

City of Keene
New Hampshire

CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD
MEETING MINUTES

Tuesday, December 27, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Andrew Oram, Chair
Medard Kopczynski, Vice Chair
Alison Welsh
Tom Savastano

Staff Present:

John Rogers, Building & Health
Official/Zoning Administrator
Corinne Marcou, Administrative Assistant

Members Not Present:

Jennifer Seher

1) Call to Order – Roll Call

Chair Oram called the meeting to order at 6:00 PM and roll call ensued.

2) Minutes of Previous Meeting – November 22, 2022

A motion by Vice Chair Kopczynski to approve the November 22, 2022 minutes was duly seconded by Mr. Savastano and the motion carried unanimously.

3) Unfinished Business

No unfinished business was presented.

4) Applications

- A) **LB 22-08: Applicant, Trevor Grauer of Keene Cribs, is requesting a Congregate Living & Social Services License for a Lodging House, located at 85 Winchester St., and is in the High Density District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Chair Oram requested Staff comments. Mr. Rogers said that all three of the lodging houses before the Board had obtained lodging house licenses for many years from the City Council and Planning, Licenses, and Development Committee before this Board was developed. This application was for a lodging house in the High Density District, where lodging houses are an allowed use. Conversely, if a new lodging house were before this Board, they would have had to go through the Planning Board Conditional Use Permit process. Mr. Rogers continued that all required inspections—fire, police, health,

and housing—had been conducted, but that the Fire Chief was called away at the last minute and could not be present at this meeting. Mr. Rogers presented the Board with a housing standards inspections checklist for the three applications being heard at this meeting. The Staff, including the Fire Chief, had no issues with this property at 85 Winchester Street, which Mr. Rogers said is maintained in a nice manner.

Chair Oram welcomed the applicant, Trevor Grauer, the owner of Keene Cribs, which rents to college students at properties in Keene. He was applying for renewal of the lodging house permit for 85 Winchester Street. He said that Keene Cribs has maintained this lodging house permit for several years and he looked forward to renewal under the new protocol with this Board. Chair Oram said he got the sense that the application was quite complete, but he requested comments and questions from the Board.

Ms. Welsh asked if there was a required number of bathrooms in a lodging house, noting that for this application there were five tenants with 1.5 bathrooms. Mr. Rogers said he would have to look into the Building Code to confirm but he believed it was highly unlikely that this lodging house would need more than 1.5 bathrooms.

Mr. Savastano said he did not see reference to carbon monoxide detectors and asked if they were installed in the building. Mr. Grauer said there are carbon monoxide detectors on each floor per Code. Mr. Rogers mentioned that all three Applicants at this meeting were equipped fully with sprinklers, fire alarms, smoke detectors, and carbon monoxide detectors.

Chair Oram asked Mr. Grauer what he thought about this application process. Mr. Grauer agreed that the application was clear and relatively efficient, noting that a preliminary meeting with Mr. Rogers and Ms. Marcou was helpful. Chair Oram asked if any relevant questions were missing from the application. Mr. Grauer said no. Mr. Grauer continued on the topic of bathrooms, stating that when Keene Cribs first applied for a lodging house license many years ago, there was a limitation on maximum occupancy based on parking and bathroom restrictions of the property. He said that those details were considered when a license was first granted to this lodging house.

Ms. Welsh asked whether lodging houses typically have Staff. Mr. Rogers said that lodging houses stand alone from the other types of uses before this Board in that lodging houses are strictly residential and do not provide additional services like other congregate care uses. He said that the later application for Winter Street was the exception and has a residential manager on site. Otherwise, lodging houses are where individuals rent a room with shared kitchen and bathroom spaces, without providing other services.

Vice Chair Kopczynski said that this lodging house category was created to be attentive to the Zoning classification, with a lot of input from the public, attorneys, the Fire Department, Code Enforcement, and more to ensure everything synced as best as possible. Vice Chair Kopczynski said that some lodging houses provide services depending on the residents, but most do not.

