

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

**BOARD OF APPEALS**  
**MEETING MINUTES**

**Tuesday, June 13, 2023**

**4:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Malcolm Katz, Chair  
Doug Brown  
Corinne Park

**Staff Present:**

John Rogers, Building & Health  
Official/Zoning Administrator  
Corinne Marcou, Board Clerk  
Michael Hagan, Plans Examiner

**Members Not Present:**

Steve Walsh  
Donald Flibotte

**1) Introduction of Board Members**

Chair Katz called the meeting to order at 4:30 PM and roll call ensued.

**2) Minutes of the Previous Meeting – May 30, 2023**

A motion by Mr. Brown to adopt the minutes of the May 30, 2023, meeting was duly seconded by Ms. Park and the motion carried unanimously.

**3) New Business:**

**a. BOA 23-01: Petitioner, Toby Tousley of Keene, has filed a petition for an Appeal of Building Code, 2018 IBC Section 202, Change of Occupancy**

Chair Katz welcomed the applicant, Toby Tousley of Keene, who shared some materials with the Board. Mr. Tousley said that he did not intend to fight every City Code decision. He said that is not who he is and that he has a good relationship with the Code Enforcement Department. He acknowledged that the Board of Appeals had seen him a lot recently, but said he always tried to work things out with Code Enforcement before coming to the Board. Mr. Tousley said that initially, he disagreed with the ruling that this was a change of occupancy, but the City pushed back, and so he agreed to work it out. He thought they had worked out this situation, but he said the Fire Chief, Don Farquhar, wrote to him and refused to issue a permit, stating that this was a change of use, and the Chief did not propose any ways to fix the situation. Mr. Tousley said that because it was a change of use, it had to go to the Fire Chief. Mr. Tousley said he was not purposefully being obstructive to the Code Enforcement Department, stating that they are highly professional, and he typically did not have issues with them.

Mr. Tousley referenced the materials he gave to the Board. He recalled that this was about a change of occupancy. So, he referred to the International Building Code (IBC) 202 and International Existing Building Code (IEBC), both of which he said describe the 3 things that trigger a change of occupancy. “*A change in the use of a building or a portion a building which results in one of the following: (1) A change of occupancy classification; (2) A change from one group to another group within an occupancy classification; (3) Any change in use within a group for which there is a change in application of the requirements of this code.*” Mr. Tousley referred to (1) and said that changing from an assembly to business group or business group to education would be a change of occupancy. He said (2) did not apply here because this use remained in Business Group B. He said (2) would be a change from one group to another within the occupancy classification; if changing from group A1 to A2, for example, he said that would be a change of use. He reiterated that (2) did not apply here because Group B does not have any sub-groups. Mr. Tousley stated that the City alleged that there was a change in the application requirements, as stated in (3). Mr. Tousley believed that the City had misinterpreted (3).

Mr. Tousley continued on the topic of a change in application requirements as stated in (3) above. He said that this was about a proposed hair salon in a space that had been used for offices and different things over the years. He said this proposed hair salon was an occupancy that consisted of one open room. He reiterated that this had consistently been a business space consisting of one room. No physical changes were proposed to the doors, walls, or windows. He said this occupancy would not require a greater occupant load, degree of safety, structural strength, fire protection, or means of egress. Everything would stay the same but the name on the door would change.

Next, Mr. Tousley referred to additional commentary that was provided by the Code Enforcement Department. He said that additional commentary on the Code was very helpful in determining what the Code means. Mr. Tousley thought that Code Enforcement was hung up on the portion of the Code that talks specifically about a beauty parlor moving into an old post office. He said he understood that Code Enforcement was trying to “cover their butt.” He quoted the Code, which states that, “*Where a beauty parlor moved into an old post office, while remaining a Group B building, it would be a change in level of activity.*” Mr. Tousley said that the change in level of activity and change of application requirements were what mattered in this case. He said that of course there would be a change in level of activity between a post office and beauty parlor; a post office might have a loading dock or sorting areas that would not be open to the public and likely would not have adequate egress. He said that tearing walls down and opening an old post office for a beauty parlor would obviously be a change in level of activity. Mr. Tousley said the previous occupants of the space in question included an advertising agency, a small employment center, a computer network business, and a non-profit organization. All of those previous occupants had 1–4 clients per hour; he said all of those were different than a post office, which might have dozens of clients at a time. In comparison, the proposed beauty salon would have two stations and there would most likely never be more than two clients in the space per hour. Thus, Mr. Tousley said there was no change in the level of activity.

