  
Follow on Facebook
  - Settlers' Jubilee Dinner**  
Thursday, August 25, 2016 6PM-Close  
Flag Hill Winery and Distillery  
Lee Farm to Plate Dinner & 250th Birthday Celebration
  - Lee Fair Farm Games**  
Saturday, September 10, 2016 @1:00 PM  
Little River Park, North River Road
  - Lee Fair Harvest Dinner**  
Saturday, September 10, 2016 5PM-7PM  
Pig Roast, Chicken BBQ and More  
Little River Park, North River Road
  - Backyard Farming Initiative Series**  
The History of Agriculture in Lee  
Five Sessions-4th Monday January-May, 2017  
Jeremiah Smith Grange Hall in Lee at 7PM
  - 4th Annual FB Breakfast**  
Tentative Date: Sunday, March 12, 2017  
Benefits Strafford County Farm Bureau Youth Programs  
Jeremiah Smith Grange Hall in Lee
- Like us on Facebook@LeeFarmersMarket

**Lee Agricultural Commission**

Erick Sawtelle, Chair  
 Laura Gund  
 Dwight Barney  
 Donna-lee Woods  
 Charles Cox  
 Paul L. Gasowski  
 Amanda Gourgue  
 David Miner  
 Richard Babcock  
 Jon Kohanski  
 Cary Brown, Select Board Representative

Brochure Design: Paul L. Gasowski  
 Advertising: Laura Gund



# Tolland, Connecticut

Tolland was established in 1715 by farm families from Windsor searching for more land to accommodate their growing families.

Since that time, agriculture in Tolland and the northeast has changed. We still have some notable larger farms, but most have given way to small three-to-ten acre farms with very diverse products.

The current interest in locally-grown produce has renewed the importance of protecting agriculture in Tolland. In an attempt to promote local farms and agricultural businesses, the Tolland Agriculture Commission has compiled this pamphlet. We encourage you to patronize these and other important producers in our community.



*Funding provided in part by the Connecticut Department of Agriculture through the Community Investment Act. The Connecticut Department of Agriculture (DoAg) is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DoAg makes every effort to provide equally effective services for persons with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency's programs and services, should call 860-713-2559. Persons who are hearing impaired should call the State of Connecticut relay number 711.*

June 2016

## Autumn Oak Farms

Michael and Megan Grogan, 212 Buff Cap Road  
860.942.3537, [autumnoakfarms@gmail.com](mailto:autumnoakfarms@gmail.com)  
Facebook: Autumnoakfarms  
Monday – Sunday: 9 a.m. - 6 p.m.

The farm store / stand is open during the growing season 7 days a week. Self-serve. Products available: seasonal vegetables, honey, eggs, canned goods and firewood.

## Tolland Farmers Market

Tolland Green  
Saturdays: 9 a.m. - noon, May - November

Products vary throughout the season, but can include organic greens & vegetables, maple syrup, jams & more.

## Eden's Native Nursery

Ellen Bender, 215 Hunter Road, 860.713.3247  
Facebook: Eden's Natives Nursery  
Hours by appointment

Farm stand with organic & native shrubs & plants, heirloom & native edibles. Experiential learning center with classes, workshops, & demonstration of native flora & fauna habitat, walking trails, & library. Participant of Buy CT Grown, 10% Local, & Farmer's Pledge.

## Wright's Orchard and Dried Flower Farm

Todd & Joyclyn Wright, 271 South River Road  
860.872.1665, [www.wrightsorchar.com](http://www.wrightsorchar.com)  
Monday - Saturday 12:30 p.m. – 5:30 p.m.; Sunday 1 p.m. – 5:30 p.m. Open late July until Christmas (under normal crop conditions).

Pick-your-own apples & pumpkins. Farm stand, dried flower & gift barn. Small/medium farm with much to offer.

Products available: Apples, peaches, berries, tomatoes, assorted garden vegetables, mums, pumpkins, jams, pies & more.

## Kollas Orchard

David & Janet Kollas, 41 New Road, 860.871.0120  
[www.KollasOrchardCT.com](http://www.KollasOrchardCT.com)  
September – February

Family farm known for high quality & personal attention. Owners apply their intellect & love of farming to growing (& holding for you) apples which might well become your favorite health food.

