

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, November 27, 2023

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
David Orgaz, Vice-Chair
Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Ryan Clancy
Kenneth Kost, Alternate
Randyn Markelon, Alternate

Staff Present:

Jesse Rounds Community Development
Director
Mari Brunner, Senior Planner
Evan Clements, Planner

Members Not Present:

Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

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

II) Minutes of Previous Meeting – October 23, 2023

A motion was made by Mayor George Hansel that the Planning Board approve the October 23, 2023 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III) Final Vote on Conditional Approvals

Chair Farrington stated as a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval for the project and will start the 30-day appeal clock.

Senior Planner, Mari Brunner, stated there were no applications ready for final approval at tonight’s meeting.

IV) Extension Request

- a. **S-04-22 & SPR-04-22 – Conservation Residential Development Subdivision and Site Plan – 0 Drummer Rd – Applicant Fieldstone Land Consultants, on behalf of owner C. Eric Farris, requests a second extension to the deadline to satisfy the precedent conditions of approval for the proposed 6-lot subdivision of the property located at 0 Drummer Rd (TMP # 515-015-000) and construction of four, 5-unit multifamily residences and one, 6-unit multifamily residence. The property is 13.1 acres and is located in the Low Density District**

Mr. Eric Farris, the property owner, addressed the Board and stated that he did not have much to add to the extension request description that was read by Chair Farrington and said that he was open to answering questions. He stated the consultant has been unusually busy and that the project has also been delayed due to speaking with the NH Housing Finance Authority about how that funding would impact this project.

Chair Farrington stated the extension request indicates that the applicant is looking to satisfy the precedent conditions and asked whether there were any non-Planning Board issues that could be delaying this project as well. Mr. Farris stated that as he had mentioned earlier, he is working with the NH Housing Finance Authority to keep this project affordable. The Chairman stated the City is encouraging development and would like to know the issues developers are facing and thanked Mr. Farris for considering this project.

A motion was made by Mayor George Hansel that the Planning Board grant a 180-day extension to the timeframe to satisfy the precedent conditions of approval for the Timberlane Woods CRD Subdivision and Site Plan applications, S-04-22 & SPR-04-22. The motion was seconded by Councilor Michael Remy and was unanimously approved.

V) Boundary Line Adjustment

- a. **S-11-23 – Boundary Line Adjustment & Street Access Permit – 143 & 147 Main St & 0 Davis St – Applicant Brickstone Land Use Consultants, on behalf of owners 143 Main LLC & 147-151 Main Street LLC, proposes to merge the 0.12-ac parcel at 0 Davis St (TMP# 584-059-000) with the existing 0.15-ac parcel at 143 Main St and the 0.19-ac parcel at 147 Main St (TMP#s 584-061-000 & 584-060-000) and adjust the common lot line between these two parcels. A new curb cut is also proposed along Main St to access the parcel at 143 Main St. All parcels are located in the Downtown Core District.**

A. Board Determination of Completeness

Planner, Evan Clements, stated the Applicant requests exemptions from providing a drainage report, traffic analysis, soil analysis, and other technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

A motion was made by Mayor George Hansel to accept application S-11-23 as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of the property owners, 143 Main LLC & 147-151 Main Street LLC. He indicated both of these entities are controlled by Michael Pappas, who is present tonight. The subject parcels consist of three tracts of land located at the corner of Davis Street and Main Street.

Mr. Phippard explained that the vacant gravel lot at the rear is for parking. The corner lot used to be the site of the Cobblestone building, which burnt down and the brick building on the third parcel is also being salvaged. Mr. Phippard stated the plan is to take the land area of the rear lot and combine it with the parcels with frontage along Main Street. The common boundary line between 143 & 147 Main Street will then be moved two feet to the south, which will provide space for a driveway. Mr. Phippard noted the brick house at 143 Main Street was constructed in the 1700's and is a historic building. The applicant is looking to salvage, renovate, and add uses to this property.

Mr. Phippard stated the request he submitted is for a boundary line adjustment and the second request is to approve a curb cut for 143 Main Street, which historically was the driveway for this parcel. When Main Street was reconstructed in 2007/2008, there was confusion as to whether this was an abandoned driveway or if it was still in use. During the reconstruction, the City installed a crosswalk at this location as well as 2'-wide strips of pavement on both sides. After much back and forth between the City and the applicant, the applicant decided they would not give up this curb cut. In order to use this as an active driveway to access the property, Public Works is requiring that the applicant to relocate the crosswalk further to the south so that it will be across from 147 Main Street. The applicant will replace this section with concrete, which is the City standard for sidewalks.