Mr. Tousley continued explaining why he did not feel this was a change in level of activity. He referred to the IBC, which shows what is considered a “Business Group.” He cited some unusual Business Groups, like airport traffic control towers, animal hospitals, kennels and pounds, dry cleaning, food processing, post offices, and radio and television. Mr. Tousley said that if the beauty salon was moving into one of those spaces, then it would absolutely be a change of use, but they were not moving into one of those spaces. He said they would be removing the desk from the office and moving in 2 hair chairs. He said there was no change in activity, use, or occupancy.

Lastly, Mr. Tousley referred to a list of similar projects within this same building over the last number of years, stating that none were considered a change of occupancy. He said that in November 2013, there was a hair salon. There was also a design studio. In 2015, there was another hair salon in a space previously occupied by a business coach; that was not a change of use or occupancy. Harvest Time Herbs was not a hair salon but had to install a 3-bay sink in a space that was previously a single office. In 2020, Kelly Picard opened a hair salon 3 doors down from the space proposed for the new hair salon in question and that was not a change of use. Mr. Tousley said someone could say that the Codes had changed. However, he said the wording was exactly the same in the 2015 Code and that the intent had been the same since 2003; nothing had changed in decades. Mr. Tousley did not understand why all of these examples he listed were not also considered changes of use.

Chair Katz welcomed the owner of the proposed hair salon, Heather Fish of Swanzey. Ms. Fish explained how this situation had been a financial burden. She said this was the third time she was moving her salon and something like this had never happened before. She had been a downtown Keene business owner on Central Square for nine years that was an office before her salon, and she never went through anything like this. Ms. Fish said the Fire Chief completely refused to issue a permit via email. She said she was at a loss. She hoped to work together and reach an agreement that would allow her to move forward.

Chair Katz asked for Staff comments from John Rogers, the City’s Building Official. Mr. Rogers agreed that Mr. Tousley had always been willing to try to work with the Community Development Department. The Board had copies of the IBC and Mr. Rogers first referenced Section 302, which talks about ten occupancy classifications that Mr. Tousley referenced. Many of those uses have sub-categories and others are just their classifications, with the Business Group being one of them. Mr. Rogers referred to the change of occupancy definition that Mr. Tousley cited, which states that even though beauty parlors and post offices are both within the same use group, it would still be considered a change of use. As mentioned, (3) in the definition that Mr. Tousley quoted above states that, “*Any change in use within a group for which there is a change in application of the requirements of this code.*” Mr. Rogers asked the Board to keep that in the back of their minds.

Mr. Rogers also referenced the IEBC because this is an existing building with proposed renovations to convert an office into a hair salon. He said that Section 1001.1 of the IEBC was almost word-for-word the same as the IBC. He referred the Board to the commentary section, which states that even though there is a change within the same group, it could still be a change of use. He quoted: *“For instance, imagine that a community center is sold and converted to a dance hall. Both of these are considered by the IBC as being an Occupancy Classification Group A-3, but the requirements of the code to each facility could be considerably different. The dance hall might have a higher occupant load and, therefore, require different egress facilities. This specifically states that if the change in occupancy would result in a different fire protection threshold in Chapter 9 of the IBC, then it must be addressed.”* Mr. Rogers said the goal of the change of use was to verify and determine if any changes would be triggered through the Building Code. Even though the Building Code tries to group similar uses together in those classifications, they are not all exactly the same, and there would be different Code requirements between the uses in a group.