Chair Oram said it was clear that tonight's applications were for a different situation. He said it felt like the Board was trying to define its role, but most of these applications felt appropriate to him, despite having less details than the other uses because some details do not apply to lodging houses. Vice Chair Kopczynski thought that the Building, Fire, and Zoning codes manage risks. He said that a single-family house has less risks than an apartment building, lodging house, or confined use where people are locked in. In addition to meeting the Codes, for lodging houses there is also the factor of whether the use is disruptive to the surrounding neighborhood. Chair Oram said these lodging house applications were clearly different from anything this Board had reviewed yet. Vice Chair Kopczynski added that these were the only applications for which the use had been licensed by the Planning, License and Development Board for a long time.

Ms. Welsh asked the expectations for lodging house neighborhood relations plans. She thought this application was great but wondered the differences versus more congregate living spaces this Board had dealt with. Vice Chair Kopczynski thought it was up to the Board, noting that Staff had done a good job screening these applications. He said that how the lodging houses relate to their neighbors probably varies based on the context and how they contact emergency and social services, whereas other uses might require a more detailed plan.

With no public comments in favor or opposition, Chair Oram closed the public hearing.

A motion by Ms. Welsh to approve application LB 22-08 was duly seconded by Mr. Savastano. The Board reviewed the criteria for approving the application.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregate living and social services license application:

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Vice Chair Kopczynski said there was no testimony to the contrary, though he said there might be for future applications. There was no objection to the application meeting this criterion.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Vice Chair Kopczynski said there was no testimony from Staff or the public related to the character of the operation or problems with noise, odors, glare, or vibration. There was no objection to the application meeting this criterion.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

Vice Chair Kopczynski said there was no testimony from Health, Police, or Fire related to health concerns or how the building is being operated. Ms. Welsh said she would defer to Mr. Rogers' update

from the Fire Department that everything is fine. There was no objection to the application meeting this criterion.

On a vote for 4–0, the Congregate Living and Social Services Licensing Board approved application LB 22-08.

Chair Oram and Vice Chair Kopczynski asked Mr. Grauer about this application process—whether he had any critiques or ideas—noting that the intention is to treat property owners and neighborhoods fairly. Mr. Grauer said the process was more defined and some parts of the application did not apply to the lodging house use because they do not provide services or conduct business. Overall, Mr. Grauer said the process was straightforward.

- B) LB 22-09: Applicant, Brianna Glasser of Keene Student Rentals, is requesting a Congregate Living & Social Services License for a Lodging House, located at 57 Winchester St., and is in the High Density District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Chair Oram requested Staff comments. Mr. Rogers said the inspection sheet for housing and safety was before the Board members. Mr. Rogers said that a few minor things were noted, including some garbage and trash that the tenants were clearing during the inspection. He thought that the Housing Inspector, Ryan Lawliss, was in contact with the applicant about some of the repairs. He added that the Fire Chief had some minor things as well, on which they were working with the property owner. Still, the Fire Chief communicated to Mr. Rogers that he had no issues recommending that the Board grant this license.

For the record, Vice Chair Kopczynski noted that there was some garbage, etc., but that the building also has issues with the front porch railings, balusters, and posts in disrepair, as well as missing handrails on the back stairs. Mr. Kopczynski quoted the inspection indicating that handrails are needed on all stairs. While some issues were just with trash, other things that were more so about safety. He wanted the property owner to know those could be significant problems, although the Fire Chief clearly signed-off. Mr. Savastano was really concerned about the dryer vent falling out and flammable material being stored around it. Ms. Welsh concurred with both statements and wondered if the Board wanted to wait for the repairs to be completed before granting this license. Vice Chair Kopczynski said the Board could authorize a conditional approval, pending inspection within 30 days or another period. Mr. Rogers agreed about the handrails and some safety issues. He added that problems with storage were handled at the time of inspection. Mr. Rogers suggested asking the applicant what repairs had been completed before this hearing.

Chair Oram asked the upper limit on occupancy in lodging houses. Mr. Rogers said that lodging houses vary from five to 16 residents to remain in compliance with Zoning. Prior to the new Land Development Code, there was no upper limit, it was strictly controlled by the Building and Fire Codes. Staff felt it made sense to place a limit when developing the Land Development Code.