## Chapin Brook Farm

Michael Szemrelyo, 184 Gehring Road  
860.875.0725 (home), 860.490.3620 (cell)

Raising chickens, turkeys, eggs & vegetables. Eggs are self-serve as are vegetables in season. If you are interested in chickens (Memorial Day to Thanksgiving) or turkeys (Thanksgiving) please call for more information.

## Spring Meadow Farm: The Country Butcher & Country Catering

1032 Tolland Stage Road (Route 74), Tolland  
860.875.5352, [www.acountrybutcher.com](http://www.acountrybutcher.com) & [www.acountrycatering.com](http://www.acountrycatering.com)  
Farm store: Friday 9 a.m. - 6 p.m. & Saturday 8 a.m. - 4 p.m.

One of Tolland's original farms (1751). Old fashioned butcher shop with 60+ types of award-winning hams, bacon & homemade sausages. Full service meat case. Smoking done on-premises.

Products available: fresh & smoked meats, canned goods, local honey, Tolland maple syrup, fresh eggs. Grow & produce high quality hay, alfalfa, barley straw, corn & firewood.

Catering: Specializing in farm weddings & outings. Full service off-premise catering & pick-up catering.

## Walt's Bees

Walt Moody, 38 Charter Road, 860.550.5514  
[waltmoody@comcast.net](mailto:waltmoody@comcast.net), Hours by appointment.

Pure honey with quality far surpassing that of large commercial packers, produced via small batch craft production, local production at small apiaries in Tolland County.

Products include lightly filtered truly local raw honey, hand-made beeswax candles. Services include pollination of local crops, swarm removal, talks & presentations.

## Johnny Appleseed's Farm

Kim Shores, 244 Hartford Turnpike (Rt. 30)  
860.875.1000, [www.johnnyappleseedfarmct.com](http://www.johnnyappleseedfarmct.com)  
Mid/late July – Christmas: daily 9 a.m. – 5 p.m., extended hours in summer & fall.

Farm & farm stand in Tolland. Pick-your-own operations 231 Somers Road (Rt. 83), Ellington and 13 Schoolhouse Road, Ellington.

Products available: Seasonal fruits, vegetables, cider, pies & jams.

## Palmer Family Farm

Linda Palmer & Peg Sorensen, 584 Sugar Hill Road  
860.875.2211, [palmerff@sbcglobal.net](mailto:palmerff@sbcglobal.net)  
Facebook: Palmer Family Farm  
Open by appointment or at Tolland Famers Market

Raise rare CVM/Romeldale sheep for their very fine, soft wool. Also have Angora rabbits to blend with wool.

Products available: Yarn, roving, woven items, eggs, freezer lambs on occasion.

Join our Facebook Group "Support Tolland Agriculture"

## Agricultural Resources

### Connecticut AGvocate

Amanda Fargo-Johnson, Program Coordinator  
[ctrcdamanda@aol.com](mailto:ctrcdamanda@aol.com)  
CT Resource Conservation & Development (RC&D)  
24 Hyde Ave., Vernon, CT 06066  
860.345.3977

### Master Gardener, Tolland County

Jean Madden-Hennessey  
24 Hyde Ave., Vernon, CT 06066  
860.870.6934  
[Jeanmarie.madden-hennessey@uconn.edu](mailto:Jeanmarie.madden-hennessey@uconn.edu)

### Rockville Agricultural Education Center & FFA

(Future Farmers of America)  
Rockville High School  
70 Loveland Hill Road, Vernon, CT 06066  
860.870.6050 ext. 371  
<http://www.rockvilleag.info/>

Regional High School for Tolland students interested in animal & plant science & natural resources.