Mr. Rogers referred to Chapter 10 of the IEBC that defines a change of use. He said this hair salon would not be a change from one classification to another or one group to another; this was a change of use within the Group B use group. The IEBC states that, *“A change of occupancy that is only a change in use can be dealt with as a Level 1, 2 or 3 alteration in accordance with Chapter 7, 8 or 9.”* Mr. Rogers said the amount of work occurring would cause a project to fall into one of those chapters. He said that just because there is a change of use, it does not mean that the Department would hold an applicant or building owner to the whole Building Code. However, the Code does dictate that, *“... depending on the extent of the remodel and with the particular requirements contained in Section 1006, Structural; Section 1007, Electrical; Section 1008, Mechanical; and Section 1009, Plumbing. The exception provides for special considerations for historic buildings, as given in Section 1205.”* Mr. Rogers said Mr. Tousley mentioned no structural changes and that basic electrical work occurring would just need to meet the Building Code, but there are no specific electrical requirements for a hair salon. As the Building Official for the City of Keene, Mr. Rogers thought that Section 1008 on mechanical changes was the trigger in this instance. He referenced Table 403.3.1.1. – Minimum Ventilation Requirements and stated that there were different ventilation requirements for an office and a beauty salon, even just a hair cutting salon. While he was not saying it was the case in this situation, Mr. Rogers said that if a nail station—a customary accessory use in a hair salon—were added to this beauty salon, a much higher level of mechanical ventilation would be needed. These are the specific types of things that are triggered for the City’s Plans Examiner to consider when there is an application for a change of use. Mr. Rogers said it was not like the Department would go through the whole Building Code for a project. Still, in this instance, Section 1009 on plumbing also applied to this change of use within a group. Mr. Rogers recalled the application was to install a few hair stations, sinks, and maybe a hand wash station. Mr. Rogers said the City’s Plans Examiner, Michael Hagan, was present to answer questions, including whether anything plumbing related would be triggered for a hair salon. Mr. Rogers said the only issue Mr. Tousley did not touch on was mechanical. He added that Mr. Tousley spoke more about the impact of activities, such as no change from two customers or two workers per hour. From the

perspective of the Building Code, Mr. Rogers said there were some concerns about occupant load, but as Mr. Tousley pointed out, Mr. Rogers did not think that was an issue. To Mr. Rogers, the trigger that required this application to go through the change of use process was based off the mechanical code. He said this space might already meet the mechanical requirements, but without the change of use review, the City could not know. It is possible that Mr. Tousley and Ms. Fish would not have to do anything with the ventilation, but the City must be able to confirm that.

Chair Katz asked whether the two triggers for the City of Keene denying the permit were the plumbing (potentially) and the air supply/ventilation system. Mr. Rogers said he would not say that “the City of Keene was denying a permit” but the change of use permit process does have some additional approval requirements, which Mr. Rogers said was one of Mr. Tousley’s main concerns appealing to this Board, and that he understood the frustration. Still, Mr. Rogers did not see how the Community Development Department could not consider this a change of use based on the Code (and commentary), which he thought was pretty clear on changes of use. Mr. Rogers said it was not that the permit would be denied, but City Staff would most likely need more information to approve that permit. Chair Katz asked Mr. Rogers to clarify whether he was asking the applicant for more information to verify that the air system is sufficient. Mr. Rogers said Mr. Hagan should speak to that because he reviewed the initial plan for the space. Chair Katz said he understood that for a Level 2 existing building, adding plumbing would make a difference. Mr. Rogers said that it would make a difference for the different levels, but a change of use could technically occur without any construction; the main thing for the change of use designation is a more in-depth review. The change of use review is not triggered by the level of work. Mr. Rogers quoted IEBC again, “*A change of occupancy that is only a change in use could be dealt with as a Level 1, 2, or 3.*” Chair Katz said the applicant would not be moving any doors or windows, and there would be no structural changes; the issues were a few stations and the ventilation system. Mr. Rogers did not have the information in front of him but thought Level 1 was pretty minimal. Chair Katz thought Level 1 was surface remodeling (e.g., carpeting and wall treatment). Mr. Rogers thought the Chair was correct about those cosmetic changes.

Ms. Park was unclear as to whether Mr. Tousley was trying to avoid a change of use application; she also questioned the fire side of all of this. Mr. Rogers said Mr. Tousley would have to speak to some of this. Mr. Rogers said that when Mr. Hagan did his initial plan review, the change of use requirement was triggered. Then, Mr. Rogers said that Mr. Tousley responded indicating that he disagreed and he had made his case at this meeting that this business is within use Group B. Mr. Rogers said that Community Development Department Staff responded to Mr. Tousley by referencing the commentary from the IBC and the example of a post office changing to a hair salon; while that conversion could be possible without structural work, Mr. Rogers said it would certainly be a change of use because of the mechanical code and the different calculations for air exchanges between those two uses. Thus, as the Building Official, Mr. Rogers said his opinion was that a change of use permit was needed. He said that just one Building Permit would cover the change of use and any plumbing, electrical, and structural work. He said it seemed that only

minimum plumbing work was needed in the space, but City Staff needed to be able to verify the mechanical issues, which was being triggered by the change of use review.

