

City of Keene
New Hampshire

CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD
MEETING MINUTES

Tuesday, October 25, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

John Rogers, Building & Health Official
Corinne Marcou, Board Clerk
Don Farquhar, Fire Chief

Members Not Present:

All Present

I. Call to Order: Roll Call

Chair Oram called the meeting to order at 6:00 PM.

II. Minutes of Previous Meeting: September 27, 2022

Ms. Welsh noted that her first name only contains one L.

A motion by Vice Chair Kopczynski to approve the September 27, 2022 meeting minutes as amended was duly seconded by Mr. Savastano and the motion carried unanimously.

III. Unfinished Business:

IV. Applications:

- A) **Continued LB 22-01: Applicant, Samuel L. Lake, Executive Director, of the Keene Serenity Center, located at 34 Mechanic St., Keene, which is in the Downtown Limited District and owned by DEW Properties, LLC; is requesting a Congregate Living & Social Services License for a Group Resource Center as defined in Chapter 46, Article X of the Keene City Ordinances.**

This application remains on continuation until the November 22, 2022 regular meeting.

- B) **LB 22-06: Applicant, Christine Allen, Executive Director of the Monadnock Peer Support Agency, which is in the Downtown Core District, is requesting a Congregate Living & Social Services License for a Large Group Home,**

located at 32-34 Washington St., as defined in Chapter 46, Article X of the Keene City Ordinances.

Chair Oram asked for Staff comments. Mr. Rogers said this property is located at 24 Vernon Street, with access from Washington Street. This application is a first for this Board—even though the Monadnock Peer Support (MPS) agency has operated in the City for 29 years, this location is new, as is the group home use. They have been through the full process, this is an allowed use in the Downtown Core, and they received their Conditional Use Permit (CUP) from the Planning Board (PB). Now, they were appearing for this license. Inspections occurred on October 13 by the Fire Department (FD), Police Department (PD), and by Mr. Rogers as the Building and Health Official. There were a few housing and health concerns corrected at the time of inspection and the PD had a few recommendations but no concerns. Mr. Rogers knew the Board requested the inspection reports and Staff were working to develop something because the existing reports do not fit the request. He will figure out how to get that to the Board in a timely manner. He did not think the Board would see anything from the PD until renewals occur next year.

Mr. Kopczynski asked whether MPS moved into the former Keene Housing building, and Mr. Rogers said Monadnock Family Services was the previous owner. Mr. Kopczynski asked if this would be the same building use as for the previous owners. Mr. Rogers said one change of use required a permit because they created residential rooms in the space, which the Applicant would explain. All building permits were obtained, and the inspections occurred.

Chair Oram heard from the Fire Chief Don Farquhar, who reiterated that the inspection occurred. He said that under the Fire Code, this is a lodging house. He said the Applicants had been wonderful to work with and had responded to any requests. The building is in great shape, and they have zero active Fire Code violations. They are going through a permit process to install a new fire system, at which point the building would be 100% in compliance with a lodging house use. He concluded that they are excellent neighbors, their Staff are very eager to help, and have been completely compliant with the requirements. Mr. Rogers clarified that Chief Farquhar noted that this was considered a lodging house in the Building and Fire Codes, which is slightly different from a group home in the Zoning Code; sometimes not all codes align in types of use and definitions.

Chair Oram welcomed the Applicant, Christine Allen, Executive Director of MPS at 24 Vernon Street, which she said serves underserved and underutilized communities that need their support and services. They have three separate organized programs: 1) a 6-night/7-day respite program, 2) an up to 90-day step-up/step-down program, and 3) the 12-month Washington Wellness program in coordination with Monadnock Family Services. There is also a day program with 50 groups running through the week. They are open a few hours on Saturdays and Sundays for church and Alcoholics Anonymous. Currently, there are 420 members with in-person and Zoom support. She requested this license be granted.

Ms. Welsh asked whether the issue with neighbor Gary Kinyon had been resolved. Ms. Allen replied in the affirmative that a fence would be constructed, which she hoped would be in the next 1.5 weeks.