Chair Oram requested comments from the applicant, Brianna Glasser, representing Keene Student Rentals. Ms. Glasser said she had already addressed the majority of issues on the inspection list provided to her for this location at 57 Winchester Street, including the trash issues, hand railings, and dryer vent. The last issue remaining is the front porch. She continued that the company is waiting on Amer Electric for mutual aid for the double line into the fire panel. Ms. Glasser said everything possible had been completed to date.

Ms. Welsh noted that on the application for the health and safety plan, Ms. Glasser referred to following Keene State College's plan. Ms. Welsh was unfamiliar with that plan and asked if it could be attached to the application. Ms. Glasser said she was referencing whatever the college recommends during Covid-19. She said Keene Student Rentals is in full compliance and agreement with what the school recommends but cannot send students home or demand mask use because they are renters. Chair Oram noted that the application also referred to the Centers for Disease Control's Covid-19 protocols and Ms. Glasser replied that Keene Student Rentals cannot mandate mask use inside the building.

Ms. Welsh wondered what the Board thought should be included in the health and safety plan; should Covid-19 protocols be included? Other applications for different uses did not focus on Covid-19. Mr. Rogers looked to see if that was mentioned in the ordinances.

Vice Chair Kopczynski recalled that this application did not include a life safety plan and he asked if that information was provided to Staff yet. Mr. Glasser said no, she had not been able to obtain the floor plan yet and where the exits are to post those. She is working with the most recent floor plan from a renovation in 2016. She would like for it to be reviewed by the Fire Department to ensure it is 100% accurate. Vice Chair Kopczynski said that is the intention.

Mr. Rogers said that Chapter 46 of the City Code of Ordinances only states that there should be a life safety plan but includes no description of what that plan should entail. Therefore, Mr. Rogers said what should be included in said plan was up to Board deliberation for this lodging house use. Ms. Welsh was grateful for that information. Ms. Welsh asked if there was a word missing in the application description, and Ms. Glasser said it should read as, "emergency 24-hour service that is accessible". Mr. Kopczynski said the life safety plan demonstrates compliance with the Building and Fire Codes, so people can exit a building safely and each plan would be depend on the type of lodging house.

Chair Oram asked Ms. Glasser whether the building has an alarm system with flashing lights and buzzers to alert residents when the smoke detectors are active; he also asked whether there are fire alarm pulls on each floor, a monitored fire system, and emergency lighting. Ms. Glasser responded in the affirmative to all three questions. Chair Oram noted that those were the factors listed in the life safety plans for earlier applications; he said Ms. Glasser provided those details verbally but not clearly in the application. The Chair said that perhaps the onus is on the Board because the application does not explicitly ask those things to make the process more efficient. Vice Chair Kopczynski said the Board needs a complete public record.

Chair Oram asked Ms. Glasser about the application process. Ms. Glasser replied that after meeting with Mr. Rogers and Ms. Marcou for guidance the application was clearer. Still, she said parts of the application were confusing. She said the Fire Department knows what is in the building but agreed that she should have been more explicit about fire alarms, sprinklers, carbon monoxide detectors, etc., for the Board's sake. She noted that if the smoke detectors are tampered with, the Fire Department is called automatically. Vice Chair Kopczynski said these questions help the Board to evolve this process. The Vice Chair noted that this property used to house a rowdy fraternity and he was glad that was no longer the use. Ms. Glasser said that Keene Student Rentals bought the property from one of those fraternity members. She said she is trying to change the building's reputation.

With no public comments in favor or opposition, Chair Oram closed the public hearing.

Mr. Savastano asked about the voluntary minimum housing safety standards checklist and wondered about the word "voluntary." Mr. Rogers said this list was created several years ago for an existing program with the College for property inspections. He said that the word "voluntary" would be stricken because the inspections are required for this Board's process. Mr. Savastano asked about number 14 in the application about holes, rips, and peeling in the surfaces of walls, ceilings or floors; he wondered how relevant that was to this application. Mr. Rogers said that nothing on the property under number 14 that he thought would warrant denying this application at this time. He said that sometimes the mandatory inspections are good for landlords who might not have seen parts of the building since tenants moved in and this process alerts them to any maintenance issues. This property had a problem with a hole in the linoleum, but that would not warrant denial of the application.