### Tolland County 4-H

24 Hyde Ave., Vernon, CT 06066  
860.875.3331

### Tolland County Agricultural Center

24 Hyde Street, Suite 1, Vernon, CT 06067  
860.875.5714  
<http://www.tollandcountyagriculturalcenter.com/>



### Tolland County Farm Bureau

515 Brewster Street, Coventry, CT 06238  
860.742.5725  
<https://www.cfba.org/index.htm?county=nquhgia0>  
[tollandcountyfarmbureau@gmail.com](mailto:tollandcountyfarmbureau@gmail.com)

### Tolland Youth Gardens

860.872.4830  
Facebook: Tolland Youth Garden

Offers fun programs for kids, youth, adults & families to learn about the joys & benefits of gardening & community service.

## Other Services

### Fenton River Veterinary Hospital

9F Fieldstone Commons, Tolland  
860.870.8701, [www.fentonrivervet.com](http://www.fentonrivervet.com)  
[fentonrivervet@gmail.com](mailto:fentonrivervet@gmail.com)  
Facebook: Fenton River Veterinary Hospital

Routine and advanced veterinary medicine and surgery for all farm animals and horses. Services include: digital x-ray, ultrasound, in-house blood machines, a fully-stocked pharmacy, dental floating for horses, health certificates, vaccinations, fecal testing/de-worming & more.



### UConn Extension Administrative Office

W.B. Young Building, Room 233  
1376 Storrs Road, Unit 4134, Storrs, CT, 06269-4134  
860.486.9228  
[extension@uconn.edu](mailto:extension@uconn.edu)  
<http://www.extension.uconn.edu/>

### USDA State Offices

344 Merrow Road, Tolland, CT 06084  
860.934.2776 / 860.871.4090

### Little Farmers Child Care LLC

Owner/Director: Jessica Sharon  
2 Anthony Road, Tolland, 860.817.0933  
[www.sharonfamilyfarm.com](http://www.sharonfamilyfarm.com)  
[littlefarmers@Sharonfamilyfarm.com](mailto:littlefarmers@Sharonfamilyfarm.com)  
Facebook: Little Farmers Child Care Center

Monday-Friday: 7:30 a.m. - 6 p.m.  
Summer Camp: 7:30 a.m. - 5 p.m. (3-12 year olds)  
Fall 2016 Preschool: 8 a.m. - 1:30 p.m. (3-5 year olds)  
Fall 2016: After School Program (5-12 year olds)

One-of-a-kind, agriculture-based program for school age and preschool children in a safe, clean environment. Children interact with a variety of animals, learn about them through structured lessons, read about them, practice what they have learned, do crafts and activities related to their learning experience and so much more! Licensed by the State of CT- Office of Early Childhood Education and the farm is licensed by the USDA.



Produced by the  
Tolland Agriculture Commission  
[www.tolland.org/agriculture-commission](http://www.tolland.org/agriculture-commission)



Join our Facebook Group  
"Support Tolland Agriculture"