Mr. Savastano was curious whether all clients served come in voluntarily and noted his impression that the step-up/step-down was from the hospital and other sources. Ms. Allen replied that all clients are there voluntarily and receive services for free. Their primary sources of referral are from the County Jail and the NH Hospital. They prefer to not work with conditional discharges.

Mr. Savastano continued with some questions about the application. He noted that there was a repeat in the application package between pages 14–17 and 59–62, with a slight difference in the language. Ms. Allen said that pages 59–62 should be taken under consideration. She said the difference was because they needed to change some of the narrative to reflect their parking lot and to clarify a concern about congregation in the parking lot for meetings; the parking lot is for smoking, which in turn can lead to congregation. They had initially referred to that as a group and that raised concern. Thus, all meetings are inside and if clients are outside, it is on a walk or at visit local establishments; no meetings are outside.

Vice Chair Kopczynski noted that this is a new process, and each application is a usable example. He asked whether completing this application and obtaining the necessary information was challenging. Ms. Allen said that City Staff had been incredible, and she leaned on everyone in the Community Development Department. Ultimately, she said the process was great overall and despite some logistical challenges, it went well. She had been in constant contact with the Community Development Department, FD, and PD. Vice Chair Kopczynski noted that he really liked the Community Relations Plan presented.

Chair Oram asked the number of people in each group of stay/occupancy; he felt that was unanswered and should be clearer. Ms. Allen clarified for the respite program there are two rooms, there are three rooms for the step-up/step-down program, and six rooms for Washington Wellness. She said those numbers will never change.

Chair Oram said it occurred to him for this and the subsequent application that some clients entering the programs might be coming from a homeless situation. Ms. Allen agreed. Chair Oram asked Staff if that meant they should be also considering requirements for a homeless shelter. Mr. Rogers did not recommend that because hopefully in the future with the programs MPS is putting forward, the ideal is that one's stay at this facility is different from a homeless shelter, with time frames listed. He suggested that would be a rabbit hole of giving every license to these sort of organizations. Ms. Allen added that MPS does not define homelessness as a crisis like fighting addiction or having a miscarriage or not being able to access one's medications. She said there were many variables for why and how they enroll people into the program. Chair Oram wanted to ensure the Board was doing due diligence.

Vice Chair Kopczynski asked how long they had operated at this location and Ms. Allen replied two years.

Ms. Welsh thought this was a great resource center for the community. She asked Mr. Rogers how to prioritize that. Mr. Rogers said they looked at a lot of different uses and categorized them as primary and secondary because otherwise they would be issuing three or four licenses to certain establishments. He said there is a possibility of this being a resource center, but the main life safety concern is the residential use of the group home, so that was chosen as their primary license and use.

Hearing no public comment in favor or opposition, Chair Oram closed the public hearing, and the Committee proceeded deliberating on how this application met the criteria for approval.

Mr. Savastano thought that everything looked fine; Ms. Welsh thought the application met all three criteria to approve the licensure, and Chair Oram agreed that the application was concise, efficient, and covered everything necessary.

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.*

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

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.*

A motion by Ms. Vice Chair Kopczynski was duly seconded by Mr. Savastano. On a vote of 4–0, the Congregate Living and Social Services Licensing Board approved all three criteria and approved application LB 22-06.

- C) **LB 22-07: Applicant, Thomas Hanna of BCM Environmental & Land Law, representing The Home for Little Wanderers, Inc., of Boston, MA, is requesting a Congregate Living & Social Services License for a Small Group Home, located at 39 Summer St., which is in the Downtown Transition District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Mr. Savastano recused himself from this application.

Chair Oram heard from Staff. Mr. Rogers said this application is for 39 Summer Street. This application had also been through the PB process for a new use and received approvals for the CUP. Inspections were not conducted yet because the Applicant had not purchased the building.

They will need a building permit to change the use from an office in the Downtown Transition District to a group home use, which requires a building permit and that is when inspections would occur. If the Board approved this, it would be a conditional license, pending inspections.