A motion by Mr. Savastano to approve application LB 22-09 was duly seconded by Ms. Welsh. The Board proceeded reviewing the criteria for approving this application.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregate living and social services license application:

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Vice Chair Kopczynski asked whether there was anything in this criterion that required conditional approval and Mr. Rogers said no, nothing rose to that level. While there were some difficult questions, the Vice Chair there was no testimony in opposition. He agreed this criterion was important because it is about keeping people safe. There was no Board opposition to finding the application in compliance with this criterion.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

The Vice Chair said this would have been difficult to approve for prior uses of the building. For the present use, Vice Chair Kopczynski said he heard no objections to this application from Staff. There was no Board opposition to finding the application in compliance with this criterion.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

Vice Chair Kopczynski said there was no contrary testimony about ongoing problems from the Police or Fire Departments. There was no Board opposition to finding the application in compliance with this criterion.

Regarding the lack of a life safety plan, Mr. Savastano asked if that should be a condition of approval. Mr. Rogers said he struggled with that for a lodging house, noting that he was unsure what a life safety plan would look like for a lodging house, other than floorplans so the property owner can indicate routes out of the building, for example. Mr. Rogers continued that if the Board desired a conditional approval, Staff would need clear direction on what the Board expects in a life safety plan. Mr. Savastano asked if it would be similar to what hotels post with routes out of the building. Mr. Rogers said yes, though hotels are a higher risk because of the transient nature of the tenants; lodging house tenants in this case tend to have an annual turnover. Vice Chair Kopczynski thought, it was more so about the guests and residents and agreed it is not hard to post floorplans indicating the ways out of a building.

On a vote of 4–0, the Congregate Living and Social Services Licensing Board approved application LB 22-09.

Vice Chair Kopczynski asked Ms. Glasser whether she experienced a similar process with the Planning, Licenses, and Development Committee. Ms. Glasser said this was her first time appearing before any Committee. She thought the process was thorough but wished she had provided some better answers based on this discussion. She agreed that this is a big house with a lot of tenants and so everything regarding life and safety should be assured.

- C) LB 22-10: Applicant, Rhoda Jurkowski of Keene Housing, is requesting a Congregate Living & Social Services License for a Lodging House, located at 85 Winter St., and is in the Downtown Transition District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Chair Oram requested Staff comments. Mr. Rogers said all relevant inspections occurred for this property. There were a few housing items to be addressed, including GFIs needed for the washer/dryer area. Mr. Rogers continued that this was another lodging house that had operated for decades. He noted that there are more than the allowed 16 residents at this property because it was a preexisting use prior to the Code requirement. Thus, this is a legal nonconforming use. He said the Fire Department also had a few minor issues they are working on with the property owner. Still, Mr. Rogers said the Fire Chief was in full support of issuing this license.

Ms. Welsh noticed a “pass” on the housing inspections and asked more about that. Mr. Rogers said there is not a final score but more so whether a building meets certain criteria. In this case, the Inspector did

not have a specific category for the GFI, but washers/dryers per Codes should be protected by a GFI. There are GFI in that area but they were not protecting where the washer/dryer were plugged in.

Mr. Savastano asked Mr. Rogers whether the Police Department had any comments about this property. Mr. Rogers said no, but that an Officer on site shared a story about a past visit to the building. Mr. Rogers said this is probably the truest lodging house in Keene, with all rooms rented to individual strangers, as opposed to some lodging houses where a group that knows each other moves in.

Chair Oram welcomed comments from the applicant, Rhoda Jurkowski of Keene Housing, which has an office on Court Street and in Swanzey. Keene Housing manages many properties and the one for this application is the Hampshire House at 86 Winter Street, which Keene Housing has owned since September 2021. She said the property had undergone annual inspections through NH Housing and Urban Development and anyone who lives in the building who receives assistance must have their own inspections as well. Ms. Jurkowski said that in some cases, the landlords are not on site for many months, which is not the case in this instance; Keene Housing has inspections multiple times annually and issues are immediately brought to their attention. Mr. Rogers noted that this is a unique lodging house, with a residential manager on site. Mr. Rogers said it was clear the building was in excellent shape when he walked through it.