Chair Katz asked whether the mechanical requirements had changed over the past several years. Mr. Rogers said he did not review back into the previous codes. He said that NH was under the 2018 Code, which was a relatively new change. Mr. Rogers said that some things Mr. Tousley spoke about had not changed in previous editions of the mechanical table that Mr. Rogers referenced.

Mr. Brown said the space obviously had ventilation. He asked, if there was a robust mechanical set-up in the space, whether Mr. Tousley would still have to go through this review process. Mr. Rogers said yes, that was his opinion at this point in time. Mr. Rogers said it was really about being able to document what was actually in the space. It was possible that no work would be needed, but City Staff had to be able to verify and document those conditions. Mr. Rogers said that if someone came into the office for a Building Permit, what would be reviewed is the previous use, the proposed new use and the differences between the two, which may trigger further reviews. In this instance, the main thing that caught Mr. Rogers' attention was the mechanical code and the air exchanges that need to occur, and he said that review needed to be conducted. In Mr. Rogers' opinion, this met the definition of a change of use because the Code requires something different between an office and hair salon.

Ms. Park noted that the space in question had been a hair salon in the past. Mr. Rogers did not think so; he thought Mr. Tousley had referenced some other spaces inside this building that had previously been permitted as hair salons.

Chair Katz said a permit would be needed to install the appropriate plumbing for the hair salon. He questioned whether things like the volume of water were of any concern. Mr. Rogers said no, there was nothing he was aware of. This is a large multi-use building that runs on City water and sewer and to Mr. Rogers' knowledge, there was no concern about the building having the proper utilities. Chair Katz said the main concern was verification of the mechanical system and ventilation in the space, and Mr. Rogers agreed. Mr. Rogers said the Board's authority at this time was not to modify the Code but to judge whether Mr. Rogers—as the Building Official—interpreted the Code correctly/incorrectly. Chair Katz said the Board's challenge was in defining what was causing the change of use so that the applicant could solve the problem. The Chair thought he was hearing that proper application of the Code would be to verify the mechanical system to determine if it was sufficient for a beauty parlor. To Chair Katz, everything else seemed to be okay.

Chair Katz welcomed the Plans Examiner, Mr. Hagan, who said that in reviewing and determining a change of use, the IEBC requires looking at those sections [mentioned earlier]. He said the requirements were not just mechanical, but included things like accessibility, which was assessed during the Plan Review process; other requirements include plumbing, electrical, fire alarms, smoke detectors, fire extinguishers, etc., within the scope of a change of use. Mr. Hagan

said that this was not just mechanical, but the change of use encompassed all of the requirements he listed. Mr. Hagan said they had worked through and accomplished most of that list toward issuing a Building Permit. Mr. Hagan reiterated that the Board was to determine whether Mr. Rogers' determination was correct and that this is a change in use. Beyond mechanical issues, things had to be assessed such as carpets, materials, wall treatments, sink location and type, etc., that are all regulated by the Code. Mr. Hagan knew it was easy to say that the space was just going from an office to a hair salon, but there are a lot of considerations that City Staff must question (e.g., would there be a nail station); he said it usually comes in a letter from the tenant operating that facility.

Mr. Brown asked if the application of the Code being different, even within this use group, was triggering some of this. Mr. Hagan said that was correct. Mr. Brown reiterated that even though it is the same use Group B (business), the Code would be applied in different ways depending on the use. Mr. Hagan said that was correct. Mr. Rogers said that what Mr. Brown was talking about was addressed under the third bullet in the definition of change of occupancy: "*Any change in use within a group for which there is a change in application of the requirements of this Code.*" Mr. Rogers agreed with Mr. Tousley that this was not a change from Group A to Group B, for example, this was all within Group B. Still, under third statement of the definition of change of use, there is a difference in the requirements of the application between an office use and hair salon use, despite both being in Group B.