Mr. Phippard stated initially they had intended to construct a 12'-wide driveway leading from Main Street to the rear of the property where four parking spaces would be located to service this building. He referred to the porch that extends out from the south side of the building, which is in poor condition and has to be torn down and rebuilt. Mr. Phippard stated his recommendation to the applicant was to shorten the porch and cut it back by three feet. This way, the architectural design of the porch could still be maintained. He noted that the applicant is aware he would have to go to the Historic District Commission (HDC) to change the dimensions of the porch. By shortening the porch, the driveway could be maintained at a width of 12 feet for its entire length.

Mr. Phippard stated that staff explained that the HDC may not allow the porch to be altered, given its age, even though it needs to be completely rebuilt. He noted the property owner is working hard to preserve all existing features of the brick house and explained that he has already rebuilt the barn at the rear of the property. Mr. Phippard stated that in reviewing the driveway regulations, you are allowed a driveway for this type of use, as long as it is less than 20 feet wide. This means that the driveway can be less than 12' wide, but it cannot be made 20' wide or wider. He indicated that they are going to put a choke point in the driveway that will reduce it to 9' wide where it passes the porch and there will be a bollard on either corner to protect the porch. Between this and

the boundary line being relocated further to the south, there will still be adequate room to pass and repass through this area to exit onto Main Street.

He indicated that when the parcel at 147 Main Street is developed, the applicant's intent is to come back before the Planning Board with a new building design for that location. They will be installing bollards to protect the new building along the southern side of the driveway, so there won't be any issues with maintenance of the new building. Mr. Phippard explained that the previous building was designed so that the northeast corner was cut out and noted that the design for the new building will maintain this feature. The applicant has indicated that he is able to drive an F-150 truck with construction mirrors along the existing 9'-wide driveway. Mr. Phippard felt that with the choke point, people will be forced to slow down. He added that there are other steps that can be taken, if they see any safety concerns when the parcel at 147 Main Street gets redeveloped.

Following the boundary line adjustment, 143 Main Street will go from 0.15 acres in size to 0.21 acres. The parcel at 147 Main Street will go from 0.19 acres to 0.25 acres and each lot will be in compliance with the Downtown Core zoning dimensional requirements. This concluded Mr. Phippard's comments.

Staff comments were next. Mr. Clements addressed the Board and began with Traffic and Access Management. He indicated that Mr. Phippard is correct in that the City doesn't have a minimum width for driveways, so the nine foot pinch point is permitted under the regulations. He added, however, that staff does have concerns related to the use of that driveway in all weather conditions, specifically during the snowy season where that drive aisle may narrowed further. He reminded the Board that during the site visit, Mr. Phippard explained that they are planning on keeping the driveway at nine feet wide for now and at a future date adjusting the size of the historic porch to widen that pinch point back up to 12 feet.

Mr. Clements stated staff believes there is an opportunity right now with the undeveloped nature of 147 Main Street to provide the space for a 12'-wide drive aisle. When the new building is constructed, it would create a potential hardship if that 9'-wide drive aisle is insufficient. He added that staff also feels that it would put the Historic District Commission in the precarious situation of having to approve something that they would not ordinarily approve because of a hardship that was created when the new building was constructed.

He added that staff is looking for the Board to deliberate about whether this 9'-wide pinch point with the bollards protecting the porch is an acceptable permanent solution to this issue. He added that staff is also going to recommend tabling this application, so the applicant can either receive an approval or denial for the modification of that porch from the HDC. This concluded staff comments.

Mayor Hansel asked to clarify if the City's standards permit a 9' wide driveway and whether this would be reviewed during the driveway permit application process. Mr. Clements explained that the Street Access Permit application (Driveway Permit application) is part of this application, and the issue is proving that there is safe access from Main Street to the rear of the site. The Planning Board regulations for traffic and access management contemplate safe and effective travel throughout the site. He stated that it would ultimately be up to the Board to decide whether the 9'

wide pinch point is acceptable for safe travel in all weather conditions for all potential uses of the site. He added that this might be adequate for the current property owner, but felt that the City is unintentionally creating a hardship down the line where the only solution would be a potential impact to a historic resource in the downtown. The Mayor clarified that City Code does allow for 9'-wide driveways. Mr. Clements answered in the affirmative and added that there is no minimum driveway width specified in City Code.

Ms. Brunner added that what staff is recommending is that if this is intended to be a temporary solution and in the long run, they want to modify the porch, then the correct process would be to go to the HDC first for their approval. However, if this is meant to be a permanent solution, it does meet City standards.

