



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

### AGENDA

September 12, 2022

6:30 PM

City Hall, 2<sup>nd</sup> Floor Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – August 8, 2022
3. Public Workshop

**Ordinance O-2022-11** – Relating to amendments to the Business Growth & Reuse Zoning District. Petitioner, Randall Walter, proposes to amend Table 8-1 and Section 5.4.5 of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to permit “Recreation/Entertainment Facility - Indoor” as a principal permitted use in the Business Growth & Reuse Zoning District.

4. Staff Updates
5. New Business
6. Next Meeting – **Tuesday**, October 11, 2022
7. Adjourn

1 City of Keene  
2 New Hampshire

3  
4  
5 JOINT PLANNING BOARD/  
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
7 MEETING MINUTES  
8

Monday, August 8, 2022

6:30 PM

Council Chambers,  
City Hall

Planning Board

Members Present:

Pamela Russell Slack, Chair  
Mayor George S. Hansel  
Councilor Michael Remy  
David Orgaz, Vice Chair  
Roberta Mastrogiovanni  
Harold Farrington  
Armando Rangel  
Randyn Markelon, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair  
Michael Giacomo  
Philip M. Jones  
Gladys Johnsen  
Raleigh C. Ormerod –  
remote participation due to  
medical quarantine

Staff Present:

Jesse Rounds, Community  
Development Director  
Mari Brunner, Senior Planner  
Evan Clements, Planner  
Amanda Palmeira, Asst. City  
Attorney  
Med Kopczynski, Economic  
Development Director

Planning Board

Members Not Present:

Emily Lavigne-Bernier  
Gail Somers, Alternate  
Tammy Adams, Alternate  
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Not Present:

9

10 I) Roll Call

11

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

13

14 II) Approval of Meeting Minutes – June 13, 2022

15

16 A motion was made by Councilor Phil Jones to approve the June 13, 2022 meeting minutes. The  
17 motion was seconded Mayor George Hansel and was unanimously approved by roll call vote.

18

19 III) Public Workshop

20 Ordinance O-2022-09 – Relating to amendments to the City of Keene Land Development

21 Code. Petitioner, City of Keene Community Development Department, proposes to amend  
22 sections of Chapter 100 “Land Development Code” (LDC) of the City Code of Ordinances to  
23 change the minimum lot size in the Rural District from 5 ac to 2 ac; Display uses that are  
24 permitted within the Conservation Residential Development subdivision (CRD) regulations in

25 Table 8-1 and the “Permitted Uses” sections of the Rural, Low Density, and Low Density-1  
26 Districts in Article 3; Modify the density factor and minimum lot size for the Rural District within  
27 the CRD regulations to 2 ac per unit and 32,000 sf, respectively; Add density incentive options to  
28 the CRD regulations, including an open space density incentive, a solar incentive, and workforce  
29 housing incentive; Modify the permitted uses within the CRD regulations for the Rural District  
30 and Low Density-1 District to include multifamily dwelling with limitations; and, Remove the  
31 requirement to submit a “Yield Analysis Plan” and add additional submittal and filing  
32 requirements for CRD applications in Article 25.

33

#### 34 Public Workshop

35 Senior Planner Mari Brunner addressed the committee and recalled that staff came before the  
36 Committee in June to discuss this ordinance, which at the time was not yet a formal ordinance  
37 but rather an idea. Feedback from that meeting was turned into what is before the committee  
38 today in the form of an ordinance. In addition, staff identified a couple glitches that they are  
39 proposing to fix with this ordinance. She said that this item started out when staff reviewed the  
40 Rural District to identify opportunities for housing that would fit within the intent of that district.  
41 As part of that effort, staff researched the history of the Rural District, which was historically  
42 referred to as the Agricultural District. Staff felt bringing back the minimum lot size to two acres,  
43 which is what it was historically, would make a lot of sense. Along with this, the CRD  
44 Subdivision regulations were reviewed to ensure they are consistent with the proposed lot size  
45 change. While reviewing the CRD regulations, staff found a couple glitches that need to be fixed.  
46 In addition, staff took this opportunity to look at ways to promote some of the other community  
47 goals within the CRD regulations, including workforce housing, open space preservation, and  
48 renewable energy.

49

50 Ms. Brunner went on to say that the Rural District is a residential zoning district that is generally  
51 located outside of the valley floor of Keene. She referred to a map, and noted that the Rural  
52 parcels are shown in green and are generally beyond where City water and sewer service is  
53 available as well. The intent of this district is to provide for areas of very low density  
54 development that is predominantly residential or agricultural in nature. Permitted residential uses  
55 include: single family dwelling, Two-family/duplex (as part of a CRD development only), and  
56 manufactured housing, which can only occur in a manufactured housing park.

57

58 There are a limited number of commercial, open space and infrastructure uses that are permitted,  
59 such as animal care facility, bed and breakfast, greenhouse/nursery, kennel, small group home,  
60 cemetery, community garden, conservation area, farming, golf course, gravel pit, small-scale,  
61 medium-scale, and large-scale solar energy systems, and telecommunications facilities. This is the  
62 full list of uses permitted within the district.

63

64 Ms. Brunner noted that there are about 1,118 parcels of land in the Rural District. This figure  
65 doesn't include 407 condo parcels, and she explained that the condo parcels are not parcels of land  
66 but rather signify the ownership structure. Excluding condos, there are 1,118 parcels which cover  
67 an area of over 14,300 acres. The minimum lot size is five acres. However, the five acres can be  
68 reduced to two acres if the parcel has access to both City water and sewer. Ms. Brunner noted  
69 there is a high number of parcels in the Rural District which are less than five acres that currently  
70 exist. In fact, there are 643 which is about 58% of all parcels which she felt was a high number of

71 parcels to be non-conforming and added it probably goes back to the fact that the minimum lot  
72 size used to be two acres. In 1971, the minimum lot size was two acres and prior to 1970 it was  
73 10,000 square feet or one acre if the lot did not have access to City water and sewer. Ms. Brunner  
74 further stated staff also believes another reason is the City used to allow a type of development  
75 called a Planned Unit Development; an option that existed under zoning and was under the  
76 purview of the Planning Board. The Planning Board had the authority to vary the density or  
77 intensity of land use, basically they had free range to allow any lot size and any dimensional  
78 requirements as long as a holistic plan was presented that showed the full neighborhood plan.  
79 There have been a number of PUDs that were approved in Keene, and this is where we see some  
80 of the smaller lot sizes in the Rural District. This option ceased to exist prior to 1994.