Chair Katz welcomed Mr. Tousley to speak again. Mr. Tousley thought Mr. Hagan had clarified some things and Mr. Tousley said that they had been working well together. Mr. Tousley said he tried to address the three bullet points that Mr. Hagan and Mr. Rogers had mentioned; Mr. Tousley thought they had accomplished all of it. Mr. Tousley said the problem was that the Community Development Department had classified this as a change of use, which by default must be reviewed by the Fire Chief. Mr. Tousley said the Fire Chief flat out refused to issue this permit or provide a way to solve the issue; he said the Fire Chief refused to give any permits for this building. Mr. Tousley said that if this was not a change of occupancy, it would not have gone to the Fire Chief, and the Community Development Department could have handled it administratively like they did with the previous three hair salons in this building. He said there is another hair salon 3–4 doors down the hall and he did not need the Fire Chief to sign off on that one. This was what frustrated Mr. Tousley. He was also frustrated by the fact that change in use and change in occupancy are not the same. Mr. Tousley said he agreed that he needed to follow the requirements for change of use and to follow Level 1, 2, or 3. He said he would be happy to provide any information about the plumbing and anything else needed. Still, he said this was not considered a change of occupancy. For instance, Mr. Tousley asked, if the same office occupant was still in the space and they decided to install three lavatories, would that be a change of use? He said that just installing lavatories did not constitute a change of occupancy. He said the only changes for the new hair salon tenant would be to move the office desks out and add a hair wash station. He said it came down to the level of activity. Mr. Tousley continued by discussing fire hazards, which were cited in the definition of change of occupancy in Chapter 10 of the IBC. He said the fire protection threshold sprinklers needed would not change between the office and hair

salon. Mr. Tousley said he understood that he needed to provide information demonstrating that the plumbing works properly but said that was not a change of occupancy. He thought that Mr. Rogers' decision that this was a change in occupancy was inaccurate.

Mr. Rogers referred to Chapter 10 of the IBC again, noting that Mr. Tousley had mentioned fire separations. Mr. Rogers clarified that he at no point mentioned fire separation. Rather, he put forth the IBC commentary under the definition of change of use, which talks about structural, electrical, mechanical, and plumbing. Chair Katz thought it seemed like the main point of this argument was about the relationship of the Fire Department to the Building Permit for this project that centered on what was being called a change of use; he asked if that was correct. Mr. Tousley stated [off mic from the audience] that he believed that was accurate. Mr. Rogers deferred to Mr. Hagan. Still, Mr. Rogers said that if this was just about plumbing in a commercial setting, he thought it highly unlikely that the Fire Department would have any involvement other than the change in tenant; the Fire Department would not need to issue things like an Assembly Permit. Chair Katz said that in the past, when drawings were submitted to the City for a permit, they always received a written signature from the Fire Department to approve any changes. Chair Katz asked if he was hearing correctly, in this case, that it would not matter what the applicant does because the Fire Chief would not sign off on it. Mr. Rogers could not speak for the Fire Chief. Mr. Rogers pointed out that Mr. Tousley did submit an appeal to the Fire Chief along the lines of this same conversation. The Building Code process is different than the Fire Code, for which appeals go to the Fire Chief first. Once the Fire Chief responds to Mr. Tousley's appeal, then Mr. Tousley could appear before this Board of Appeals again for that issue.

Chair Katz closed the public hearing for Board deliberations.

Mr. Brown thought this Board was in an odd position and Chair Katz agreed. Mr. Brown said that every time he read this appeal and thought he understood it, he had to start over again. At this point, he thought he did understand it enough to agree that he thought the new tenant did trigger a review. Unfortunately, he said that just by triggering the review, it would bring other people into the approval process. Mr. Brown did not see any way for the Board to avoid this uncomfortable situation.

Chair Katz noted that in the past, this Board had been able to voice their opinions or thought processes about the Building Department but had not been able to alter black-and-white written Code. Mr. Brown said he could see City Staff's logic and he understood what Mr. Tousley wanted. Still, personally, Mr. Brown thought this change unfortunately triggered a small thing that needed to happen. While Mr. Brown did not like it, he thought there was no way around it. Both Ms. Park and Chair Katz agreed with Mr. Brown. Chair Katz said it was unfortunate that this review was being triggered, but he thought that if City Staff received more information, it would likely resolve the mechanical issue. If all the requirements were resolved, Chair Katz did not see any reason why the Fire Department would not approve. Mr. Brown said it sounded like if the space was perfect for a hair salon, this would still be triggered because of the change in



use. Ms. Park wondered whether this would still be triggered even if the space was perfect for a hair salon because there were other Fire Department issues with this building. Chair Katz did not think the other issues in the building had a lot to do with it. Rather, the Chair thought this was about the need to review the mechanical system to verify that the air exchange meets the requirements for a hair salon, even if it might have met the requirements for a beauty salon when it was an office. Still, Chair Katz said that had to be verified and he thought there could be a simple way to accomplish that. In previous meetings, Chair Katz recalled reviewing the Fire Chief's requirement for a certified fire protection engineer and the Board determined that Mr. Tousley could choose anyone he wanted that was qualified versus spending a lot on the certified engineer. Chair Katz thought Mr. Tousley was trying to comply with everything but was running into some roadblocks.