Councilor Remy stated he does not have much concern about the 9'-wide driveway and did not feel that the Board needs to require that a vehicle should be able to pass in a driveway. He also felt that the entryway to the driveway does have visibility on both sides. He stated that he could not see delaying this application and felt the applicant could always come back for a modification to their site plan after HDC approval/denial.

Mr. Clancy asked whether the Board had considered looking at access from the back of the lot or just maintaining a driveway in this location. Ms. Brunner stated that with a Street Access Permit, the standards in City Code are geared towards the curb cut at the public right-of-way. The Street Access Standards are focused on the right-of-way, but tonight the Board is reviewing a plan that shows the full length of the driveway. The driveway connects the parking area to the road and includes the section that narrows down to nine feet.

Ms. Lavigne-Bernier clarified that when someone turns right into this driveway, it will be 12' wide and asked how long this section would be before you would get to the 9' pinch point. She also asked whether two cars could pass on this driveway. Mr. Phippard stated that from the edge of the travel lane on Main Street to the pinch point is about 86 feet. Ms. Lavigne-Bernier asked whether two cars could pass comfortably in a 12'-wide driveway and Mr. Phippard noted that he did not feel they could. He added that when someone is exiting the driveway and someone is entering the driveway, they would have to wait to prevent the driver coming in from having to back out onto Main Street.

Mayor Hansel felt that staff was asking the Board to look at hypothetical scenarios, which he felt places the Board in a difficult position. He felt the applicant is complying with the regulations and felt that the driveway they are proposing will meet their needs.

Mr. Clancy asked whether vehicle size could be considered a hardship in the future. Ms. Brunner answered in the negative. She added that staff's concern is that this is a temporary solution, and that the applicant would be coming back in the future with a request to reduce the porch size. She stated that if that is true, then the correct process would be to go before the HDC first. Mr. Clancy asked whether there was a way to create a one way driveway. He noted his knowledge of the property is that they exit a different way.

In response, Mr. Phippard stated that when they looked at redeveloping the corner lot at 147 Main Street, they considered a different configuration. The tenant that the property owner has an agreement with needs room for a drive through, so a drive through with one-way in and one-way out was designed and approved as a Special Exception by the Zoning Board. The one-way driveway option was not feasible for the property at 143 Main St if the drive through was to be accommodated on the adjacent parcel.

Councilor Remy referred to the northbound pedestrian crossing over the existing driveway on the parcel at 143 Main St and noted that he felt the idea of having the new building designed with a cutout similar to the previous building is a great way to solve this issue. He indicated that the Board is reviewing changes to the 143 Main Street site and wasn't sure if they could rely on the new proposed design for 147 Main Street to maintain the proposed cutout feature if they aren't reviewing that application at tonight's meeting. Mr. Phippard stated that the parcel at 147 Main Street cannot be redeveloped unless it comes back before the Planning Board for review. Councilor Remy stated that he was concerned because this is an existing condition on another lot. If for some reason the lot was sold before it is redeveloped, the new owner could raise the point that this is an existing condition on a neighboring property.

Ms. Brunner stated that staff would encourage the Board to look at this plan without considering the building that is going to be constructed at a future date and noted that the Downtown Core District calls for this type of use. If you look further up Main Street closer to Central Square, there are a few examples of alley type driveways and she noted that she felt City standards actually encourage this sort of situation to occur.

Mr. Clancy asked if the Board was to approve this request whether the property owner of 143 Main Street could permit patrons of the property at 147 Main Street to use this driveway without coming to the Planning Board for their drive through. Ms. Brunner stated when the 147 Main Street property is redeveloped, it would need to come before the Board for review and approval. The Zoning Board of Adjustment did grant a special exception to permit a drive through as an accessory use for this property. This use has been permitted, but the actual design has yet to come to the Planning Board for review. They could propose using their neighbor's driveway, if they wanted to and as long as the Board is amenable to that request, a cross easement could be granted.

Mr. Clements added that the applicant would have to go back to the Zoning Board of Adjustment for another Special Exception for 143 Main Street to incorporate that property as part of the drive through. He also noted that there is a zoning change under review that would prohibit drive throughs in the downtown, which means that they would not be able to do that until the zoning change has been resolved.

Councilor Remy asked why the City Engineer wanted the crosswalk to tilt south instead of north. Mr. Clement stated his understanding is that the property owner and the City Engineer went back and forth a couple different times in regard to the location of that crosswalk, and the City Engineer ultimately decided that the southbound location was best from his point of view. Engineering Staff had two comments related to the crosswalk, but neither one of them were really pertinent to the final proposed location. One was for the submittal of a ramp detail that meets the public right-of-

way accessibility guidelines and the second was the direction of the style of bars being referred to as continental; which is the same style that currently exists at that location.