Vice Chair Kopczynski asked whether the change of use would also require a certificate of occupancy and Mr. Rogers replied in the affirmative. This would also be a lodging house under the Fire Code.

Chair Oram welcomed the Applicant, Thomas Hanna, who said Mr. Rogers was correct that they received the CUP and he asked whether this Board received the approval letter and final plan from the PB. Mr. Rogers said no, and Mr. Hanna submitted the documents for the record.

Mr. Hanna introduced Matt McCall, Vice President of Community Programs from the Home for Little Wanderers (HLW), and John Davis, Director of Facilities. Mr. McCall continued explaining more about the HLW and specifically the small group home at 39 Summer Street. Mr. McCall said this application was not new to him in some respects as it mirrored applications for State approval. He said they are the oldest child welfare organization in the nation—founded in 1799—and the name came from the mid-1800s, when parents would threaten to send children to them if they did not behave. In a network of programs they oversee, they provide a great deal of services to children and families in MA, NYC, and NH. They serve 8,000–10,000 families annually in programs from residential treatment to special education, to adoptions, and outpatient clinical services, and more. Mr. McCall oversees all the NH business they do, particularly out of Windsor, where their main office is in addition to their special education eco-school and their summer camp. They have 42 kids in the residential program and 75–100 kids at the summer camp; they have been ramping their way up again since Covid-19. There are also children with social-emotional challenges. In addition, NH operates a scattered site apartment program for DCYF for young people who have aged out of congregate living but are still receiving services from DCYF; there are apartments in Keene, Manchester, Laconia, and another. They run the Manchester Youth Homelessness Demonstration Project's scattered site program for people who need a safe place to be. Approximately one year and one half ago, they were granted new contracts to open this group home. NH has been working diligently for the last five to seven years to bring kids back to NH because there had not been enough beds for NH kids, who are then sent away to be served, making it hard to reintegrate with family and community. They have been running another group home in MA that is a national leader on providing congregate living services to kids who identify as LGBTQ. This is a specialty population and each year three to four kids from NH are sent to the MA location. This is about serving kids who would benefit from being in an environment where there are other young people struggling with similar issues and providing them a supportive environment, which can make a difference for their educational outcomes and social-emotional health. There are services for gender-affirming care.

Mr. Hanna asked Mr. McCall to list the specific numbers for staffing, the size of the building, and other facts from the application. Mr. McCall said that 39 Summer Street is a 7,000 square foot Victorian home that was converted into a business in the last 30 years, so there is work to convert it back to a residence, because there is no longer a kitchen, for example. There is work outside to damage on the porch, to add a fence along east side at the neighbor's request; they

were allowed no fence on the west side because the neighbor did not request it. They will serve eight children 24 hours per day with 14.5 FTE staff, including direct care staff seven days per week. There will be a staff of two on site at any given time but usually three to four people. This will include a program director that has overall responsibility, a clinical coordinator with an advanced degree and license to provide and coordinate clinical services for the kids, a director who oversees all the residential Staff who works with the kids on a daily basis, a nursing staff person to administer medications, a part-time maintenance staff person, and residential staff and councilors. In NH, residential supervisor and staff must have a bachelor's degree or seven years of commensurate service with kids. There is a three and a half week on-boarding training in therapeutic crisis intervention that is internationally recognized for work with kids in crisis. An administrator is always on call 24 hours per day and one of the Vice Presidents of Operation is always on call, including Mr. McCall.

Vice Chair Kopczynski referred to the neighborhood relations plan and the idea of four neighborhood meetings yearly, stating that this was positive and would help dispel a lot of misunderstanding. The Vice Chair noticed in the plan an effort to send a post card to the PD and suggested that the PD and FD also warranted a visit to get to know the Staff. Mr. McCall said some of that is getting to know the City better, which they are open to and supportive of. They usually have a PD liaison that comes and has dinner with the children. The Vice Chair thought Keene's friendly PD would be amenable to that. Vice Chair Kopczynski asked who compiled the application. Mr. Hanna read it and Mr. McCall put most of it together. The Vice Chair said it was very complete and had a lot of information, but the only thing he could not find was an actual life safety plan. Still, because this was conditional upon a building permit and certificate of occupancy, it would likely be submitted later. Mr. McCall said that as they move through the permitting process, they would submit the floorplan and at this point, a lot of the plan could change. There is a plan in place for the office building, but they did not think it was adequate. They agreed that the plan would be provided later.