Chair Katz reopened the public hearing.

Mr. Brown asked Mr. Rogers, if this was a hair salon already but the tenant changed for a new hair salon, how that situation would play out. Mr. Rogers replied that if this space was already permitted as a hair salon, then there would be no change of use. If it remained as a hair salon but added a nail station, that would most likely require a Building Permit because there would need to be enhanced ventilation; still, this would not require a change of use permit. Chair Katz reiterated that if it was a hair salon before and the new tenant was also a hair salon, the City would still have to assess the various aspects like the mechanical system for the Building Permit, but it would not constitute a change of use. Mr. Brown agreed. Chair Katz said the issue at hand was for the Board to decide whether Mr. Rogers was correct that this was a change of use.

Chair Katz recognized Mr. Tousley, who said he wanted to be clear that he was not trying to do something and avoid a Building Permit. He stated that he believed he only needed a Building Permit to address the plumbing (the only change he proposed), not a change of occupancy. He reiterated that change of occupancy and change of use are different, and stated that this was a change of use within the same Group B. He said it would be a change of occupancy if there was a change in activity level or requirements for safety. Mr. Tousley said Mr. Rogers misunderstood him when he used one for Mr. Rogers' example that stated: "*It is a change of use ... only if it is a different fire protection threshold.*" Mr. Tousley said the key was that if there was a change in the fire protection threshold it would be a change of use. He said the key to change of occupancy had nothing to do with installing a sink but had to do with thresholds for things like fire sprinklers, exit signs, and means of egress that keep people safe. Mr. Tousley believed that his case was a perfect one to prove that this did not need to be a change of occupancy but was a matter of issuing a simple Building Permit based on the things Mr. Hagan addressed.

Mr. Rogers referenced the IBC again, in which the commentary on change of use states that: "*A change of occupancy that is only a change in use can be dealt with as a Level 1, 2, or 3 alteration in accordance with Chapters 7, 8, or 9, depending on the extent of remodel and with the particular requirements contained in Section 1006, Structural; Section 1007, Electrical;*

*Section 1008, Mechanical; and Section 1009, Plumbing.*” Because of the mechanical requirement, Mr. Rogers did not see how a change of use would not be triggered.

Chair Katz asked, if the mechanical system was verified as adequate, would it still be a change of use? Mr. Rogers replied that it would still be a change of use, noting that it is a different requirement; Staff could not just say the space meets the requirement and it would go away. Calling it a change of use was what was triggering these things (e.g., mechanical system). Mr. Rogers said that if a hair salon had different electrical and plumbing needs, for example, those things would have to be reviewed and met. He said that if the ventilation meets the necessary air turnover requirements, then they would meet the requirement, but Mr. Rogers said the only way to get to that point was to have it reviewed as a change of use; there are different ventilation requirements between an office and salon.

Chair Katz closed the public hearing.

Ms. Park thought the issue the Board needed to decide was whether this was a change of use within the occupancy, not a change of occupancy, and whether that change of use required a permit that could potentially have other steps or “hoops” to get through. Chair Katz said he was unsure how the Board could address Mr. Park’s second point. Ms. Park thought the Board’s part was only to determine whether they thought the Code was applied correctly and whether the Board would agree with the Building Code regardless of anything else going on with this building. Chair Katz agreed. Chair Katz said that based on what he read, this case was a change of use, not a change of occupancy. Ms. Park agreed. Mr. Brown said that the Building Department claimed that it was a change of use, so the Board needed to decide whether it agreed with that determination.

Ms. Park made the following motion, which Mr. Brown duly seconded. On a vote of 3–0, the Board of Appeals agreed with the City of Keene Building Department that a change of use was correctly triggered in this case, not a change of occupancy.

- 4) **New Business**
- 5) **Adjournment**

There being no further business, Chair Katz adjourned the meeting at 5:26 PM.

Respectfully submitted by,  
Katrnya Kibler, Minute Taker  
June 20, 2023

Edits submitted by,  
Corinne Marcou, Board Clerk