The Chairman asked for public comment. With no comment from the public, the Chairman closed the public hearing.

A. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-11-23 as shown on the plan set identified as “Boundary Line Adjustment” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 20 feet, dated September 28, 2023 and approve the Street Access Permit for 143 Main Street, as shown on the plan identified as “Driveway Plan” prepared by Brickstone Land Use Consultants at a scale of 1 in = 20 ft, with the following conditions:

- b. *Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:*
 - i. *Submittal of a revised plan to show the revised driveway configuration with the 9’-wide section with protective bollards.*
 - ii. *Owner’s signature appears on the plan.*
 - iii. *Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.*
 - iv. *Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.*
 - v. *Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees.*

The motion was seconded by Councilor Michael Remy, who stated he sees no regional impact from this project. The motion was unanimously approved.

VI) Public Hearing

- a. **CLSS-CUP-03-23 – Congregate Living & Social Services Conditional Use Permit – Keene Serenity Center, 24 Vernon St - Applicant Keene Serenity Center, on behalf of owner Monadnock Area Peer Support Agency, proposes to operate a group resource center on the property at 24 Vernon St (TMP #568-058-000). The site is 0.28 ac and is located in the Downtown Core District. VII. Master Plan Steering Committee.**

A. Board Determination of Completeness

Planner, Evan Clements, explained that the applicant has requested exemptions from providing existing & proposed conditions plans; grading, landscaping, and lighting plans; building elevations; and technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

A motion was made by Mayor George Hansel to accept the application, CLSS-CUP-03-23, as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Sam Lake, Executive Director of the Keene Serenity Center, addressed the Board. He indicated that the Serenity Center has been operating in Keene for the past ten years and is a nonprofit peer support agency. He indicated that they were approved for a Congregate Living & Social Services (CLSS) License last year at their previous location. He indicated that because they moved from Mechanic Street to Vernon Street, they are required to reapply for their license and a CLSS Conditional Use Permit (CUP), which they have not had to apply for in the past. This concluded the applicant’s comments.

Staff comments were next.

Mr. Clements stated that the Keene Serenity Center is a Recovery Community Organization that offers peer support for individuals experiencing a substance use disorder. The organization offers recovery coaching programs facilitated by Certified Recovery Support Workers. These programs include individual sessions, group sessions, and telehealth formats. The Center also offers a transportation program called “Road to Recovery” that provides ride services to members for appointments and other services to aid in their recovery. Currently, 80 rides are provided per week utilizing an organization-owned vehicle that is stored in a parking spot provided for their use on site.

He explained that the subject property at 24 Vernon Street is an office building located on the south side of Vernon Street, behind 10 Vernon Street and adjacent to the City of Keene Fire Department building. The 12,640-sf building contains the Monadnock Area Peer Support Agency, an existing clinic and large group home, that utilizes approximately 9,140-sf of the building area, a small outdoor activity area, and most of the parking lot. The Monadnock Area Peer Support Agency has obtained a Congregate Living and Social Service Conditional Use Permit (CUP) through the Planning Board to operate a large group home on the site; however, the Keene Serenity Center is required to obtain their own CUP because their use is separate from that of Monadnock Peer Support.

He indicated the purpose of this application is to seek a Congregate Living and Social Service Conditional Use Permit to operate a group resource center within 3,500-sf of leased space within the building at 24 Vernon Street. The Keene Serenity Center has a separate entrance from the other uses in the building and utilizes one parking space within the existing parking lot. No exterior alterations to the building or site are proposed as part of this application.

Mr. Clements then moved on to the application analysis for the CUP.

Following are the criteria:

- A. *“The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City’s Comprehensive Master Plan, and complies with all the applicable standards in this LDC for the particular use in Section 8.3.4.*
- B. *The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.*
- C. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*
- D. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*
- E. *The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.*
- F. *The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.*
- G. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.*
- H. *The proposed use will be located in proximity to pedestrian facilities (e.g. multiuse trails and sidewalks), public transportation, or offer transportation options to its client population.”*

With respect to the application being consistent with the Master Plan – Mr. Clements stated this property is located in the Downtown Core (DT-C) district. The intent of this district is to accommodate the highest intensity of development in the City and promote a mix of uses. The applicant proposes to create a group resource center as a principal use in the leased space provided by the property owner, which is an allowed use within this district. This site is also within the Downtown Historic District; however, no changes are proposed to the exterior of the building or site and no impacts to the historic district are anticipated from this application. Hence, staff feels this standard has been met.