81  
82 Ms. Brunner stated the reason for providing this context is because the City is proposing to  
83 reduce the minimum lot size in the Rural District from five acres to two acres, partly to bring lots  
84 that exist today into compliance with the minimum lot size. Another reason relates to the  
85 reasoning for the switch to 5 acres in the first place. Going back to the discussion at the time, it  
86 seems that the change to a five acre minimum lot size was meant to slow growth in the City and  
87 also because of concerns regarding access to City water and sewer, and the large land area that  
88 was needed for septic systems and leach fields. This technology has improved over time – it is  
89 possible to have a septic system and leach field, place it 75 feet from the well, and that can fit on  
90 a much smaller lot now. Therefore, staff feels two acres is appropriate in the Rural District,  
91 which is still a low density development pattern and would open up moderate amount of  
92 development opportunity in the district for people who have developable land.

93  
94 Ms. Brunner addressed Conservation Residential Development Subdivision regulations (CRD)  
95 next. She explained the conservation residential development subdivision is a type of subdivision  
96 in which at least 50% of the land is conserved permanently as open space and development is  
97 concentrated on the remaining portion of the site. This approach allows the same number of  
98 residential units as could be built with the conventional subdivision. However, it provides for  
99 more flexibility with the design and placement of those units, in order to maximize the protection  
100 of important natural features, such as wetlands, aquifers, steep slopes etc. The flexibility allows  
101 for units to be placed in the best location while also maintaining the character of the surrounding  
102 area.

103  
104 In order to utilize the CRD subdivision option, the land must be located either in the Low  
105 Density, Low Density 1, or Rural district and it must meet the minimum tract size requirements  
106 outlined in Table 19-1 of the Land Development Code. Land in Low Density or Low Density 1  
107 has to be at least five acres to start with and in the Rural District, it has to be at least 10 acres. A  
108 CRD is required for subdivisions that meet those criteria that propose a creation of three or more  
109 lots and the layout of a new road.

110  
111 Within the CRD Regulations, staff propose to modify the lot size in the Rural District and the  
112 density factor to be consistent with the proposed changes for the underlying zoning district.  
113 Under the CRD, the idea is that one would get the same number of units as they would with  
114 conventional subdivision. By changing the lot size from five acres to two acres, the density  
115 factor would also need to be changed to two acres per unit so it would be the same number of  
116 units if someone was to pursue a conventional subdivision. In addition, staff is also proposing to

117 change the minimum lot size from one acre to 32,000 square feet; the reason for that change is so  
118 that you can physically fit all the units onto the developable portion of land that is left after  
119 someone has placed 50% in conservation.

120  
121 Ms. Brunner went on to say one thing staff identified after the ordinance was introduced to City  
122 Council is that the subdivision regulations currently state that if a lot is created which is less than  
123 one acre, it must have the access to City sewer unless otherwise permitted within the LDC. She  
124 noted staff provided a red-lined version of the ordinance for the Committee tonight that proposes  
125 a minor amendment to clarify that any lots created under the CRD option within the Rural  
126 District could have a septic system in place of connecting to City sewer.

127  
128 Ms. Brunner next addressed what is being referred to as a “menu of incentives” to add to the  
129 CRD Regulations to try and promote community goals related to work force housing, renewable  
130 energy and land conservation.

131  
132 The first proposed incentive is an open space density incentive, where the developer would be  
133 required to place at least 65% of land in conservation and in return they would get a density  
134 bonus of 10% or one dwelling unit, whichever is greater. In order to take advantage of that  
135 option the starting tract area has to be at least 10 acres. Referring to the proposed amendment,  
136 Mayor Hansel asked why the requirement regarding septic systems cannot be removed in its  
137 entirety. He asked if a septic system can fit on a half-acre lot why that could not just be the  
138 requirement. Ms. Brunner stated this was a pretty standard requirement from many decades ago  
139 when leach fields were a lot larger. However, Ms. Brunner stated staff would not feel  
140 comfortable changing this requirement without having a deeper conversation with other City  
141 departments, in particular Public Works. The Mayor encouraged staff to look into this issue.

142  
143 Ms. Brunner addressed the next incentive which is solar. The intent of this incentive is to  
144 encourage the installation of solar photovoltaic energy systems in new construction. It is based  
145 on the premise that the ideal orientation for buildings to harvest solar energy is within 30 degrees  
146 of true south. The criteria to receive this incentive is that at least 50% of the lots within the  
147 subdivision must be solar oriented. This means that the longest lot line dimension is oriented  
148 within thirty degrees of a true east-west line. All dwelling units on solar-oriented lots must be  
149 oriented so that the long axis faces within 20 degrees of true south, and at least 4 kilowatts of  
150 solar PV must be installed for each dwelling unit on a solar-oriented lot. In addition, where  
151 practical, this option requires that the predominant street pattern shall be oriented within 30  
152 degrees of east-west orientation.

153  
154 Staff is proposing that there would be additional submittal requirements for this incentive,  
155 including a written request that describes how the development meets the criteria as well as a  
156 solar access plan that demonstrates it would be possible to site building areas or structures on  
157 solar-oriented lots that are not obscured for a minimum of four hours between 9:00 am and 3:00  
158 pm on any day of the year. The Mayor asked whether community solar placement has been  
159 contemplated in this proposed. Ms. Brunner answered in the affirmative and stated  
160 they have to show that it would be possible to place the building or a building area that is  
161 oriented south and then they have to install solar PV per unit but it does not have to be a separate  
162 array for each unit, so it could be done as community solar but it has to be located in the

163 development. Ms. Brunner noted the incentive for this would be 10% or one dwelling unit,  
164 whichever is greater, similar to the open space incentive.

165  
166 The last proposed density incentive is for workforce housing. The intent of this incentive is to  
167 encourage development that provides affordable workforce housing. Workforce Housing is  
168 proposed to be defined as housing that is sold at initial sale for a price that can be afforded by a  
169 household with an income of not more than 80% of the HUD Median Area Income for a family of  
170 four in Cheshire County – this is for owner-occupied. For rentals, it is defined as housing that is  
171 rented for a price that can be afforded by a household with an income not more than 60% of the  
172 HUD Median Area Income for a family of three in Cheshire County. In order to be eligible for  
173 this incentive, a development must guarantee that at least 20% of the total number of units,  
174 including any units allowed by a density bonus, will be workforce housing. Ms. Brunner noted  
175 according to 2021 numbers, she recalls that \$300,000 is the number for workforce housing with  
176 an average rental amount of \$1,300 a month. She added this is workforce housing, not subsidized  
177 or low income housing.