Vice Chair Kopczynski said he was familiar with this building and wondered whether more could be done with the neighborhood relations plan other than just listing a phone number; could there be more outreach to neighbors? He noted that at times there have been unruly activities in this building and said that perhaps more open communication with neighbors would help. Ms. Jurkowski said that was a wonderful idea and asked if the Vice Chair was referring to the plan presented to the Board. Vice Chair Kopczynski quoted the plan inaudibly off microphone. Ms. Jurkowski said she had managed this property for nearly 20 years as a representative of the Cheshire Housing Trust before working for Keene Housing. When working for the Cheshire Housing Trust, she met with area businesses like the dentist and library, though she had not done such outreach since working for Keene Housing. She was open to doing so if the businesses were interested. She thought the on-site Manager added benefits because they get reports from tenants or neighbors and pass them on to her. She said all the surrounding businesses know how to get in touch with her. Vice Chair Kopczynski suggested proactivity as a better path forward. Ms. Jurkowski thought she had already done so in meeting with the neighbors in the past as a Cheshire Housing Trust employee. Vice Chair Kopczynski noted that this application was for Keene Housing and not the Cheshire Housing Trust, so outreach to neighbors by Keene Housing would be prudent.

Chair Oram mentioned the on-site residential manager—who Ms. Jurkowski calls a superintendent—and asked the manager's primary function. Ms. Jurkowski replied that the residential manager reports maintenance issues to Ms. Jurkowski so the issues can be addressed by the maintenance department. If there are interpersonal issues in the house, the residential manager reports them and intervenes if necessary. For example, one house rule is no alcohol in common areas, which the residential manager ensures. The residential manager also intervenes if someone is acting inappropriately. Ms. Jurkowski said that all tenants are expected to help maintain the house and are assigned chores, which the

residential manager oversees. The manager also conducts room checks for housekeeping issues with individual residents. Chair Oram said the residential manager's primary focus is behavior and human relations. Ms. Jurkowski said it is more like babysitting sometimes.

Mr. Savastano said it was nice to meet Ms. Jurkowski in person after speaking on the phone with her multiple times. Mr. Savastano discussed a recurring issue at the 86 Winter Street location that involved many calls to the Police Department, which was why he was surprised the Police had no comment on this application. Mr. Savastano noted that he wrote a letter to the City Manager and Police Chief in May 2022 about problems at this location, which all revolved around the behavior of one individual visiting residents—sometimes in the building and other times on public property in front of this location. Mr. Savastano noted that he was pleased over the past three or four weeks that things had really seemed to change for the better, and he wondered what Ms. Jurkowski did differently to accomplish this and how she would keep it going. Ms. Jurkowski was also pleased to meet Mr. Savastano. She continued that the Police Department does not regard all of those reports about one individual as related to the property; she had made at least 10 reports herself. She said the issue was with one person in the neighborhood who was causing a lot of noise, vulgarity, and physical disturbances. She said that perhaps the Police did not indicate this issue because most of the calls were about the individual visiting residents on the public sidewalk in front of this lodging house. She said that recently, the problematic tenant who spent a lot of time on the sidewalk smoking moved out. She said as much as she attempted, when they were still a tenant, she could not stop them and others from gathering on City property. Ms. Jurkowski said she went as far as asking the City to disallow smoking there. She added that there were some frightening moments with the problematic individual who frequently visited the property. Since the challenging tenant moved out, she had moved all chairs to the back of the building and told tenants that is the only designated smoking area now. She said that she and the residential manager would be checking on this issue more regularly. Mr. Savastano agreed that at times, an individual was vulgar, loud, and yelling in the neighborhood; someone also attempted to camp in the public spaces between the sidewalk and the street. Ms. Jurkowski said she was regularly removing those camping items stored in the shrubs on her property to discourage this activity.

Mr. Savastano wondered if Ms. Jurkowski and the residential manager would move forward with more specific policies (e.g., backyard only for smoking). He knew that the odors bothered an employee at an adjacent business. Ms. Jurkowski said they continue doing what they can to keep tenants from bothering neighbors. Mr. Savastano said this was not like lodging house applications in the High Density District, as this one borders a neighborhood, and he wondered what more could be done for the neighborhood relations plan. He cited another lodging house application, which promised quarterly neighborhood meetings that sounded like a good idea for this property. He suggested that Keene Housing could have an open house or summer bar-b-que for the residents to meet their neighbors. Ms. Jurkowski said she liked that idea. Mr. Savastano also did not get the sense that there was a 24-hour phone number to report issues. He thought Ms. Jurkowski's mission was good in providing affordable housing near downtown, but he wanted to see the property function best for the tenants and neighbors. Ms. Jurkowski agreed.

Ms. Welsh said she had the utmost respect for Keene Housing, calling it a great agency. She thought this testimony was very helpful but still believed the application was lacking a sufficient neighborhood

relations plan. She was hearing a lot more about things that are in place but not in writing. She wondered if the meeting minutes could be included with the application. Ms. Marcou noted that all applications are filed with their associated minutes for context. Ms. Welsh said this is a much needed housing facility in Keene, but said that there were clearly neighborhood concerns. Ms. Welsh did not want to delay the application, but she had concerns about its completeness. Chair Oram agreed that the application seemed to lack some details but said the discussion with Ms. Jurkowski helped to ease some of his concerns; he said she knows her stuff and is grappling with some tough issues. Still, the Chair did not think Keene Housing was presented as its best in the application materials. Ms. Jurkowski was grateful for this feedback on what to include. The Chair recalled that this is a new process for everyone.

Hearing no public comments in favor or opposition, Chair Oram closed the public hearing.

Mr. Savastano felt that a conditional approval would be acceptable to request more details in the application, and especially the neighborhood relations plan. Mr. Rogers said a conditional approval was within the Board's purview, but asked for it to be a specific condition, so expectations are clear for the applicant and Staff. Discussion ensued about the appropriate motion language.

Chair Oram said it seemed to him that there were not particular questions about the security plan or life safety plan, but that perhaps more staff training was needed at Keene Housing regarding communication with neighbors, which should be described in the neighborhood relations plan. Mr. Savastano mentioned that there are security cameras on site and wondered if those cameras face the outside entrances. Ms. Jurkowski said no, only the driveway. Mr. Savastano thought more outdoor cameras facing other directions could deter some of the unwanted behaviors and Ms. Jurkowski agreed.

Ms. Welsh said she was stuck on the health and safety plan, which states that no services are provided, and she was still unsure what a health and safety plan should include for a lodging house. Chair Oram said he did not disagree that it was ill defined, but he also wondered what it should include besides stating there are safe conditions for fires other emergencies, and how to get in contact with those services. He said it was hard to place a condition upon this application, when the Board did not for the previous two applications. Vice Chair Kopczynski thought this was slightly different from the previous two applications because this lodging house has a Residential Manager on site who is involved with ensuring things are orderly inside and that there is no rowdiness on the exterior. In that case, the Vice Chair said the life safety plan, in addition to exit plans in the rooms, should note that the Residential Manager is there to ensure the health and safety of tenants. The Vice Chair said what was missing for him more so was a proactive neighborhood relations plan, which could be a condition for approval. Ms. Welsh said she was fine with that. Mr. Savastano agreed that would be beneficial for the organization and neighborhood. Mr. Savastano mentioned security cameras again and suggested reviewing the possibility for next year. The Vice Chair said he heard testimony of progress from Ms. Jurkowski, which he said was a good thing.

A motion by Ms. Welsh was duly seconded by Mr. Savastano to approve application LB 22-10 with the following condition: 1) the submission of an expanded neighborhood relations plan to City Staff.

The Board proceeded reviewing the criteria for approval.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregate living and social services license application:

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Chair Oram said there was substantial confirmation of this criterion and the Vice Chair agreed. There was no opposition to the application conforming to this criterion.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Chair Oram thought there was testimony on this and that the stated condition for approval would mitigate noise and other neighborhood relations issues. There was no opposition to the application conforming to this criterion.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

Chair Oram thought the Board's discussion and the condition for approval addressed this criterion well.

The following amended motion was made by Vice Chair Kopczynski and duly seconded by Mr. Savastano. On a vote of 4–0, the Congregate Living and Social Services Licensing Board approved LB 22-10 with the following condition: 1) the submission of an expanded neighborhood relations plan to City Staff no later than February 1, 2023.