“The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.” Mr. Clements explained that the applicant states in their narrative that they are a day program that only operates Monday – Friday from 9:00 am to 5:00 pm with occasional evening and weekend trainings and groups that typically do not last for more than two hours. Members will have access to the Monadnock Area Peer Support Agency facilities located on the property. Staff consists of four fulltime and one parttime employee. The program does not include beds or overnight support. Staff will be on-site during business and activity hours and members utilize on-street public parking or alternative modes of transportation to get to the facility. The existing site includes lighting on the Vernon Street side of the building to enhance pedestrian safety to navigate the site. This standard has been met.

“The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area.” Mr. Clements stated this site is located in a densely populated area of the downtown. Adjacent uses include a mix of commercial, multi-family, office, institutional, and social service uses. The existing outdoor activity area is screened from the public right-of-way and adjacent properties. Both the parking area and outdoor activity area existed prior to this proposed

use and are not proposed to be altered or expanded as part of this application. This standard has been met.

“The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.” The proposed use will be located entirely inside the existing building. It is not expected that it will generate noise, odors, glare, or vibration that would adversely affect the surrounding area. Staff believes this standard has been met.

“The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.” Mr. Clements stated the applicant is not proposing any changes to the existing water or sewer access for the building and City Engineering Staff did not express any concerns about the capacity of the City’s sewer and water facilities to accommodate the additional load from the proposed use. In regard to City services, this site is located in a dense area that is well-served by both fire and police. This standard has been met.

With reference to the destruction or loss of relevant features, Mr. Clements stated there are no features of natural or scenic importance on this site. He noted this building is located in the Downtown Historic District and has been before the HDC to seek approval for exterior improvements, but this project has not moved forward yet. As part of this application, no exterior changes to the historic nature of the building is being proposed. Staff feels this standard has been met.

“The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.” Mr. Clements stated that in working with Engineering Staff, it was concluded that the ITE Trip Generation Estimate for traffic would resemble that of a small office building use. Based on these calculations, the estimate is approximately 14.39 vehicle trips per 1,000-sf of gross floor area. With 3,500-sf of gross floor area for the proposed use, this will generate approximately 50 vehicle trips per day. This is less than the Planning Board threshold of 100 trips per day for a full traffic study. The applicant also noted that most of their care seekers use alternative modes of transportation to get to the site, so the real traffic impact is estimated to be less than what is being projected. This standard appears to be met.

“The proposed use will be located in proximity to pedestrian facilities.” Mr. Clements stated that this use is located in the Downtown Core District, which is easily accessed by multiple modes of transportation including walking, bicycling, and public transportation. He noted that many care seekers use these modes of transportation to access the site. Staff feels this standard has been met.

Mr. Clements then went over the proposed motion. This concluded staff comments.

The Chairman asked for public comment next.

Mr. Gary Kinyon, who owns property at 50 Washington Street, addressed the Board. He indicated that he is part of a law practice with other attorneys at this location. He stated that he does not oppose this project and did not oppose it when it was initially proposed in 2022. He added, however, that he has concerns. He felt that the reason an annual license is required is so that the

Board can have a fresh look at this use each year to make sure it is conforming with the necessary standards.

Mr. Kinyon stated that in January 2022, a Conditional Use Permit was approved and at that time the application stated there would be no activities outside the building – it was all going to be inside. By September 2022, it became obvious to neighbors that there were significant activities taking place outside the building. Mr. Kinyon referred to the standards for the granting of a CLSS CUP, which state that, *“outdoor activity areas and waiting areas associated with this will be adequately screened from adjacent properties and through public rights of way.”* He felt that as a result, outdoor areas associated with the proposed use, such as this, are part of the use and need to be reviewed by the Board and complied to by the applicant. These were not addressed as part of the initial application. Mr. Kinyon stated he sent a letter to Code Enforcement Staff addressing this issue. The applicant then submitted an updated CUP application in September with a modified use proposal, which indicated that there would be screened areas outside in the existing parking lot that would be designated as smoking and non-smoking areas.

Mr. Kinyon stated that he is not aware of any application being submitted in late 2022 or 2023 to renew their CLSS License, but explained that the applicant is before the Board today for a renewal for 2024. He stated that his concern for the property is because when he filed his complaint, it resulted in a modification to the Monadnock Area Peer Support’s CLSS CUP application in September 2022. He explained that his concerns stem from the deterioration that he has observed in the neighborhood since the proposed use was established. He indicated that what he is seeing now is instead of a waiting room or the outdoor activity area being limited to the screened parking area, now virtually every day for a substantial part of the day, there are people standing or sitting on the curb. He said that this is not presenting a good atmosphere for the rest of the neighborhood.