178  
179 Ms. Brunner went on to say in order to ensure that any residential units that are designated as  
180 workforce housing remain affordable, this ordinance proposes that units shall either be sold or  
181 rented with a deed restriction and recorded housing agreement that names an Income  
182 Verification Agent who will verify that the purchaser or renter meets the income requirements.  
183 The resale value or rental value shall be restricted to the affordable purchase or rental price for a  
184 period of 30 years. In addition, the workforce housing units must be of the same approximate  
185 size, character, quality, and construction as the market rate units, and they must be distributed  
186 evenly throughout the project.

187  
188 Councilor Giacomo asked whether the resale value of a purchased house is based on assessed  
189 value by the City over 30 years. Ms. Brunner stated the resale value would have to continue to be  
190 at a price that is affordable and added there is language built into the ordinance – Planner Evan  
191 Clements added it is 80% of the AMI plus 2% of the CPI. Councilor Giacomo stated his concern  
192 is if affordable housing prices start to go up but income doesn't, the CPI may not have gained as  
193 much and asked how the resale price would be calculated in an instance such as that. Mr.  
194 Clements stated the goal is to keep it at an affordable price and the properties are not going to  
195 appreciate compared to a market rate unit. Tying it with the CPI will allow it to appreciate more  
196 compared to other communities that don't do that and it is tied strictly to the median area  
197 income. If someone purchases a workforce housing unit and in 15 years the average median  
198 income goes down and they are forced to sell that home, they will sell it for less because that  
199 home is tied to income not the appreciated value of that house. Councilor Giacomo stated he  
200 appreciates the intent and was just looking for loopholes which someone could use in the future  
201 if it is not addressed. Mr. Clements added there is nothing stopping a workforce housing unit  
202 owner from making improvements, but they would not see a return on investment as opposed to  
203 what someone would see with a market rate home.

204  
205 Councilor Remy stated he understands the intent but doesn't like the idea of not being able to  
206 take advantage of owning a home. He stated he is in support of keeping it affordable but is  
207 worried about the repercussions. Chair Bosley stated she too agrees with what Councilor Remy  
208 just stated; home ownership is valuable and qualifying for one of these units is probably going to

209 be even a bigger deal for someone who is striving for this opportunity to own their own home but  
210 then to take all those perks a normal home owner would receive by having their property  
211 appreciate in value, is of concern to her. The Chair felt a home is most people's biggest asset -  
212 it's your retirement, it allows for many opportunities and could be someone's biggest savings  
213 account. She felt consideration needs to be given to not harming these homeowners. Councilor  
214 Remy felt as long as someone owns one of these units for a longer period they should have some  
215 benefits. He felt 30 years was a long time.

216  
217 Ms. Mastrogiovanni asked where the 30 year time limit came from. Ms. Brunner stated this was  
218 a standard period other communities have adopted as kind of a reasonable timeframe and also  
219 because the developer is getting a permanent density bonus and is increasing the density into the  
220 future permanently, staff felt providing that return should last for at least a certain period of time.  
221 Thirty years seems to be the period most communities have agreed on.

222  
223 Chair Bosley stated if this was an agency constructing multi-unit housing developments with the  
224 intent to rent, this type of restriction seems fair where owning this property has the intent of  
225 turning a profit. However, when one of these properties is sold to a citizen in Keene who is just  
226 looking for an opportunity, perhaps lessening those restrictions might be prudent. Most people  
227 who move to Keene, do so because they like this community to raise a family but once their kids  
228 move away they perhaps want to move closer to them and this type of restriction could be  
229 harmful to them.

230  
231 Chair Russell Slack asked whether there was any type of percentage that can be added. She used  
232 an example of a housing grant where each year you live in the home the percentage of return is  
233 more. She felt the proposed program is a good opportunity for young families to be able to  
234 purchase a home in Keene. Most people moving out of their home in the first 5 to 10 years is  
235 slim. People who would qualify for this type of housing are not ones who would get the kinds of  
236 raises other type of homeowners do, and this is one way to make it affordable for them. Chair  
237 Slack stated many communities across the state are trying to figure out how to make affordable  
238 housing available in their communities. She stated she is in favor but would not want to see it go  
239 less than 25 years, as most people are going to have a difficult time maintaining these homes.

240  
241 Councilor Ormerod stated if the Committee was looking to modify the language, NH Housing  
242 Authority has guidelines and suggested perhaps looking at the FHA Guidelines for guidance. Mr.  
243 Clements noted this program is about incentivizing developers to create affordable dwelling  
244 units, it is not necessarily about creating vehicles for wealth building. He stated he understands  
245 what was said about what a home can do for most people (a way to build wealth) but indicated  
246 this is not the intent of this proposal. It is about creating affordable places for people to live not  
247 just for the first person who lives there but for the second and third person. If it doesn't work for  
248 the first person and they have to move on because life happens, the unit is then available for the  
249 next person.

250  
251 The Mayor asked whether staff has checked with developers to see if this something they would  
252 be interested in. Ms. Brunner stated it is challenging right now with the market that the way it is,  
253 but assuming the market does come down, staff did reach out to some other communities that  
254 have workforce housing options to this to see how successful they have been. Mr. Clements did

255 have a conversation with the Town of Exeter and their ordinance sounds like has been successful  
256 but it sounds like they only offer a density bonus of 15% but they had indicated if it was put in  
257 place again they would like to increase that density bonus to make it more attractive developers.  
258

259 Mayor Hansel felt a 30 year mortgage for a homeowner seems fine but for an investor it seems  
260 too long.  
261

262 Councilor Jones noted in the Rural District and Agriculture District, when someone constructs a  
263 structure and there is no access to water service, they are required to construct a cistern. He  
264 asked whether this was part of the zoning ordinance or part of fire code. Ms. Brunner stated it is  
265 part of the fire code. Chair Bosley asked whether it would be one cistern for an entire  
266 development or whether it would for one unit. Mr. Clements stated a 50,000 gallon cistern has a  
267 service radius of 2,500 feet.  
268

269 Councilor Remy stated he could support 30 years for rental and understands the intent is to create  
270 affordable housing and that would also mean providing opportunities for more people to own  
271 homes, not just provide a roof over their heads. With the 30 year cap it could potentially trap  
272 people in their homes if the market rises.  
273

274 Councilor Johnson asked how the City would make sure someone from out of state doesn't  
275 purchase these homes to make a profit. Ms. Brunner stated this is where the income verification  
276 agent would come in. The City has already had a discussion with Keene Housing about this issue  
277 and there are agencies elsewhere in the State that will also provide this service. What an income  
278 verification agent does is that they verify the buyer or the renter meets the income limits.  
279