5) New Business

A) Adoption of the 2023 Meeting Schedule

The application deadlines, targeted inspection dates, and meeting dates were listed in the agenda packet. Ms. Welsh said she was satisfied with the housing inspection report provided at this meeting, but would like to see the Fire inspection reports ahead of time, especially if the Fire Chief cannot be present. Mr. Rogers said that was the intent, but something came up at the last minute for the Fire Chief. That would be the goal moving forward.

A motion by Vice Chair Kopczynski to accept the 2023 meeting schedule was duly seconded by Mr. Savastano and the motion carried unanimously.

B) Other New Business

Chair Oram said that in looking at the three applications at this meeting, there were clear good, better, and best applications in terms of completeness. He thought it made sense to ensure the best applications

are made available to new applicants as an example of what the Board seeks for completeness. Mr. Rogers said Staff had worked with each applicant individually, providing them a package with various examples of thorough applications. Mr. Rogers said there was little more Staff could do beyond writing the applications themselves, which is not Staff's responsibility. He thinks the Board will find these lodging houses most different because they have never had to apply for such a license before. He hopes that moving into the second year of these hearings that the Board will see more complete applications. The Vice Chair agreed that as these hearings progress annually the Board will become more demanding. Knowing that the applicants are provided examples and templates, Ms. Welsh wondered if it was ever in the Board's purview to tell an applicant they must return with a more complete application. The Vice Chair said that would certainly be acceptable if the applicant does not provide enough information for the Board to make a reasonable motion. Ms. Welsh said there should have probably been a life safety plan and other things in place for [that] facility. The Vice Chair agreed, stating that sometimes more obtuse applications will be more variable, but once they have gone through this process once, the applicants should know what to look for. He said the applicants can also talk amongst themselves about proper applications. Ms. Welsh said Keene Housing does great detailed work, which was why she was surprised.

Ms. Welsh wondered about the distinction between a life safety plan and a health and safety plan. Mr. Rogers agreed that can be confusing. He said Staff would need more direction from the Board on this issue because they are not clearly defined in the Ordinance. The Vice Chair said the Board should continue thinking about that. Given the previous application, Mr. Savastano said he hoped for more communication from the Police on these applications. Mr. Rogers said the difficulty is that Police reports cannot tie an incident to a specific address if the incident occurs on a public sidewalk; the report would only indicate the street of the incident. Thus, Mr. Rogers said it could be very difficult to get true numbers from the Police, but he would discuss the issue with the Police Chief. Ms. Welsh agreed, noting that if Mr. Savastano had not spoken on the issues with the last application, the Board would not have known about the activity disrupting the neighborhood. The Vice Chair said this was an important issue. He said the original licensing process was a policing licensing process, which somehow evolved to be for code enforcement, fire, etc. The Vice Chair said Chapter 46 is a licensing process that in theory is enforced by the Police. He thought that if the Police Department knew of problems with a specific property, that it is in their best interest to share that information, because the main reason for this licensing procedure is to determine whether problems exist at these properties. Mr. Rogers would follow-up with the Police Chief about having a Police representative at these meetings. Chair Oram noted the challenge with this issue, given that in the last application, the problem was with someone visiting a resident, not the resident themselves; it is hard to make enforcement for someone who does not live there. He said that no matter how much it affected someone and whether it was an important issue, it was not clearly pertinent. The Vice Chair said he heard that the resident and visitor in question were no longer on the premises. Vice Chair Kopczynski thought that there was a certain amount of information the Police could share with the Board, but that specific incidents might not be possible to report. Ms. Welsh suggested that the Board could ask applicants how many times the Police have been called to their property and the Vice Chair said that was possible. Vice Chair Kopczynski continued that this process was intended to be fair and allow uses in as many places as possible without creating disruptions; if a property is disruptive, the Board needs to know. Ms. Welsh noted the challenge because

there is a huge housing shortage in Keene and the Board wants people to be housed. Mr. Savastano agreed that they want people housed, but said the Board also needed to consider the other tenants and neighbors affected by disruptive behavior.

- 6) **Non-Public Session (if required):**
- 7) **Adjournment**

There being no further business, Chair Oram adjourned the meeting at 7:30 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker
January 4, 2023

Reviewed and edited by,
Corinne Marcou, Board Clerk