Mr. Kinyon talked about some of the encounters he has had with various individuals, including people sitting under the porch of his building; kids playing in the parking lot and the unpleasant exchange he and his staff had with the parents; a man camping out with clothes spread around him in the parking spots; and the landscaper who maintains the property got a hypodermic needle stuck in his palm and had to be treated with medication.

Mr. Kinyon felt that the agency needs to try to work with their clients to be more respectful of neighboring properties.

In response, Mr. Clements stated that the Planning Board reviews the CLSS Conditional Use Permit application, which is a one-time permanent approval related to a special use contemplated in the zoning code. The City of Keene has linked that with an annual license renewal process completed by the Congregate Living & Social Services Licensing Board. This is the license that has to be renewed annually. Organizations have to come in and provide additional documentation related to their use, including a neighborhood plan for how they intend to be good neighbors. This document, along with everything else, is reviewed annually by the Licensing Board, which is not a land use board, and abutters are not notified when the item comes up for renewal. He noted that what Mr. Kinyon was referring to is the Conditional Use Permit for the Monadnock Area Peer Support Resource facility, which is the organization that owns 24 Vernon Street.

When the Monadnock Area Peer Support Agency went through this process, they indicated that there would not be any outdoor activities and came back to the Planning for a modification to their CLSS CUP to include the outdoor activity areas, which was reviewed and approved. Mr. Clements noted that the application before the Board this evening is for a different use that will be operated on the property at 24 Vernon Street. Jesse Rounds, the Community Development Director, added that he hears the concerns from abutters about the activity happening on neighboring properties and will have Code Enforcement staff look into this, as well as the Police and Fire Departments.

Chris Freeman, owner of Bell Tower Property Management located at 11 Vernon Street, addressed the Board next. Mr. Freeman stated that his company specializes in co-living rentals, which explained as being partway between congregate living and conventional rentals. He explained that they take traditional apartments, furnish them, and offer them to people on a room-by-room basis, typically for a one-year contract. He indicated that what they are doing is providing affordable housing alternatives at market rates by breaking the units down and giving people access to housing.

Mr. Freeman stated that he was not before the Board to oppose the renewal of the license. He noted that he thinks this is a great program and is grateful that it is available in the community to address the serious issue of substance abuse. However, he stated that he would be remiss if he did not share the experiences that they have had as neighbors to the Serenity Center and Monadnock Area Peer Support Agency. Since purchasing this property in March, they have been subjected to trespassing, drug dealing, theft, littering, loitering, public urination, and public defecation. Mr. Freeman felt that most of those infractions are likely being committed by people who are associated with the Center.

He explained that in a single two week period, they documented more violations of their property rights at 11 Vernon Street than they have at all of the other locations they own in Keene over the past seven years. He went through some of the issues they have experienced on their property including nearly stepping into human feces, drug dealing (he noted that this was the third time he has had to break up such an activity), flood barriers being strewn all over Vernon Street and their storage container being stolen (he noted that a report was filed with KPD), and an accumulation of trash being stored behind their building consisting of items that were stolen from nearby dumpsters.

He stated that these types of activities have impacted their use of the property and their sense of safety when on the property. From a business standpoint, these activities are affecting the marketability of their rental spaces. There is substantial square footage at his property on Vernon Street that he would like to make available, but he has been sitting on an empty building for eight months, which is causing a financial hardship.

Mr. Freeman stated that he would like to ask the staff of the center to emphasize to their patrons the importance of being a good neighbor and perhaps encourage a neighborhood trash pickup. He noted that the fence that was erected is not serving the purpose it was intended for and he suggested extending the fencing around the outdoor areas and making this a condition of the license renewal.

With no further comment, the Chair closed the public hearing.

Mayor Hansel deferred to staff. He explained that because the Congregate Living & Social Services Licensing Board is relatively new, he was looking for an interpretation as to where some of these issues should best be addressed. Is it with the Planning Board or with the Licensing Board?

Ms. Brunner stated that most of the issues that have been raised tonight are most likely related to the other use in this building, not the proposed use that is before the Board tonight. She indicated that Monadnock Peer Support (MPS) did receive a CUP to operate a large group home at this location and they did modify that their CUP to include screened outdoor activity areas. In addition to this, MPS has to get their annual license renewed through the Licensing Board. The issues that were raised tonight appear to be related to that use and not necessarily the Group Resource Center.