Ms. Welsh was very excited about the possibility of this program in the community and respected the work they do. She was trying to understand for the Board's purposes why they were hearing this application now and issuing a conditional permit instead of reviewing this all when the building and inspections are complete. Mr. Rogers said the Applicant could speak to this but that is because they want this in place before they spend the money for building. They might be operating for a period before they are back before this Board in June 2023. In response to Ms. Welsh, Mr. Rogers said that a provisional license would be punitive—which the Board is capable of—but this would be a conditional license, pending the building permit, CUP, and inspections; they are the available to move in right away if they have this license from the Board. Mr. Hanna said it was very important to the Applicant and prospective buyers with contingency to have all permits in place, and to at least have this conditional license that is contingent on inspections. He said the renovations would be done well and there was plenty of money to do so, but without hearing from this Board first, it would be difficult to move forward with the substantial investment.

Ms. Welsh believed that the application proposed eight lodgers and asked whether that would be expanded. Mr. McCall did not know and there was no plan in place at this time. Mr. Hanna said that would be a requirement from the Zoning Board of Adjustment, which means 9–10 people would be prohibited without a variance.

Chair Oram felt that in there was a lot of information to provide to the Board before the home is up and running. For example, on pages 272–273, they have evacuation plans, but this building is not yet acquired so that would need to be completed as well. Mr. McCall said they would work with emergency services on that. The Chair reiterated the difference between provisional and conditional approvals. The Chair said the application was remarkably complete and well-written, which he appreciated.

Vice Chair Kopczynski noted that this is a new process and asked whether it was onerous. Mr. McCall said it was similar to what they must provide to the State, so he did not have to create everything from scratch. He thought everything asked was reasonable and should be known about a social service program. He said he just lacked familiarity with the process, which is why he wanted to come before the Board early on. The Vice Chair distinguished this from the CUP process and Mr. McCall noted some of the differences.

Ms. Welsh was curious about the neighborhood meeting saying she heard great things, and she was glad they were proactive. Ms. Welsh asked what brought them to Keene. Mr. McCall said first, it was to continue working in the State of NH, where their program is already and there are underserved populations, particularly in this southwest corner of the State. Second, they felt Keene would be a welcoming, supportive, and accommodating community for their LGBTQ clients. Mr. Hanna said it was incredibly difficult to make a deal during the pandemic, but they were able to pay cash, but that came with the contingency for permitting, which is a lengthy process; they lost houses to competitors buying with no contingencies. Mr. McCall said they wanted to be in the right community that would support the children.

Hearing no public comment in favor or opposition, Chair Oram closed the public hearing and the Board deliberated about the three 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.*

A motion was made by Vice Chair Kopczynski and was duly seconded by Ms. Welsh. On a vote of 3–0, the Board found application LB 22-07 in compliance with criteria one.

Ms. Welsh said conditional upon meeting the fire safety codes.

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

A motion was made by Ms. Welsh and was duly seconded by Vice Chair Kopczynski. On a vote of 3–0, the Board found application LB 22-07 in compliance with criteria two.

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.*

A motion was made by Vice Chair Kopczynski and was duly seconded by Ms. Welsh. On a vote of 3–0, the Board found application LB 22-07 in compliance with criteria three.

A motion was made by Vice Chair Kopczynski and was duly seconded by Ms. Welsh. On a vote of 3–0, the Congregate Living and Social Services Licensing Board approved application LB 22-07 conditionally upon their successful obtainment of a building permit, inspections, and a certificate of occupancy.

V. New Business:

There was none to report.

VI. Non-Public Session (If Required):

VII. Adjournment

There being no further business, Chair Oram adjourned the meeting at 7:09 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
November 1, 2022

Reviewed and edited by,
Corinne Marcou, Board Clerk