280 Mayor Hansel asked staff to verify that developers will take advantage of this ordinance. He  
281 stated he would like to see this clarified before this ordinance is adopted. Chair Russell Slack felt  
282 the City should move forward with this ordinance as there are other communities within the state  
283 that are going to try this. She felt it was time for the City to do something about affordable  
284 housing and this is a start in that direction.  
285

286 She felt if the City did not wish to start with 30 years that is ok, but it needs to find a period that  
287 would work and move this forward. She referred to her own experience purchasing her home,  
288 which was in a land trust, which is not something that exists anymore. She indicated the  
289 proposed ordinance is a way for someone to be able to own a home in this community.  
290

291 The Mayor stated he appreciates what the Chair just stated but what he is looking for is  
292 verification from developers to see if what is being proposed is sufficient enough incentive.  
293

294 Chair Bosley stated there was a lot of discussion about this issue during the June Joint  
295 Committee meeting. She did not feel there was a perfect answer until we see how it is received.  
296 She felt this Committee could be back in 18 months and there might be nothing that has been  
297 proposed by a developer with the incentives being proposed. She felt it needs to be a priority to  
298 put this item on the books and but not walk away, it needs to be reviewed after a period of time.  
299 She stated staff needs to be updating the Committee on how these changes are impacting the  
300 community. She stated she was comfortable leaving the 30 years in the language. She indicated



301 she agrees with Councilor Remy, if properties around you have significantly increased in value  
302 more than what you could sell your home, now you are back at a disadvantage. Hence, she would  
303 like to see that number be significant – perhaps 15 years. She felt 30 years was a long time to  
304 hold someone accountable for a property.

305  
306 Councilor Giacomo stated the longevity that used to exist with employment does not exist  
307 anymore and employment and housing tend to go hand in hand. He felt there is a shift from  
308 people owning homes for 30-40 years versus the generation that is coming up in their twenties; it  
309 is very common to leave a job every two to four years and he is concerned the City is not taking  
310 this into consideration and are using habits we are no longer in. He stated he was agreeable to  
311 discussing this with contractors but constructing this type of housing is better than not having  
312 any affordable housing at all. He felt data regarding homeownership needs to be looked at. He  
313 stated he appreciates what Mayor Hansel says, but felt the item needs to be moved forward.

314  
315 Chair Russell Slack stated she can't see any 20-30 year olds who are purchasing homes right  
316 now as most are burdened with student loans and a majority of them still live with their families.  
317 She indicated she was fine with revisiting this issue if that is what the Committee wished to do  
318 but felt we need to start somewhere and staff can always do the necessary research. She indicated  
319 there are communities who already have this in place and Keene needs to move forward with it.

320  
321 Chair Bosley agreed the City needed to move forward with it but stated she would like an update  
322 within the next 12 months to see how this program is working.

323  
324 Councilor Jones asked whether the City was creating a reverse incentive; are we taking away the  
325 incentive if people want to use property for farming, conservation or open space.

326  
327 Ms. Brunner stated with the CRD option, they have to put at least 50% of land into permanent  
328 conservation, hence it is actually a conservation tool; it is meant to protect more environmentally  
329 sensitive areas. It is a way to help protect steep slopes, wetlands and surface waters in the Rural  
330 District where there is a lot with those types of natural features. The intent is to preserve more  
331 land overall. However, with conventional subdivisions the use of the lot is maximized with the  
332 amount of units that you can fit on it to get the best return on investment for that land. With the  
333 CRD option it is double the incentive because they put at least 50% of the land in conservation  
334 so there is automatically 50% of the land that is protected. With the remaining land it is clustered  
335 closer together, so they get the same number of units, and the infrastructure they have to build is  
336 not as much – there is no need to build a longer roads or extend the utilities – hence, there is a  
337 cost savings there as well. It is an incentive for developers to create a subdivision that works  
338 better with the topography and the land features on the site.

339  
340 Ms. Brunner reminded the committee that this is the public workshop phase, so if they wanted to  
341 make changes to the ordinance as long as they are not substantive changes (changing the 30  
342 years would not be considered a substantive) it won't necessarily restart the process.

343  
344 Mayor Hansel stated he wanted to move forward but wanted to point out to the Committee how  
345 the cluster housing models incentive has been an option in the City and maybe that's one  
346 permitted in last year. Ms. Brunner stated with the Land Development Code (LDC) there were a

347 number of changes made to the CRD regulations. Before the LDC was adopted there was one  
348 application, since the adoption last year there have been two submittals. The Mayor added we  
349 have to be conscious that this plan is used. Chair Bosley stated she understands what the Mayor  
350 is saying but the market in Keene has changed over the last ten years and if the City can pursue  
351 development and save its green space which something this community enjoys it would be a win  
352 for everyone.

353

354 Councilor Remy stated at this point he could not support 30 years and also noted he does not see  
355 a requirement for primary residency, it only refers to owner occupied.

356

357 Ms. Brunner continued with the workforce housing incentive. In return for meeting the  
358 workforce housing criteria, the developer would be eligible for a bonus of 20% or one dwelling  
359 unit, whichever is greater. In addition, staff is also proposing to allow triplexes in conjunction  
360 with the workforce housing density bonus. This would be a change, because it would be allowing  
361 triplexes in LD-1 and in the Rural District if the developer pursues the workforce housing  
362 density incentive. The thinking behind that is, it is a lot cheaper to build a triplex than to sell  
363 three units or to build three single family, still being cautious that this is still the Rural District  
364 and we want to make sure that whatever is built fits in the character of the surrounding area.

365

366 Chair Bosley referred to condo developments outside of Tanglewood Estates and asked how  
367 those structures are designed. Ms. Brunner stated the condo developments she is aware of are  
368 located in the Low Density District and they are three to six unit condos. She stated she recalls  
369 one condo development in the Rural District but wasn't quite positive.

370

371 Councilor Remy asked for clarification on the construction of triplexes; if you provide workforce  
372 housing triplexes would a developer also need to provide market rate triplexes as well. Ms.  
373 Brunner explained if a developer meets the criteria for workforce housing incentives, then they  
374 could add triplexes into their development but only 20% of the dwelling units would have to be  
375 workforce housing (some of the units in the triplexes could be market rate).

376

377 Ms. Brunner went on to say any applications for the Workforce Housing Density Incentive  
378 would need to include the following submittal items: A written request that includes a calculation  
379 of the number of workforce housing units provided, a description of each unit's size, type,  
380 number of bedrooms, estimated cost, and location within the development; A written statement  
381 explaining how the dwelling units will remain affordable for a period of 30 years (i.e. deed  
382 restriction, restrictive covenant, etc.); and any additional information the Planning Board may  
383 request in order to determine whether the requirements of the Workforce Housing Density  
384 Incentive have been met.

385

386 Ms. Brunner further stated one of the things the staff identified is that when the LDC was  
387 adopted, staff changed the CRD option from a conditional use permit (CUP) application to a  
388 subdivision application. She stated she wasn't entirely sure why that change was made,  
389 perhaps to make things simpler and easier. Prior to the LDC, the CRD CUP used to be located in  
390 zoning, and then the actual CRD regulations were with the Planning Board. However, when the  
391 City changed it just to a subdivision application, the part that was in zoning was removed.  
392 Currently there is no connection between the zoning ordinance, which is chapters 1- 18 of the

393 Land Development Code, and the CRD Regulations, which are in chapter 19. When the LDC  
394 was adopted, it was all adopted as one document through the same process. Because there is  
395 nothing about the CRD Regulations in zoning, the City Attorney has advised that a connection  
396 has to be re-establish between the Zoning Ordinance and the CRD Regulations. Hence, what is  
397 being proposed tonight is to fix that oversight.

398  
399 The other glitch that was found during a recent application for a CRD subdivision application.  
400 When the LDC was adopted, one thing that was done to make the CRD an easier process was a  
401 change to the way density was calculated. There are two ways density can be calculated; The  
402 first is a simple formula method which is what we have today. The second is using something  
403 called a Yield Analysis Plan, which is where a developer has to create a whole plan showing the  
404 number of units that they could fit in a CRD if they were to build it as a conventional  
405 subdivision. Then they have to verify with the Planning Board that this is the number of units  
406 that they could get. They have to then do a separate plan for the CRD. Ms. Brunner stated this is  
407 a long involved process and have heard from developers that this is one of the reasons they were  
408 previously not in favor of the CRD option.

409  
410 Hence, with the LDC adoption, the yield analysis method was changed to the formula method,  
411 but the requirement to submit a yield analysis plan was not deleted. Hence, staff is proposing to  
412 delete this requirement.

413  
414 Ms. Brunner stated with the Menu of Incentives that is being proposed, the developer is able to  
415 choose more than one incentive. However, staff is proposing an overall density cap at 30%.

416  
417 Chair Bosley opened up the public workshop for public comments.

418  
419 Mr. Kendall Lane of 5 Hastings Avenue addressed the Committee first. Mr. Lane stated the  
420 reason he was invited to address the Committee tonight is because he has been involved in most  
421 of the changes that have taken place over the years with the zoning ordinance. Mr. Lane stated as  
422 everyone is aware Keene has a housing crisis – the question is why Keene has this housing crisis.  
423 Mr. Lane stated between 1950 and 1960 the City grew by 12%. Between 1960 and 1970 the City  
424 grew by over 16% (close to a 30% increase in 20 years). In 1960 Keene had the second fastest  
425 growing community in the State of New Hampshire, which became a real concern. Mr. Lane  
426 stated he first became involved in 1978 when he was part of the Housing Authority, to look at  
427 the impact as to the growth that was taking place. Schools were at capacity and water and sewer  
428 were having issues due to being over capacity. Development was happening everywhere in order  
429 to support the increased population.

430  
431 Keene knew it had to do something. The first thing was to move the minimum lot size from one  
432 acre to five acres. Keene did away with Planned Unit Development as well as all cluster housing  
433 proposals. This lasted about 20 years before the CRD came in. He added in the 10 years he was  
434 on the Planning Board there was not a single CRD proposal that came before the Board due to its  
435 complexity.

436  
437 After these changes were put in place, between 1970 to 1980 the growth rate fell from 16% to  
438 4%, and continued to fall. It was down to 2% from 2000 to 2010. This served the purpose that

439 the City set out to do. However, times have changed, the City now has a new water treatment  
440 plant. The freeze that was placed on new water connections is not an issue. The City has a new  
441 Middle School, a third of which is vacant. The High School has half the number of students it  
442 had 30 years ago. The City has closed two elementary schools in the last few years.

443  
444 Mr. Lane stated when he stepped down as Mayor there were nearly 1,000 industrial jobs in  
445 Keene unfilled. He noted Keene is a desirable place to live, but without housing it is almost  
446 impossible to attract people to this community. He stated he was on the Re-districting  
447 Committee and had chance to look at the census figures early; overall census figures show that  
448 the City of Keene's population dropped by 392 people which he said was very misleading. The  
449 college population dropped by over 2,000 people. The actual population, people who are not  
450 associated with the college grew by about 1,800 people. This is the fastest rate of growth Keene  
451 has had since 1970. The reason there are no apartments or houses available is because Keene  
452 brought in 1,800 people to fill those positions. The real estate market vacancy rate in Keene is  
453 0.3%.

454  
455 Mr. Lane noted Keene was successful in bringing people to live, work and support the economy  
456 but not when it came to housing. He indicated there are things the City itself can do and felt this  
457 proposed ordinance is a reflection of that. He stated Keene has an aging housing market. This  
458 needs to be refreshed, new housing needs to be built and make it possible by creating ordinances  
459 that are easy to understand, simple and straightforward.

460  
461 Housing needs the support of Council, not because Keene is going to build affordable housing or  
462 workforce housing. But Keene needs to create a level playing field that will support all types of  
463 housing so that the City can continue to prosper. Mr. Lane stated he has heard from many  
464 businesses that have indicated they can't stay in Keene because of the lack of housing.

465  
466 Chair Bosley felt Covid has magnified this housing crisis, because we have created a unique  
467 community and people who can work remotely have discovered us. This is pushing people who  
468 are born and raised in Keene out of Keene.

469  
470 Chair Slack thanked Mr. Lane for his presentation and stated Keene has housing that is available  
471 but unfortunately none of them are affordable housing. She felt what is being proposed is one  
472 way to bring in affordable housing.

473  
474 Mr. Lane stated when creating workforce housing it needs to be maintained, there has to be  
475 enough of an incentive on the owner to maintain that property.

476  
477 Councilor Jones stated in addition to technology and industrial jobs, since Covid began hospitals  
478 are having a difficult time finding doctors because the hospital can't find homes for them.  
479 SAU29 is having the same issue.

480  
481 Mr. Lane felt childcare is another big issue when it comes people's ability to work.

482  
483 Ms. Janet Furcht of 64 Park Avenue addressed the Committee. Ms. Furcht is a member of the  
484 Monadnock Interfaith Project and on the Board of Directors for Monadnock Habitat for

485 Humanity. Ms. Furcht stated the issue that was raised previously about denying people the  
486 opportunity to cash in on the appreciation of their home, they are not being denied everything.  
487 What people are looking for is a place to live and if at the end of 20 or 30 years, they don't make  
488 as much as the person down street, they would have at least had secure housing for their family.  
489 Their kids could have stayed in the same school, in the same neighborhood. She stated if it  
490 equates to renting a house for 30 years versus owning a house, most families would like to own  
491 their own home. She stated she did not want the City to lose sight of that.

492  
493 She indicated it is great that people who work remotely are owning some of these houses.  
494 However, if we don't have a place for people who look after us in the hospital, look after us in  
495 the nursing home, look after us when we go shopping, etc., there will be people would have a  
496 terminal illnesses at home and not be able to find a homecare worker to help them.

497  
498 Ms. Laurie Jameson addressed the Committee on behalf of being a member of Monadnock  
499 Interface Project. She thanked the committee for all the work that is being done. She indicated  
500 workforce housing is not the same as affordable housing. She felt working people in Keene,  
501 police, fire etc. deserve a secure housing. She asked that this item be moved forward as there are  
502 problems that exist today that need to be handled.

503  
504 Mr. Thomas Lacy of 241 Daniels Hill Road was the next speaker. He stated he understands the  
505 need for housing. He stated he wasn't sure he is comfortable with the changes being considered  
506 for the rural zone - 60% change of minimum acres from five acres to two acres, which he felt  
507 could have some serious consequences in the rural zone that are independent to workforce  
508 housing. He felt there will be some very creative options coming into the rural zone, which is  
509 going to make the rural zone not look like what it currently is.

510  
511 Mr. Lacey did not feel there has been proper analysis and attention paid to what could happen as  
512 a result of these changes to the rural zone. He indicated a lot has happened since 1972; there  
513 have been two or three real estate booms and busts. There has been the introduction of current  
514 use assessment. Many rural properties are in current use if they have a minimum of 10 acres.

515  
516 He stated the taxes in the rural zone will go up because properties that are between four and ten  
517 acres are now going to be identified as potential development area and will be taxed as such. He  
518 felt these are consequences of making such a change.

519  
520 Mr. Lacey further stated between the period of 2005 to 2008, there were extended meetings on  
521 land use and the importance limiting development in the rural zone because of storage of water,  
522 storage of nutrients that additional upland development would cause. He stated he understands  
523 the momentum but has not heard the consequences for the owners there currently live in the rural  
524 zone and how it is going to affect them. Mr. Lacey stated the three uses that help a town's tax  
525 base is commercial, industrial and open space – open space doesn't require city services. He  
526 added he does acknowledge the need for the housing, but felt the rural zone is going to be  
527 affected negatively based on these proposed changes.

528  
529 With no further comment, Chair Bosley closed the public hearing.

530

531 Mayor Hansel felt in reading this documents the housing authority and the nonprofit developers  
532 are the ones who are going to take advantage of these incentives. He stated he would like staff to  
533 make sure that the City is not creating some kind of a unfair advantage for nonprofit developers  
534 to do affordable housing.

535  
536 Chair Slack stated Housing Authorities will never have an unfair advantage and stated she cannot  
537 think of any other way to solve the housing issue. The Chair stated there will never be a perfect  
538 solution.

539  
540 Councilor Remy stated he would be okay with 30 years if the language says it has to be their  
541 residence for 10 years.

542  
543 Chair Bosley stated she heard the term “housing security” mentioned today by a member of the  
544 public and felt this adds another layer to the discussion that she hadn’t considered. When you  
545 rent you are always at the mercy of your landlord, but when you own you have more stability  
546 and freedom.

547  
548 Mr. Clements clarified that with the owner occupied units, if someone were to immediately turn  
549 the property into a rental or an investment, it would be considered mortgage fraud and there are  
550 securities built into the contract and there are financial practices that are in place for added  
551 protection.

552  
553 Councilor Remy noted the header refers to “owner occupied” but nowhere in the language does  
554 it talk about the unit having to remain as owner occupied. Mr. Clements stated the deed will  
555 outline this language. It is not in the ordinance, but it becomes the applicant’s responsibility to  
556 guarantee that these units do remain owner occupied for the term outlined in the ordinance.

557  
558 Councilor Jones asked Councilor Remy whether his concern is that the property would be used  
559 as a rental or a second home (vacation). Councilor Remy stated he wasn’t sure if owner occupied  
560 would mean it is being used as a primary residence.

561  
562 Chair Bosley stated that, to qualify for an owner occupied mortgage, you would have to live in  
563 the residence only for the first 12 months. At that point it can be rented out and felt language  
564 would either have to be built into the deed or into the ordinance. She asked what happens in a  
565 situation where someone has to sell their home because they have to move for a job and can’t sell  
566 the property and would have to then rent the property.

567  
568 Councilor Giacomo, with reference to the CPI issue, said that with the exception of a period in  
569 the late 1920’s, any 30 year period will give you about a 150% return and did not feel that is a  
570 terrible return and hence did not have an objection to the 30 years.

571  
572 A motion was made by Mayor George Hansel that the Planning Board find the Ordinance O-  
573 2022-09 as amended consistent with the Comprehensive Master Plan. The motion was seconded  
574 by David Orgaz and was unanimously approved on a 7-1 vote with Councilor Remy voting in  
575 opposition.

576

577 A motion was made by Chair Kate Bosley that the PLD Committee recommends the Mayor set a  
578 public hearing on the amended Ordinance. The motion was seconded by Councilor Michael  
579 Giacomo and carried on a unanimous roll call vote.

580

581 **IV) New Business**

582 None

583

584 **V) Next Meeting – Monday, September 12, 2022**

585

586

587 **VI) Adjourn**

588

589 There being no further business, Chair Bosley adjourned the meeting at 8:26 PM.

590

591 Respectfully submitted by,

592 Krishni Pahl, Minute Taker

593

594 Reviewed and edited by,

595 Mari Brunner, Senior Planner

**Ordinance Overview**

This Ordinance proposes to amend Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire as follows.

1. That “Recreation/Entertainment Facility - Indoor” be added as a permitted primary use to the Business Growth and Reuse District.
2. That Table 8-1 “Permitted Principal Uses by Zoning District” and Section 5.4.5 “Permitted Uses” in Article 8 be updated to display Recreation/Entertainment Facility - Indoor as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

In rezoning decisions, the Petitioner’s intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site.

Additionally, the Board should consider and review:

- The consistency of the proposed rezoning request with the Master Plan;
- Existing and proposed zoning requirements;
- Surrounding land use and zoning patterns; and,
- Possible resulting impacts.

**Background**

The Business Growth and Reuse (BGR) District was established in 2017 as part of the Marlboro Street rezoning effort. The intent of the District is to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service. The land area underlying this District was previously zoned as Industrial. The intent of the rezoning initiative in 2017 was to encourage redevelopment of the area with industrial and business uses that were cleaner and more environmentally friendly than traditional “smoke stack” industrial uses.

Ordinance O-2022-11 proposes to introduce “Recreation/Entertainment Facility - Indoor” as a principal permitted use in the BGR District. Recreation/Entertainment Facility - Indoor is defined in the Zoning Regulations as *“A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, live performance venues, night clubs, indoor sports arenas, bowling alleys, skating centers, physical adventure game facilities, and pool halls.”*

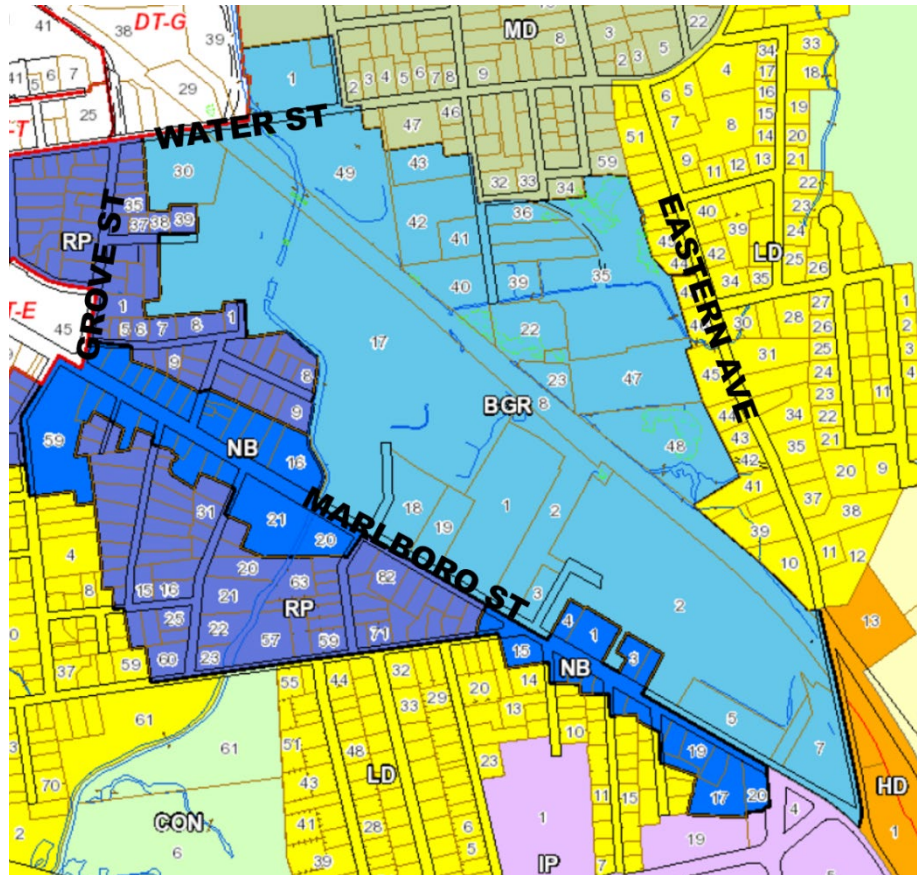
**Review of BGR District & Surrounding Area**

Included below is an overview of the BGR District, with a focus on the permitted uses as well as the existing land uses and types within and surrounding the district.

BGR is a relatively small zoning district that currently includes 29 parcels, and is surrounded by Marlboro Street to the south, Water Street to the north, Eastern Avenue to the east, and Grove Street to the west. These parcels support a variety of commercial uses including warehousing, office space, a municipal complex, industrial uses, vehicle service facilities, an assisted living center, the City’s municipal complex / Keene Ice Arena, and some retail uses. The predominant land use in this area today is warehousing. There are also a number of vacant parcels in this District.



The BGR District is surrounded by the Residential Preservation District to the west, which is largely limited to single family dwellings. The Neighborhood Business District is to the south along Marlboro Street, which promotes small-scale commercial development. The Medium Density District and a small portion of the Downtown Growth District are to the north. The Low Density District is to the east, which is a single family zoning district.



As Beaver Brook runs north-south through the District, a significant portion of it is within the 100-Year Floodplain. The majority of the land area in the Floodplain in this District is on the former Kingsbury parcel, which is 22-acres. The Cheshire Rail Trail runs east-west through this District.

An overview of the uses that are permitted by the Zoning Regulations to occur in this District, as well as of the dimensional requirements (e.g. building setbacks, lot coverage maximums, building height, etc.), are displayed on the table on the next page. This District allows for a limited number of permitted uses. Of the commercial uses permitted, which include *Art Gallery, Art/Fitness Studio, Gym, Bed and Breakfast, Office, Neighborhood Grocery Store, Greenhouse/Nursery, Restaurant, Research and Development, Personal Services Establishment and Specialty Food Service*, they are either those that are typically smaller scale or are restricted to be no greater than a certain gross floor area in this District.

Dimensional Requirements in this District appear to promote a medium intensity of development density for a commercial zoning district. Building heights are maxed at 3 stories, maximum lot coverage is 65% and the minimum lot size is 8,000 sf.

## 5.4 BUSINESS GROWTH & REUSE (BGR)

### 5.4.1 Purpose

The Business Growth & Reuse (BGR) District is intended to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service.

### 5.4.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Setback	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Setback	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

### 5.4.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

### 5.4.4 Height

Max Stories Above Grade	3
Max stories above grade with first floor parking	4

## 5.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Bed and Breakfast	P <sup>1</sup>	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Neighborhood Grocery Store	P	8.3.2.U
Office	P <sup>1</sup>	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Research and Development	P	8.3.2.AA
Restaurant	P <sup>1</sup>	8.3.2.AB
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
Day Care Center	P	8.3.3.C
Private School	P <sup>1</sup>	8.3.3.F
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Residential Care Facility	CUP	8.3.4.J
INDUSTRIAL USES		SECTION
Artisanal Production	P <sup>1</sup>	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	P <sup>1</sup>	8.3.5
Warehouse & Distribution	P <sup>1</sup>	8.3.5
Wholesale	P <sup>1</sup>	8.3.5
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

With respect to the Districts surrounding the BGR District, “Recreation/Entertainment Facility - Indoor” is currently only permitted as a principal use in the adjacent Downtown Growth District. This use is also permitted elsewhere in the City in the Downtown Limited, Downtown Institutional, Commerce, and Commerce Limited districts, none of which abut the BGR District.

## **Keene Master Plan Consistency**

The 2010 Comprehensive Master Plan includes Marlboro Street as a Strategic Planning Area. On Page 119 of the Plan, it states, *“To the east side of Main Street, along Marlboro Street, there are similar opportunities to balance higher density housing with the existing single- and two-family residential neighborhoods. There is also the opportunity to extend light commercial uses from the Main Street roundabout to the Public Works Facility just before Optical Avenue. As this area transitions towards the Optical Avenue gateway into the community from Route 101, the inclusion of a higher density of industrial / manufacturing / business / office uses should be pursued with the provision of connections to adjacent neighborhoods, creating a walkable area.”*

The Plan also notes on Page 118 that this area is ideal for new industrial users and mixed use development. However, it qualifies that, with respect to new industrial development, *“Design details, mitigating traffic impacts, sensitivity to surrounding neighborhoods, and a high level of connectivity to the rest of the community are the most important development standards.”*

Page 40 of the Transportation Master Plan, which is appended to the Comprehensive Master Plan, notes that the Marlboro Street corridor, which is a gateway corridor to downtown, supports a mix of residential, commercial and industrial land use. The street provides access to large residential areas... There is a concern that commercial uses and activities could encroach upon established residential areas located on the south side of the street. These neighborhoods should be protected.

## **Implications of the Proposed Change**

Based on these excerpts above, it would appear that the ordinance *as proposed* is not entirely inconsistent with the goals and objectives of the Comprehensive Master Plan. The Board should be aware that the BGR District was intended primarily as an area to attract industrial redevelopment (e.g. research and development) and other supportive business uses, and not as an entertainment or retail corridor. In addition, the BGR District is surrounded by residential zoning districts that may be negatively impacted by developments that are out-of-scale or that introduce uses inconsistent with single/two-family and small multi-family residential uses. It is important to balance opportunity with the impact that large or out of character uses could have on the surrounding community. However, “Recreation/Entertainment Facility – Indoor” is a commercial use that supports other existing use types in the area and should be viewed as a way to encourage visitation to the area. This can have a positive economic impact, but may negatively impact the residences that border the district. For example, a Night Club may not be an appropriate use in such close proximity to residential neighborhoods.

As a result, the Joint Committee may wish to consider altering the proposed ordinance change by adding a use standard that would limit the size of this use to 4,000 square feet or less in the BGR District to prevent this type of use from being inconsistent with the other types/scale of uses currently permitted. The Committee may also wish to alter the definition of the use to remove “Night Club” from the definition to better reflect uses that will support neighborhood fabric without disrupting the lower density nature of zoning districts at the borders of the BGR district.

## **Recommendation:**

The following language is recommended for the Planning Board and PLD motions:

### **Planning Board:**

Recommend the Planning Board find proposed Ordinance 0-2022-11 *as amended\** consistent with the Community Goals and Master Plan.

*\*Note: If the Committee does not recommend any amendments, omit the words “as amended.” If amendments are proposed, the Committee should clearly state what those amendments are during deliberation.*

Planning, License and Development Committee:

Recommend that the Mayor set a public hearing date for Ordinance O-2022-11.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner 310 Marlboro St., LLC Date

Address 310 Marlboro St, Keene NH 03431

Telephone (603) 721.1227 Email: 310marlborostreetllc@gmail.com

Existing Section Reference in Chapter 102, Zoning Ordinance 5.4.5/Table 8.1

Does the amendment affect "Minimum Lot Size" Yes [ ] No [X]

Does the amendment affect "Permitted Uses" Yes [X] No [ ]

Brief Description of Proposed Change Allow Recreation/Entertainment Facility - Indoor in the BGR zone/district

R Walter Digitally signed by R Walter DN: cn=R Walter, o=310 Marlboro St., LLC, ou=Manager, email=310marlborostllc@gmail.com, c=US Date: 2021.10.17 17:14:29 -0400 Petitioner's Signature

Submittal Requirements which must be complete at the time of submission to the City Clerk.

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

Date Received by City Clerk 8/15/22 Fee Received \$ 100.00 application fee

15AUG2022

To the Keene City Council and staff:

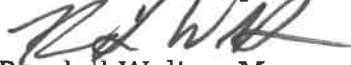
310 Marlboro Street continues the process of redevelopment and a return as a vital location on the Marlboro Street corridor. There are features of this building and others in the Business Growth & Reuse District that inspire the following request. The scale, height and dimensions of former industrial spaces allow for indoor activities that are not found in other portions of the city. We request that Recreation/Entertainment Facility - Indoor be considered to be allowed in the BGR.

Recreation/Entertainment Facilities have minimal traffic and parking impacts due to the large amount of square footage per person required. The activity is consistent, and is a blend of the allowed small Restaurant (up to 50 people), and the activity of fitness facilities already permitted in the district.

The interest of 310 Marlboro St., LLC is to develop a community of businesses @310 that are socially responsible, environmentally sustainable and vibrant contributors to the active culture of Keene.

Thank you for your continued commitment and effort to overseeing the development and prosperity of Marlboro Street and the greater Keene community.

With sincere respect and appreciation,

  
Randall Walter, Manager  
310 Marlboro St., LLC



# CITY OF KEENE

O-2022-11

## Twenty-two

In the Year of Our Lord Two Thousand and .....  
**Relating to Amendments to the Business, Growth & Reuse District -**  
AN ORDINANCE ..... **Recreation/Entertainment Facility** .....

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

That Chapter 100 entitled “Land Development Code” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows:

1. That “Recreation/Entertainment Facility – Indoor” be added as a permitted primary use to the Business Growth and Reuse District.
2. Update Table 8-1 “Permitted Principal Uses by Zoning District” and Section 5.4.5 “Permitted Uses” in Article 8 to display Recreational/Entertainment Facility – Indoor as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

In City Council August 18, 2022.  
Referred to the Joint Planning Board/  
Planning, Licenses and Development  
Committee.

Deputy City Clerk

\_\_\_\_\_  
George S. Hansel, Mayor