Mr. Rounds added that a Neighborhood Outreach Plan is required as part of the CLSS license review process and added that staff could reach out to the manager of MPS and Mr. Lake and address this through their Neighborhood Outreach Program. Chair Farrington encouraged members of the public to attend the Licensing Board meeting scheduled for tomorrow night. Mr. Rounds stated that he would also be addressing these issues with Code Enforcement, Police and Fire Department Staff.

Mr. Lake stated that they have been attending the MSFI meetings for the past two months focusing on their relationship with the residents of the east side of Keene. He indicated that it does look like the individuals the abutters are raising concerns about belonging to the Serenity Center, but they are actually people in the community. He added that this is an issue in most areas of Keene where other social service organizations are located. He added that their staff often pick up trash and have invited people who are hanging around their facility to join them, but that they have not had much success. He added that homelessness is increasing drastically in Keene, which is adding to these issues.

Mayor Hansel stated that he has not seen any one individual being targeted and noted that as regulators, the City is trying to figure out how they can best contribute overall to all of these individual organizations trying to do the best they can for the community. One mechanism the City has are these Neighborhood Outreach Plans that are reviewed and approved through the annual licensing process. He thanked the organizations for what they are doing in the community.

A motion was made by Mayor George Hansel that the Planning Board approve the Congregate Living & Social Services Conditional Use Permit, CLSS-CUP-03-23, for a group resource center as depicted in the application materials received October 20, 2023 with the following conditions:

- b. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:*
 - i. The Applicant shall obtain a Congregate Living and Social Services License, which shall be renewed annually in accordance with Chapter 46 of the City Code of Ordinances.*

The motion was seconded by Councilor Michael Remy, who indicated that there is no regional impact from this application.

Councilor Remy noted that in reviewing the Neighborhood Outreach Plan, it is reading more like a community engagement plan explaining how clients can find the organization. He asked for clarity as to what these plans should look like. He did not feel that it was a proactive plan.

Ms. Markelon asked whether abutters are notified about the Licensing Board meetings. Ms. Brunner stated the public hearings for Congregate Living & Social Services Licensing Board are noticed according to RSA 91-A (which requires that the meeting notice be posted at two public venues 24 hours prior to the meeting). She did not recall that an abutter mailing is done. Mr. Rounds stated that the intention with CLSS Renewals is that over the next two years they will be on a cycle and all resource centers will come on for their renewal at the same meeting, so that neighbors will be aware. He agreed that the City needs to do a better job informing people about these individual centers. That is the purpose of the licensing process, and this is the reason Council put this in place a few years ago.

The motion made by the Mayor was unanimously approved.

7. Master Plan Steering Committee

Ms. Brunner addressed the Board and stated that this item is to establish a Steering Committee to guide the next Master Plan update and appoint members to that Committee. She noted that the Board's packet included a proposed roster of individuals that have been recommended by the Mayor, which has been revised slightly. There are now 14 individuals instead of 16 and 11 of these individuals would be regular members and 3 would be alternates.

The reason why staff is recommending that the Planning Board establish this committee is because under RSA 674-2, it is the duty of the Planning Board to both prepare and amend a Master Plan every few years to guide the development of the municipality.

After consulting with the City Attorney, staff felt that the most appropriate path for this project was for the Planning Board to guide the Master Plan update. Rather than having this full board be involved in detail, what the City has done in the past and what is being recommended today is to establish a special Steering Committee comprised of a mix of individuals, including Planning Board members, City Council members and members of the Community to provide that guidance. Ultimately when the Master Plan has gone through the full process and there is a draft document ready, the committee would make a recommendation back to the Planning Board and ultimately the Planning Board would be the one to adopt the Master Plan. In the City of Keene, the Master Plan would also be sent to the City Council for their endorsement.

Mr. Clancy stated that he was under the impression that in New Hampshire, the Planning Board is not permitted to establish a Steering Committee. The Board is allowed to set up special committees comprised of Board members, but not establish a Steering Committee. Ms. Brunner stated staff has consulted with the City Attorney and the State RSA does give the Planning Board broad authority to put in place what needs to be done with respect to a Master Plan update.

She agreed that for a regulatory function, the Board has to act as its body, but for a Master Plan update, the City Attorney felt that the Board can form its own Steering Committee; however, all members have to be Keene residents.