# Get to Know More About Your Agricultural Commission!

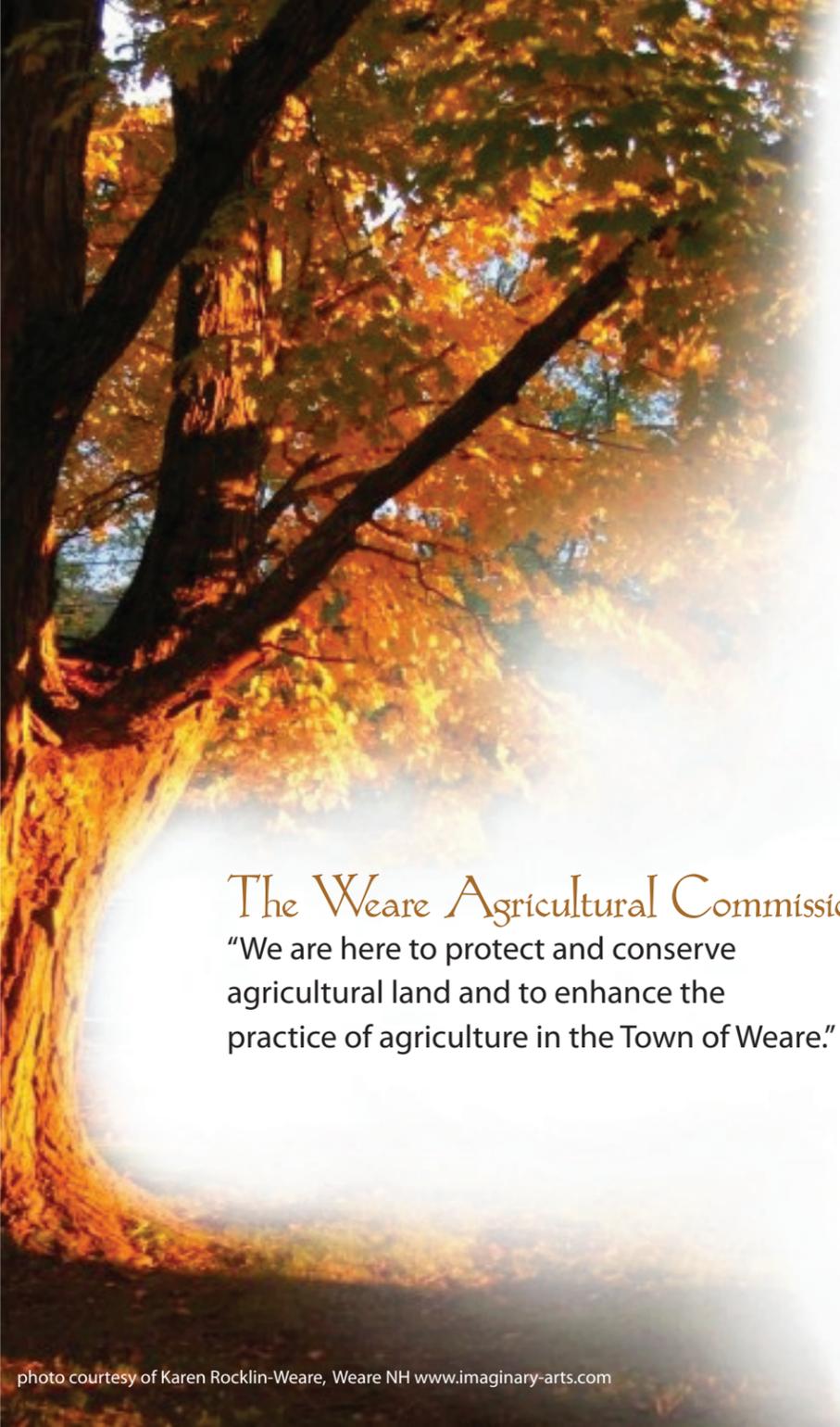
## *We are Here to Help!*

Here is a brief list of ways that the Commission can assist you in your agricultural endeavors:

- Barn Preservation & Easements
- Farm Management
- Cattle Farming & Planning
- Feed & Supplies Resources
- Solar Power & Green Approaches
- Community Outreach & Education
- Soil Research & Management
- Land Conservation & Farm Preservation
- Conservation & Zoning
- Mapping Resources
- Farmers Market Advice & Assistance
- Market Research (organic vs. conventional etc)
- Market Surveys
- Networking & Grange Gatherings

[www.weare.nh.gov/agriculturecommission.htm](http://www.weare.nh.gov/agriculturecommission.htm)

In 2008, The Commission passed an ordinance supporting the state's Right to Farm Act. The Town of Weare has formally recognized Agriculture as an important part of its' character & infrastructure. Join our e-mail list to learn more (see inside for more info).



## The Weare Agricultural Commission

"We are here to protect and conserve agricultural land and to enhance the practice of agriculture in the Town of Weare."

photo courtesy of Karen Rocklin-Weare, Weare NH [www.imaginary-arts.com](http://www.imaginary-arts.com)

# Get to Know More About Your Agricultural Commission!

## *We are Here to Help!*

Would you like to receive our newsletter in your email box?

Send an email to

[wendy\\_stevens@comcast.net](mailto:wendy_stevens@comcast.net)

and ask to be added to

the list. We will share

information such as upcoming classes, conservation projects, farmers market announcements, grant funding opportunities, success stories and opportunities for agriculture in the area.



The Weare Farmer's Market



The Weare Farmer's Market

*"Just from attending one meeting I learned of a valuable resource available to me and now can possibly SAVE MY BARN with an easement."*

*- Wendy Stevens, Weare*



The Weare Farmers Market



Wildwood Farm, Weare NH

The Commission consists of a group of local farmers and conservationists living in Weare who are interested in enhancing the practice of agriculture in our town. In October of 2009, the USDA announced that they now endorse local farming. They stated "Our current food delivery model is not sustainable."

Weare was once a big farming town, however as we developed grocery stores and began trucking food, farming fell away as it was not profitable. With the USDA's recent announcement, they are making it a priority to re-establish farming as it once was. Part of this is called "the localvore movement". It is in our governments' best interest to support local farming, and that is what we are here to do. Find out more by getting in touch, join our email list or come to our meetings which are the first Thursday of every month.

### LAND CONSERVATION & OPEN LAND

The Commission is available to help with land conservation, leasing farmland, placing prime soils in conservation, and assisting you with your next conservation project.

### RENEWABLE RESOURCES & ENERGY CONSIDERATIONS

The Commission can assist in information regarding renewable resources and efficient measures in relationship to agriculture. This includes solar, wind, photo voltaics, biomass, greenhouse structures and much more.

*Come and talk with us,  
We are here to help!*



## The Weare Agricultural Commission

"We are here to protect and conserve agricultural land and to enhance the practice of agriculture in the Town of Weare."

7TH ANNUAL FEAST ON THIS! FILM FESTIVAL,  
FRIDAY - SUNDAY, NOVEMBER 10 - 12, 2017

×

WHO WE ARE BUYING AND PREPARING LOCAL FOOD FOR FARMERS

FARM TO SCHOOL GET INVOLVED QUARTERLY FORUMS

FEAST ON THIS! FILM FESTIVAL MONADNOCK FARM TOUR DONATE NEWS



BUILDING A SUSTAINABLE LOCAL FOOD  
SYSTEM IN THE MONADNOCK REGION OF  
NH

BUY LOCAL FOOD!



## How We Work

Our 73 member organizations and 45 individual members come together in Quarterly Forums and in monthly Working Groups to share resources, collaborate and

build new initiatives based on aligned strategies.

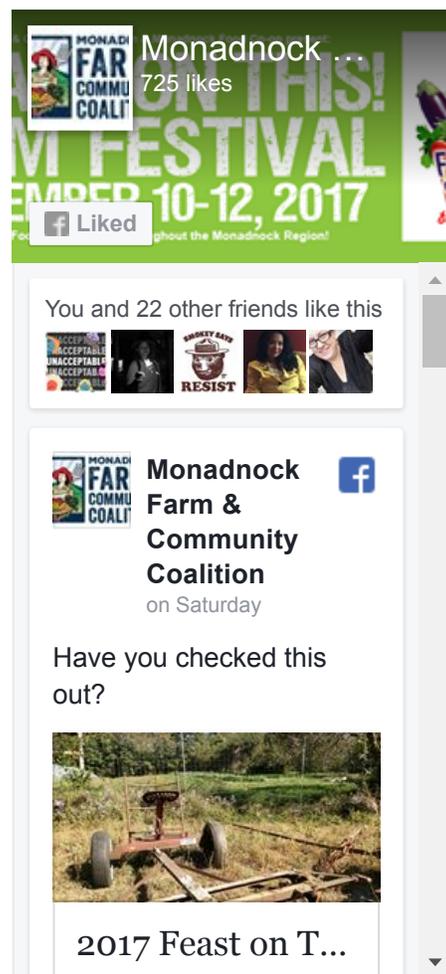
## Our Mission

MFCC is a regional coalition whose mission is to support a sustainable food system by cultivating community action and building collaborations to implement effective programs, projects, and policies.



## Our Vision

Our vision is a vibrant, safe and efficient local food system that enhances the health of our community, is profitable for farmers and producers, is accessible to all community members, conserves natural resources and is sustained by strong leadership and



### BECOME A MEMBER

#### Member organizations

- 1780 Farm
- Antioch Univ. New England
- Archway Farm
- BCM Environmental & Land Law
- Brookfield Farm
- Cheshire Co. Conservation District
- Cheshire Fair
- Cheshire Medical Center
- Community Garden Connections
- Cornucopia Project
- Echo Farm Pudding
- Edgefield Farm
- Far View Farm
- Farmer Johns Plot

commitment in the Monadnock Region of  
New Hampshire.

---



---

## 2017 Quarterly Forums

---

SATURDAY, APRIL 1, 2017 -  
WINCHESTER TOWN HALL,  
WINCHESTER, NH

**Winchester Celebration of Local Food**

---

Farmers Market of Keene  
Farm Service Agency  
Fertile Fields Farm  
Foggy Hill Farm  
Franklin Pierce Sustainability  
Hannah Grimes Center  
Harrisville Ag Commission  
Healthy Monadnock  
Hillsborough Gleaning  
Hillside Springs Farm  
Keene Ag Commission  
Keller Williams Realty - Hvizda  
KSC Dietetic Internship  
KSC Sustainability  
Land For Good  
Mad Radish CSA  
Manning Hill Farm  
Monadnock Buy Local  
Monadnock Conservancy  
Mon Economic Development Co.  
Monadnock Food Coop  
Monadnock Menus  
Monadnock Table Magazine  
Moosewood Ecological  
New Dawn Farm  
NH Comm Loan Fund  
Nye Hill Farm  
Old Ciderpress Farm  
Phoenix Farm  
Pisgah Farm  
Russell Farm & Forest Fo.  
Sawyers' Artisanal Cheese  
Small & Beginners Farmers of NH  
Souhegan Transition Network  
SW Region Planning Commission  
Stonewall Farm  
Stuart & Johns Sugar House





## 2017 Events

Infrastructure Convening & Needs Mapping  
Monadnock Farm Tour - August 2017

---

## Working Groups

Our Policy, Education and Infrastructure Working Groups meet monthly to assure the successful completion of action steps identified in our quarterly forums. All are welcome to join! [Learn more](#)

---

## Coalition documents

- [Strategic Plan](#)
- [The Economics of Local Food Systems](#)

- [Creating Change in the Local Food System](#)
- [Backbone Effectiveness: 27 Indicators](#)
- [Cleveland-Cuyahoga County Food Policy Coalition](#)
- [Coalition-Building: One Path to Empowered Communities](#)

JOIN YOUR LOCAL FOOD MOVEMENT!

[Become a member - its free!](#)

[Back to Top](#)

---

Monadnock Farm and Community Coalition, 11 Industrial Park Dr., Walpole, NH 03608   [coordinator@mfccoalition.org](mailto:coordinator@mfccoalition.org)   603-756-2988

Powered by [Squarespace](#).



# Community Gardens: Equity, Equality and Eggplant

By Julianne Couch | Posted: Wednesday, October 25, 2017 2:51 pm

Community gardening isn't undertaken for the health and well-being of squash and tomatoes. Rather, it is all about the people who otherwise have limited access to fresh, nutritious foods.

That's why groups in Madison, Wis., and Douglas County, Kan., have focused on developing food systems that include community gardening and that make equity a central part of their framework.

The City of Madison's formal support for community gardens dates back to the 1990s. The city established a Food Policy Council to bring together groups in the community to advance food system issues. Nan Fey is its chairperson. She told an audience at the recent Growing Sustainable Communities Conference in Dubuque, Iowa, that the FPC's mission is to "drive policies, programs, and collaborative resources to support the development of a sustainable local and regional food system that supports equitable access to healthy, culturally appropriate food, nutrition education, and economic opportunity."

The FPC is incorporating community gardens into a larger discussion of urban agriculture, and working to include appropriate goals and actions in Madison's 20-year comprehensive plan.

Fey points to a trend in interest in community gardening that began locally in 1999 when an ad hoc group sprang up to study existing gardens. Some of these were on private property and being eliminated in favor of real estate development, she said. "That raised the question of how to preserve gardens and where to site new gardens that would be more secure to maintain."

The ad hoc approach gave way to a more official approach in 2005, when the Community Action Coalition (CAC) was established. In 2013, that group decided to shift some emphasis away from traditional community gardens to create stronger food pantry gardens, which generally devote their produce for distribution to food pantries, instead of individual growers. There, the food can be widely distributed to families who may not otherwise have access to these healthy foods.

In 2014 a collaboration began between the CAC and the Public Health Department of Madison & Dane County "to support the process of developing opportunities to strengthen and sustain community gardens as one component of a comprehensive approach to improving public health." Visioning sessions with stakeholders resulted in a



## Learning to Sow

Community gardens come in all shapes and sizes. They can help ensure food access, foster health, and eliminate food deserts. Some, like this one in Douglas County, Kan., serve as a learning opportunity for people of all ages.

strategic plan later that year and in 2015 the partners formed the Gardens Network.

Network collaborators include the City of Madison and the County/University of Wisconsin Extension, which provides annual funding. Fey said its role has evolved from facilitation to funding horticultural support and garden design mentoring. Another collaborator is the non-profit organization Community Ground Works, which operates on a land-trust model. Finally, a Community Garden Leaders network helps with administrative functions.

"This has been a successful collaboration but it is still a work in progress," Fey said. "The group solved problems well during the transition of 2014 but it needs long-term sustainability, especially funding."

She noted there are advantages and disadvantages when working with non-profits rather than institutional partners. "Nonprofits are more nimble but their funding is less reliable. This can be a hurdle because gardens need to make capital investments in costly things, such as tractors," Fey said. Further, they've noticed that operations and leadership development take a lot of staff time, and that issues of liability insurance and lease requirements add many layers of complexity.

The Gardens Network group has also learned that adding new gardens is more difficult than supporting existing ones. A good example played out in an area of Madison known as Brittingham Park. The neighborhood is situated downtown between a traditional single-family neighborhood and a multi-family area with a high density of immigrant and lower income families.

When in 2010 there began to be pressure for more garden space downtown, Brittingham Park was identified as a possible location. The high-density sections of the neighborhood had some safety issues in part because of low foot traffic through the area. Local police saw a community garden as a good way to bring more people into the area, Fey said. From the social equity lens, it was seen as a way to improve lives for a Hmong community living in the neighborhood, for whom gardening is a traditional activity.

However, there was some resistance from other residents in the single-family area of the neighborhood. Fey said some were worried a garden would be messy and attract the "wrong kind of people" to the park. In 2012, community meetings began and the city council representative from the neighborhood was not supportive. One growing season was lost to disputes, Fey recounted.

In the fall of that year, the mayor proposed a policy of citing gardens in parks and the city moved forward. In 2013 the Brittingham Park site was chosen for a garden, and planting started that June. Deep waterlines were installed, but no fence surrounded the vegetables. "The bunnies feasted," Fey said.

In 2014, she said, a low cost, "aesthetically pleasing rabbit fencing" was installed. Safety in the park is much improved and there is good publicity in the local paper, according to Fey. "Neighbors formerly opposed have come to appreciate the garden," she added. Now the garden includes 38 spots and four raised beds, and it has a waiting list. The Hmong and elderly have priority for obtaining a spot.

There are also public art displays and seating areas. "Brittingham Park is a tremendous success story in town," Fey said. "Community gardens are about growing more than vegetables."

Future plans include an Urban Agriculture Work Group that will benefit from a new food system focused equity tool. "Equality doesn't mean equity," Fey said. "It is fairness, closing gaps that race, gender, income and others can use to predict people's success."

Focusing on those at greatest disadvantage improves outcomes for everyone."

Equity and equality were also on the minds of the Douglas County, Kan., Food Policy Council when it looked for ways to move beyond traditional shortcomings in public engagement and planning processes. Instead, the FPC wanted to find an equitable way to create a countywide food systems plan.

Helen Schnoes is the food policy coordinator for Douglas County, which has a population of 118,000, but 94,000 of those people live in Lawrence, home of the University of Kansas and Haskell Indian Nations University.

The FPC was established by the County Commission in 2010. It convened as a joint city-county partnership in 2013. Its main work is to identify the benefits, challenges and opportunities for a successful food system. By representing a wide range of stakeholders it can recommend local policies.

When faced with this experiment in equitable food systems planning, Schnoes said, "the commissioners didn't want just another 'foodie liberal' pat yourself on the back plan from Lawrence." Instead, they wanted to be sure all voices were at the table. The 23-members group includes a no-till farmer and cattle producer, a state policy advocate, a retail food outlet, a youth representative, and people representing senior food nutrition programs, the health department, a farmers market, and sustainability advocates.

In spite of a potentially unwieldy structure, Schnoes said, the group notched several major accomplishments, including leveraging an initial \$6,800 investment into more than a \$1 million, and the development of a food systems plan, which was incorporated into the county's updated comprehensive plan. It sets a framework for the next 10 years to guide policy changes by local governments, shape the work of the FPC, and inspire community actions and partnerships.

Schnoes said the food systems plan defines "how we produce, buy, eat, and dispose of food." It recognizes that the "journey our food takes from field to plate is influenced by eco-systems, education, culture, funding, research and public policies."

The food systems plan describes several benefits a strong local food system can bring, including economic vitality, wellness, ecological resilience and equity.

Nearly a year's worth of community effort led to the plan, starting in winter 2016. That included an assessment, 13 focus groups with community organizations, a survey with 480 respondents, five public forums throughout the county, goal setting, and finally, the development of objectives and policies.

"This was way more complex than we thought," Schnoes said.

As a government entity, the FPC was strong at certain functions such as setting policy, she said, but not so strong at other functions, like providing guidance and advice to decision makers, like an advisory group might do. Or, at developing short-term participation in projects with the opportunity to offer recommendations, like a task force might do.

That's when the FPC noticed the work of the Sunrise Project, a new nonprofit organization in the area. "They were open to questioning the status quo, trying to do equity work. They had a program lens instead of just a policy and local government lens," Schnoes said.

The Sunrise Project empowers people to live healthy, self-determined lives through engagement with food and the environment. It aims to create space and opportunities for all people, especially those who are too often marginalized and underrepresented, to

be heard and given power. "The Food Plan Equity Project was a perfect fit for Sunrise Project's mission," Schnoes said.

The FPC shifted \$45,000 in grant funds to hire eight part-time, temporary community coordinators to gather local input about the food system. Schnoes said the two organizations purposely didn't want to hire people with extensive background in food systems because they didn't want to determine in advance what would be needed.

Connie Fitzpatrick was one of the coordinators. She is a medical interpreter for uninsured people and active in the University of Kansas/Haskell University Women of Color Collective. To become a good community coordinator she learned to interview volunteers and collect stories about people's relationship to food. She focused her story collection on people of color, LGBTQ and bilingual individuals.

"Everyone's relationship to food is different," Fitzpatrick said. "If you think about community as a spider web you have someone to represent each sector. That brings us closer to equity."

She said this was the first time she had worked in collaboration with such a diverse team. "I loved it and hope this framework will be implemented in other areas of county and city plans," she said.

Schnoes said the FPC learned lessons about working at the community organizer level. They had to be very flexible with the schedules of people they hired because those people had complicated and busy lives.

"We needed to get rid of top-down structures, but that can be hard within local government timelines," Schnoes said. On reflection, they might have chosen a different method for story collection and documentation systems. There wasn't much time for individual coordinators to gather and share together, learning from each other. "The best way to share is by retelling stories, not comparing spread sheets," she said.

From this work the FPC has developed goals to strive for in the future:

**Goal 1:** Agricultural producers, food entrepreneurs, and food sector workers thrive in our regional economy.

**Goal 2:** As our cities grow, we prioritize natural resource conservation and maintain working lands to promote soil health.

**Goal 3:** We build and design our communities to ensure food access, foster health, and eliminate food deserts.

**Goal 4:** Our community fosters an equitable food system.

**Goal 5:** Our community eliminates waste in our local food system.

Schnoes advises other communities to "keep the goal to build an equitable food system front and center. Don't assume you know what communities need — go work with them first and find out."

*Julianne Couch is the author of *The Small Town Midwest: Resilience and Hope in the Twenty-first Century* (University of Iowa Press).*