With respect to all sectors being represented, Ms. Lavigne-Bernier noted that she sees just one voting member who is a woman and there are a lot of men who have had their voices heard in the community for a long time. As a young resident, homeowner, and future business owner of the community, she asked whether this was the direction Keene was moving towards. The Mayor and Chairman agreed this was a great observation. The Mayor explained that he works with staff to come up with a list of names. The new Mayor-elect also wanted to have a voice and that is how the membership was formulated. He added Ms. Lavigne-Bernier's comments bring up an important concern that needs to be discussed.

Mr. Clancy asked why Judy Rogers and Phil Wyzik were omitted from the updated list. Ms. Brunner stated that when it was decided to shift certain people to be alternates and staff reached out to these two individuals, they declined to participate because they wanted to participate as regular members and not as alternates. Mr. Clancy stated that in reviewing the list, if the City is looking for a diverse group, he sees three City Councilors, three Planning Board members, plus the Mayor-elect being involved in the committee. He noted the 2007 committee only had one Board member. He added that if the Board wants the community to assist in the update, then maybe community members should be allowed to participate rather than City Councilors and Board members who will eventually have a say when it is finally ready to be approved. The Mayor stated people always feel being an alternate is a lesser role, but in this case alternates are those you rely on at each meeting to fill that vacant spot.

Ms. Lavigne-Bernier stated she would like more female participation. She referred to mental health, substance abuse, and homelessness and questioned who represents those sectors. Ms. Brunner stated that Phil Wyzik from Monadnock Family Services was on the original list, but he has been removed. She referred to the Planning Board members and City Councilors on the Committee. She explained that in addition to these members, other proposed members include Joe Walier from Walier Chevrolet, Cody Morrison from the Monadnock Economic Development Corporation, Marc Doyon from Keene State College, Josh Meehan from Keene Housing, Alex Henkel who is a local business owner, Beth Wood who is also a local business owner, Jay Kahn who is the Mayor-Elect, and Sparky Von Plinsky from the Conservation Commission.

The Mayor asked that this item be put on more time so he could come back with a revised list of members.

Councilor Remy asked whether the composition of the committee can ultimately be the choice of the Planning Board. Mayor Hansel stated that it could, but rather than debate the merits of the composition of the committee in a public session, it would be better to come up with a list and then debate the list as was done today. Chair Farrington noted that not every segment of the community can be represented on the committee, but felt that those groups should be heard from during the community outreach process.

Mr. Clancy stressed his desire to see a more diverse group of individuals to serving on the committee.

Ms. Brunner stated that everyone could serve as regular members, but explained that having a 14-member committee could create a logistical challenge for scheduling. She explained that having alternates helps to ensure that there will be a quorum present for meetings, but stated that she did not realize how asking someone to serve as an alternate would be received. As far as having Board involvement in creating the steering committee, the City is anxious to start this process in January and wasn't sure how that would work with respect to the established timeframe for this process.

Mr. Kost suggested that the creation of a sub-committee also be considered as part of the steering committee process to address issues people would like considered.

Mr. Clancy stated that he would like to see just one Planning Board member and City Councilor on the steering committee and felt he does not see a diverse group to represent the future of Keene serving on the committee. He stated that the City has waited this long to update the Master Plan and felt that another month or two to get the right representation was necessary. He noted that the Board and Council would eventually have a voice on the approval of the Master Plan.

Councilor Remy stated he does not have a position on the number of Planning Board members, but cautioned that the City Council does not get a vote on this. The Council may be asked to endorse the plan at the end, but they will not change it. However, if the Council found that they did not agree with the Master Plan and did not endorse it, it could lead to other challenges, so perhaps keeping the Council involved in the process would be prudent. He added that it is good to have individuals who are not involved in City processes as part of the steering committee, but felt that there is some advantage to having individuals involved who are aware of the City's formal processes.

Chair Farrington felt that starting with a brand new list was not a practical option at this time. He suggested that if there are names Boards members wanted to add to the steering committee roster that they should forward those names to staff to be discussed at the Board's next Steering Committee meeting on December 5th. Ms. Brunner stated that if there are new names, staff would need those names soon based on the date of the next Board meeting on December 18th) because of the holiday. She suggested that Board members have an initial conversation with individuals they are putting forward, so that they have an idea what would be expected of them.

A motion was made by Mayor George Hansel that the Planning Board continue the Master Plan Steering Committee discussion to its next scheduled meeting for December 18th. The motion was seconded by Councilor Michael Remy and was unanimously approved.

VII) Staff Updates

None

VIII) New Business

None

IX) Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – December 11th, 6:30 PM
- Planning Board Steering Committee – December 5th, 11:00 AM
- Planning Board Site Visit – December 13th, 8:00 AM – To Be Confirmed
- Planning Board Meeting – December 18th, 6:30 PM

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:46 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician