



City of Keene Planning Board

AGENDA - AMENDED

Monday, June 24, 2024

6:30 PM

City Hall, 2nd Floor Council Chambers

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meetings** – **May 13, 2024** & May 20, 2024
- III. **Final Vote on Conditional Approvals**
- IV. **Public Hearing**
 - a. **PB-2024-05 – Congregate Living & Social Services Conditional Use Permit – Live Free Recovery, 973 Marlboro Rd** - Applicant Live Free Recovery Services LLC, on behalf of owner BTD Properties LLC, proposes to operate a residential drug and alcohol treatment facility on the property located at 973 Marlboro Rd (TMP #249-004-000). The parcel is 1.1 ac and is located in the Rural District.
- V. **Nomination of City Representative to SWRPC Commissioners**
- VI. **Master Plan Update**
 - a. Project Updates
- VII. **Staff Updates**
 - a. Future Planning Board Training Topics
- VIII. **New Business**
- IX. **Upcoming Dates of Interest**
 - Joint Committee of the Planning Board and PLD – July 8th, 6:30 PM
 - Planning Board Steering Committee – July 9th, 11:00 AM
 - Planning Board Site Visit – July 17th, 8:00 AM – To Be Confirmed
 - Planning Board Meeting – July 22nd, 6:30 PM

1 City of Keene
2 New Hampshire

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5 PLANNING BOARD
6 SPECIAL MEETING MINUTES
7

Monday, May 13, 2024

6:00 PM

Council Chamber,
City Hall

Members Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefler, Alternate
Randyn Markelon, Alternate
Stephon Mehu, Alternate

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Harold Farrington, Chair
Councilor Michael Remy
Sarah Vezzani
Gail Somers,
Tammy Adams, Alternate

8
9 **I. Call to Order – Roll Call**

10 Vice Chair Mastrogiovanni called the meeting to order at 6:00 PM. Roll call ensued.
11
12

13 **II. Advice and Comment:**

- 14 **A) Large Group Home – 973 Marlboro Rd, TMP #249-004-000 – BCM Environmental**
15 **Land Law, on behalf of applicant Live Free Recovery Services, is seeking input from**
16 **the Planning Board regarding a potential change of use to a large group home. The**
17 **parcel is in the Rural District.**
18

19 Vice Chair Mastrogiovanni welcomed Tara Kessler, Planner Paralegal for BCM Environmental
20 Planning and Land Use Law, and Ryan Gagne of Live Free Recovery Services. They appreciated
21 this opportunity for advice and comment about the proposed change of use for the property at 973
22 Marlboro Road, which is in the Rural District. Initially, when they submitted the request for advice
23 and comment, they thought that this would be a large group home based on the use definitions.
24 After further consideration and review of Keene’s different Congregate Living and Social Service
25 uses, they determined that the proposed use is more aligned with a residential drug and alcohol
26 treatment facility, which is defined as “a licensed facility that provides 24 hour in-house
27 supervision for medical and/or non-medical therapeutic care of natural persons seeking
28 rehabilitation from a drug and or alcohol addiction.” Ms. Kessler said this proposed facility would

29 be a non-medical facility for up to 20 residents. The parcel is currently owned by BTB Properties
30 and Live Free Recovery has a purchase and sales agreement on the property, contingent upon
31 receiving the appropriate planning and land use approvals, which is why Mr. Gagne planned to
32 submit for the June Zoning Board of Adjustment and Planning Board meetings.

33
34 Ms. Kessler explained that the property is partially located in Keene (1.1 acres) and partially in
35 Marlborough (0.96 acres), making it a unique parcel that spans two town boundaries. There is an
36 existing building on the property as well as an existing 17-space parking lot that was built for
37 Monadnock Log Homes in 2003/2004, which was used as a showroom and retail service office for
38 the sale of log homes. The property changed ownership and use in 2019 for use as a therapy clinic
39 for youths with autism and developmental disabilities. It was most recently used by Patterns
40 Behavioral Services. At this time, the building is vacant, and Mr. Gagne’s proposed use is a non-
41 medical residential drug and alcohol treatment facility, which is not a permitted use in the Rural
42 District and would require a variance. If the variance is granted, Ms. Kessler and Mr. Gagne
43 understood that it would also require a Conditional Use Permit (CUP) from the Planning Board.

44
45 Mr. Gagne agreed that the intention is a non-medical treatment program. Live Free Recovery has
46 various stages of treatment through its continuum of care that address clients’ particular needs.
47 This facility would be for individuals receiving one-to-one and in-group counseling, with more of
48 an intimate setting for addressing trauma. Clients would not leave the property. He added that there
49 would be very little traffic during the first shift of the day, with 5–7 staff members. The staffing
50 pattern would reduce during 2nd shift and there would be roughly 1–2 employees on site overnight.
51 He said there should not be any initial disturbances to the outside of the building itself. Mr. Gagne
52 noted that there is already a fenced in perimeter area, almost like an outdoor meeting space and
53 there would not be any additional changes to the parking or the coverage of the parking lot itself.
54 There are also planting beds on site that could block some of the view of the parking lot from the
55 road. The program itself is 30–45 days, getting clients ready for their next step in their journey.
56 There would also be weekend coverage, as programming runs seven days/week, 365 days/year.

57
58 Ms. Kessler added that the site itself and the building was used for a log home showroom and retail
59 office. Prior to that, since the 1970s, it was used for commercial uses. The property is served by
60 the town of Marlborough municipal sewer service. There is a private well on site and Live Free
61 Recovery planned to install a sprinkler system in the building and to install a holding tank to ensure
62 that there is adequate water supply on site for both the building, and emergency needs. Ms. Kessler
63 and Mr. Gagne hoped for feedback from the Board on CUP standard Article 15 of the Land
64 Development Code, which is the City’s standards for Congregate Living and Social Service uses.

65
66 This standard lists criteria that need to be met to determine whether a proposed use is fitting for a
67 site and the surrounding area. Ms. Kessler and Mr. Gagne felt that they met most of those
68 standards, but they sought feedback on 15.2.C, which states that “*any parking lots, outdoor activity*
69 *area, or waiting areas associated with the use shall be adequately screened from adjacent*
70 *properties and from public rights-of-way.*” Ms. Kessler said there was a subjective element to this
71 standard, which is the phrase “adequately screened.” Ms. Kessler and Mr. Gagne felt that the
72 parking lot in front of this building was adequately screened. The outdoor activity area Mr. Gagne
73 mentioned is to the east of the building. This would be the only outdoor space used by residents
74 on a scheduled basis.

75
76 There is a solid 6' high fence that runs along the eastern boundary of the site and provides screening
77 from the existing building and the neighbor to the east, which is a residential property. The large,
78 densely forested properties to the south and the west of this lot are undeveloped. Marlboro Road
79 is a State highway and from there, there is one single-family home across the street. The existing
80 screening is mature shrubs and trees planted in a grass median between Route 101 and the parking
81 lot in front of the building. The site is elevated at a higher grade than the roadbed of Route 101.
82 Ms. Kessler and Mr. Gagne did not think that a solid fence would be a fitting form of screening
83 for this area, since it would essentially create a barrier along Route 101 and would be aesthetically
84 unappealing. Thus, Ms. Kessler and Mr. Gagne felt that the existing landscaping was sufficient,
85 but they sought feedback from the Board. Live Free Recovery is open to additional landscaping if
86 there was concern about visibility of the parking lot.

87
88 Mayor Kahn asked if Ms. Kessler approached the Town of Marlborough. Ms. Kessler said yes,
89 they applied for a special exception, as they have fewer use categories and the "group home" use
90 was the most fitting for this proposal. She noted that in Marlborough, there was no cap on the
91 number of residents in a group home. Mayor Kahn asked about the abutting residences. Ms.
92 Kessler said that both residences are in Keene and the undeveloped property to the west is in
93 Keene. The abutter to the south is in Marlborough, which connects to the undeveloped forested
94 land to the west. Mayor Kahn asked how many abutting properties there were. Ms. Kessler said
95 four, one in each direction, but only two are occupied with residences (one to the east and a single-
96 family home across the street).

97
98 Mayor Kahn asked how many residents and Ms. Kessler said up to 20. The Mayor asked if there
99 would be gender restrictions. Mr. Gagne said no, it would be mixed. Mr. Gagne added that the
100 emphasis is supporting people in recovery locally in Keene, Cheshire County, and NH; the
101 majority of clients will be from Cheshire County and western NH.

102
103 Mayor Kahn mentioned the pleasure of visiting the Live Free Recovery's Second Chance facility
104 at the Cheshire County Jail, and asked how many residents were there. Mr. Gagne replied 24
105 residents, with a well-trained staff specifically for detox treatment (6–7 days, with considerable
106 staffing numbers), which is the first step. Whereas the new location—which is near the Cheshire
107 County jail—would be for step-down treatment with a lesser level of care as clients will be more
108 stable. At the new location, clients would reside for 30–45 days, with some access to their routine
109 medications only.

110
111 Ms. Brunner reminded the Board that this was a hearing for advice and comment, and nothing in
112 this meeting was binding. If the Zoning Board approved the variance, Mr. Gagne would return for
113 the Planning Board CUP.

114
115 Mayor Kahn asked if clients would have vehicles on site and Mr. Gagne said no. Mayor Kahn
116 asked about staff traffic daily. Mr. Gagne said that compared to the Second Chance facility with
117 extensive medical staff, there would be much less staff traffic at this site.

118
119 Mayor Kahn asked why Mr. Gagne felt that screening would be valuable. Ms. Kessler replied that
120 she and Mr. Gagne thought the property was adequately screened already. However, the City's

121 Land Development Code has certain standards for Congregate Living and Social Service uses,
122 including the requirement that outdoor activity areas and parking areas are adequately screened
123 from abutting properties and from the public right-of-way. The property is adequately screened
124 from the properties to the east as there is a solid fence that blocks the entire length of the property.
125 It is also screened to the west and to the south by a dense forest that extends for thousands of feet
126 before reaching any development. She asked the Board whether—understanding this is a
127 nonbinding session—the screening of the parking lot at the front of the building was adequate.

128
129 Ms. Kessler noted that when the building and parking lot were built in 2003, it went through the
130 zoning process for a use variance. It also went through a site plan review because at the time,
131 parking was not allowed in the front of the building, so a waiver was received from the Planning
132 Board, and the existing landscaping that screens that parking area was considered adequate for that
133 use. Because the Congregate Living and Social Services standards were newer, and because this
134 would be a new use, Ms. Kessler and Mr. Gagne wanted to hear the Board’s thoughts before
135 submitting the application.

136
137 Mayor Kahn asked if the question was about the view from Route 101 and Ms. Kessler said yes.

138
139 Mr. Clancy felt that increasing the screening would bring more attention to the facility. He asked
140 whether signs are permitted in the Rural District and if not, whether there was an existing variance
141 for the sign in front of this building. Ms. Brunner replied that she would need time to check the
142 Sign Code, but said that a Sign Permit would be needed through a separate process. Mr. Gagne
143 said that depending on what the sign looks like, he would most likely go over what is already there
144 without having to change it. He thinks it already complements the building nicely and he would
145 appreciate not having to change as much as possible.

146
147 Mr. Kost noted that this was a retail building originally when it was built to sell log homes. He
148 thought it was a really nice looking building. He noted that there would not be a lot of visitors and
149 the people residing there would not have cars. So, Mr. Kost suggested that Mr. Gagne consider
150 that some parking could be reverted back to grass, which would mean less to screen; it would also
151 help with stormwater runoff. Mr. Kost was not suggesting added expense, but a possibility for the
152 future. Ms. Kessler noted that the required parking for this use, with 20 residents would be 10
153 parking spots. The existing parking spans the length of the long building, but she said that in the
154 CUP application, she would be clear that the intention is to concentrate those 10 spots right behind
155 the existing screening. Despite being vacant, parking was allowed there if someone wanted to stop
156 and look at the building/parking.

157
158 Mr. Rangel said he drives by daily and never noticed lack of screening. He said it is a beautiful
159 property and he was glad this was a considered use. He thought the screening was adequate.

160
161 Mr. Hoefler asked whether the screening requirements for this use were different than if it returned
162 to a retail use. Ms. Kessler said the Planning Board development standards include screening of
163 parking areas. Ms. Brunner said that because this is a zoning standard, the parking must be
164 adequately screened and the applicant’s reason for this discussion was to gauge whether the Board
165 felt strongly that what existed was not adequate screening. If the Board felt the screening was not
166 adequate, the applicant would need to request an additional variance in addition to the one they

167 were already requesting. This was a higher standard because it is in zoning. The typical Planning
168 Board landscaping standards could be waived by the Planning Board.

169
170 Vice Chair Mastrogiovanni asked if there would be a designated smoking area. Mr. Gagne said
171 yes, there was already an area behind a 6' solid fence, and within that fence was another fenced
172 area at a higher grade and that would be the designated area. Vice Chair Mastrogiovanni asked if
173 there would be assurances that the clients and smoking would remain there. Mr. Gagne said yes.
174 He said there would always be a designated smoking area within a certain distance of the
175 entrance/exit and individuals would always be monitored by staff. Vice Chair Mastrogiovanni said
176 keeping the smoking area behind the fence or screen was her only concern.

177
178 Otherwise, she thought it was a good location. Mr. Gagne added that if there was an issue due to
179 smoking or someone was sensitive to it, they would find a resolution/accommodations; in the past,
180 at another facility, they had made accommodations for neighbors. Additionally, there is an entire
181 separate back porch on the opposite side that can be seen minimally by the road, is elevated, and
182 cannot be accessed from the ground up, only through the building. Vice Chair Mastrogiovanni
183 asked if residents would be free to roam the property. Mr. Gagne said no, there would be a
184 schedule, including monitored downtime. Sometimes there would be offsite activities for parts of
185 the curriculum that exist in other locations already. Vice Chair Mastrogiovanni asked if Live Free
186 Recovery's other sites run smoothly. Mr. Gagne replied yes, they try hard.

187
188 Mayor Kahn asked if there would be a bus on site for trips. Mr. Gagne said yes, Live Free Recovery
189 has an internal Client Needs Policy for offsite trips to doctor's appointments, for example, so there
190 is a vehicle at all of their sites.

191
192 Ms. Kessler said it was important to note that these residents would be willingly admitted and they
193 could be discharged at any time at their will.

194
195 **II. Adjournment**

196
197 There being no further business, Vice Chair Mastrogiovanni adjourned the meeting at 6:32 PM.

198
199 Respectfully submitted by,
200 Katie Kibler, Minute Taker
201 May 14, 2024

202
203 Reviewed and edited by,
204 Megan Fortson, Planning Technician

1 **City of Keene**
2 **New Hampshire**

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5 **PLANNING BOARD**
6 **MEETING MINUTES**
7

8 **Monday, May 20, 2024**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefler, Alternate

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Harold Farrington, Chair
Councilor Michael Remy
Sarah Vezzani
Randyn Markelon, Alternate
Tammy Adams, Alternate
Stephon Mehu, Alternate

9
10 **I) Call to Order – Roll Call**
11

12 Vice-Chair Mastrogiovanni called the meeting to order at 6:30 PM and a roll call was taken.
13

14 **II) Minutes of Previous Meeting – April 22, 2024**
15

16 A motion was made by Armando Rangel that the Planning Board approve the April 22, 2024
17 meeting minutes. The motion was seconded by Kenneth Kost and was unanimously approved.
18

19 **III) Final Vote on Conditional Approvals**
20

21 The Vice-Chair asked to be recused from this item.
22

23 Armando Rangel served as Chair Pro Tem. A motion was made by Michael Hoefler to nominate
24 Armando Rangel as Chair Pro Tem. The motion was seconded by Kenneth Kost and was
25 unanimously approved.
26

27 Chair Pro Tem Rangel asked staff if there are items ready for a final vote tonight.
28

29 Ms. Brunner stated there is a boundary line adjustment for 2 and 12 Gilbo Avenue that is ready for
30 final approval, PB-2024-03. There were five conditions precedent including: owners' signatures
31 on the plan; inspection of the lot monuments; submittal of four paper copies, two mylars and a
32 digital copy of the final plan; the submittal of a check to cover the cost of recording; and the
33 submittal of draft easement documents. All of these conditions have been meet and this application
34 is ready for final approval.

35

36 A motion was made by Kenneth Kost that the Planning Board issue final approval for PB-2024-
37 03. The motion was seconded by Michael Hoefler.

38

39 The Mayor stated he was not clear what this final approval item was. Ms. Brunner explained this
40 is a standing agenda item and because staff could get materials the day of the meeting, the actual
41 project information is not included in the agenda packet, but this is something the Board would
42 have seen at a prior meeting and discussion would have also happened at that meeting; staff just
43 reviews the conditions of approval at today's meeting. The Mayor suggested listing these item as
44 he does not recall this application.

45

46 The motion carried on a unanimous vote. Vice-Chair Mastrogiovanni rejoined the session.

47

48 Mr. Hoefler clarified what transpires with the Final Vote on Conditional Approvals; the Board is
49 taking the word of staff that all conditions have been met by the applicant. Ms. Brunner explained
50 that when a Board approves an application, there are conditions precedent that the applicant has to
51 meet within a six-month timeframe. These are the conditions they have to meet before they can
52 receive final approval, get a building permit, and move forward with construction. There was a
53 recent NH Supreme Court decision where it was implied that only the Planning Board could issue
54 final approvals. Previously, it was the practice for staff to sign off on the conditions of approval
55 and the applicant did not have to come back before the Board. This is a procedural step at the
56 advice of the City Attorney, but nothing has changed with the proposal from the time the applicant
57 received conditional approval from the Planning Board.

58

59 **I) Extension Request**

60

61 **1. SPR-04-22 & S-04-22 – Site Plan & Conservation Residential Development**
62 **Subdivision – Timberlane Woods, 0 Drummer Rd - Owner C. Eric Farris, requests a**
63 **third extension to the deadline to satisfy the precedent conditions of approval for the**
64 **proposed 6-lot subdivision of the property located at 0 Drummer Rd (TMP #515-015-**
65 **000) and construction of four, 5-unit multifamily residences and one, 6-unit**
66 **multifamily residence. The property is 13.1 acres and is located in the Low Density**
67 **District.**

68

69 Mr. Chris Farris, the property owner, addressed the Board. He indicated that because the
70 Conservation Residential Development (CRD) requires separate lots, it makes the proposed
71 development sporadic and is contrary to the intent of this type of subdivision. The intent was to
72 keep parking out of the view of roadways, which can be accomplished under the new Cottage
73 Court Overlay Conditional Use Permit (CUP) process. Mr. Farris stated that if the Cottage Court

74 Overlay ordinance is approved, they plan to withdraw their prior application and come back with
75 a new Cottage Court CUP application.

76
77 Mr. Clancy asked what conditions the application has met on the current application. Mr. Farris
78 stated he did not have a list in front of him, but most of the conditions they have not met are related
79 to easements for utilities. Developing this property through the Cottage Court CUP process should
80 get rid of most of these issues. There are also HOA documents that need to be completed, but this
81 again will change with the Cottage Court Overlay application. He noted that most of the
82 outstanding items will be irrelevant under the Cottage Court Overlay application. Ms. Brunner
83 agreed the applicant is correct in that most of the outstanding items are related to legal documents,
84 easements. etc.

85
86 Ms. Brunner went over the conditions: The first condition relates to elevation of the buildings;
87 there was a question as to whether the buildings met the height requirement for the district and
88 additional documentation was required to be submitted. Conditions 2, 3, 4 and 5 relate to
89 submitting written documentation for access and utility easements, cross easement for storm water
90 management and drainage systems; submitting legal documents for management of the open space
91 lot; the acceptance of all public utilities by the Keene City Council; the submittal of revised plan
92 showing a no cut buffer along the 30 foot buffer along Timberlane Drive; and the submittal of a
93 security for landscaping, erosion control, and as built plans.

94
95 Mr. Clancy asked whether this site has access to city water and sewer. The applicant answered in
96 the affirmative.

97
98 The Mayor stated there is a lot of neighborhood interest in this development and asked whether
99 the applicant has had any conversation with the neighbors. Mr. Farris stated they have not had any
100 conversations yet, but felt this project would be better for the neighborhood if it were reviewed as
101 a Cottage Court CUP. The Mayor encouraged conversations with the neighborhood.

102
103 A motion was made by Kenneth Kost that the Planning Board approve the 180-day extension
104 request for SPR-04-22 & S-04-22. The motion was seconded by Armando Rangel.

105
106 Mr. Clancy stated he was conflicted because it has been a year and a half since the prior application
107 was approved and those conditions have not been met. Also, the Cottage Court Overlay is a brand
108 new proposal for the City. He indicated that he will not be in favor of this application as this is
109 now a third request for extension.

110
111 The Mayor asked for staff input. Ms. Brunner stated Planning Board regulations allow for up to
112 three extensions. The language states as follows: “...such extensions shall only be granted by the
113 respective decision making authority for an applicant who can demonstrate that there are
114 extraordinary circumstances that warrant a third extension of the deadline. Extraordinary
115 circumstances may include but not limited to litigation that has been entered into after conditional
116 approval is granted which prevents the applicant from completing conditions required for
117 signature or from completing active and substantial development.”

118

119 Ms. Brunner added that during the second extension request, the applicant talked about the
120 different financing options that were delaying the ability to move forward with satisfying their
121 precedent conditions of approval. She added that she has seen third extension requests in the past
122 – for instance, covid-related issues. Ms. Brunner added that if the extension is granted, this is the
123 last extension that the applicant could be granted.

124
125 The motion for the extension request carried on a 5-1 vote with Ryan Clancy voting in opposition.
126

127 **II) Public Hearing**

128
129 **1. Change of Governmental Land Use – RSA 674:54 regarding the proposed use of the**
130 **1.8- ac parcel at 0 Island St (TMP #583-018-000) as a temporary construction material**
131 **storage yard during the upcoming Island Street Infrastructure project. The parcel is**
132 **owned by PSNH and is located in the Commerce District.**
133

134 Ms. Brunner stated that no completeness vote needs to be done for this application. She also
135 indicated that because this is a change of use for a governmental use, any comments provided by
136 the Planning Board will be considered non-binding.

137
138 **A. Public Hearing**

139
140 City Engineer, Don Lussier, addressed the Board. Mr. Lussier stated this is not an application, but
141 rather a notification and added that the Board is not required to hold a public hearing on this item.
142 He indicated the proposal is for a temporary storage area for an upcoming city infrastructure
143 project involving the reconstruction of Island Street. Mr. Lussier stated this is a common practice
144 for contractors to negotiate with private property owners to store their equipment on private
145 property.

146
147 Mr. Lussier referred to a previous scenario with the Winchester Street reconstruction project a few
148 years ago where a contractor negotiated for use of property on Pearl Street, but one of the neighbors
149 had issues with that. The City's Zoning Administrator determined this was not a permitted use in
150 that district and the contractor was asked to vacate the property. Because this precedent exists
151 where a contractor might not be able to use private property in a certain zone, the city has had to
152 adapt to those new standards. As result, for these large construction projects where there is a cost
153 incentive for the city to provide convenient construction access, the city would invoke its right
154 under the statute to negotiate with the property owner to use their land for a temporary
155 governmental land use. A private contractor would not be able to say that they are invoking
156 governmental land use because they are working for the city, so this is something the city has to
157 do. This concluded Mr. Lussier's comments.

158
159 Mr. Rangel asked whether the bike path will stay open. Mr. Lussier stated the bike path will be
160 open, but noted that there will be work on the sidewalk and at time users of the bike path might be
161 asked to use the eastern portion of the bike path; however, pedestrian access will be maintained
162 throughout the project.

163

164 Mr. Kost asked whether the contractor will be responsible ultimately to make sure there are no
165 erosion control issues from the materials being placed. Mr. Lussier stated they will be required to
166 fence the area off and the city will be monitoring the area to make sure the material does not
167 encroach on the bike path.

168
169 Mayor Kahn asked when construction project will be happening in this area and if the fencing
170 would also be screened. Mr. Lussier stated the fencing will not be screened and noted that it will
171 be construction fencing.

172
173 In terms of the project timeline, Mr. Lussier explained that the Island Street infrastructure project
174 encompasses everything from West Street to the Island Street bridge. The Winchester Street
175 project terminated 20 to 30 feet north of the bridge with new water and gas mains. The city is now
176 rebuilding the water and sewer drains. As part of this project, Liberty Utilities will be will be
177 replacing their existing gas lines. All sidewalks on the east side of Island Street and some of the
178 sidewalks on the west side will also be replaced. He added thar the street will remain open during
179 the work, but one way traffic will be alternated throughout the summer. Mr. Kost noted this is not
180 a large enough site for staging. Mr. Lussier agreed and added the contractor is likely going to have
181 a location off site.

182
183 Mr. Clancy asked if there is a delay with the project what assurances the city has from the property
184 owner that the contractor will continue to be allowed to use this staging area. Mr. Lussier stated
185 the agreement is for six months with the potential for a one-month extension, as long as both parties
186 are in agreement.

187
188 Mr. Hoefler asked whether Eversource could use this property for another use without obtaining
189 permission from the City. Mr. Lussier stated this would be a question for the Zoning Administrator.
190 Mr. Hoefler clarified the abutters were notified of this hearing. Staff agreed this is a noticed public
191 hearing.

192
193 With reference to a motion for this item, Ms. Brunner stated that if the Board had any non-binding
194 comments they would like to provide, staff would recommend those comments be in the form of
195 a motion. With reference to Mr. Hoefler's question about uses, Ms. Brunner explained that
196 governmental land uses are exempt from zoning and land use regulations under State RSAs. This
197 is a change of governmental land use because at the present time, it is being used as an Eversource
198 sub-station and they are proposing to use it as a construction storage area. Under the City's Zoning
199 Ordinance, there is no temporary use allowance.

200
201 Mr. Kost suggested that if the site is going to be lit at night, to make sure it meets the proper
202 lighting standards. Mr. Lussier stated the contractor won't be providing any security lighting.

203
204 Vice-Chair Mastrogiovanni asked what the final date for project completion was. Mr. Lussier
205 stated a contract has not yet been signed, but it is likely going to take the entire construction season
206 – through November/December. Ms. Mastrogiovanni asked whether the abutters would be
207 comfortable with a lengthy construction period and if they would be advised if there is a need for
208 an extension. Mr. Lussier stated it was previously asked if the property owner would be
209 comfortable with an extension, but not the abutters and he was not sure. She asked if abutters will

210 be notified. Ms. Brunner stated notice only goes to the property owners and if there are renters
211 they would not see the notice. Ms. Brunner added that at a recent meeting, the Board approved a
212 change to its mailing practices from sending certified letters to a “certificate of mailing” and added
213 that at a later date staff might be proposing a change to let not only property owners, but also
214 residents of the property be made aware of such issues. She indicated that anyone living within
215 200 feet of the property boundaries were notified. Mr. Lussier stated the schedule that was
216 provided to the Board has the project starting in July and continuing through November 2024.

217
218 Mr. Clancy asked what happens if there is a delay with the work connected to Liberty Utilities.
219 Mr. Lussier stated that the city coordinates with Liberty Utilities in advance and their schedule is
220 built into the contract for the contractor to vacate the area so Liberty Utilities can move forward
221 with their work. If Liberty Utilities exceeds their allotted time, the City’s contractor would have a
222 legitimate reason to exceed their timeframe.

223
224 Mayor Kahn felt the orange fencing being proposed doesn’t seem like it would be adequate. Mr.
225 Lussier stated the city is not responsible for the contractor’s equipment and what has been written
226 into the contract is just the delineation of the area they are allowed to use. If they want added
227 security for their equipment, that is their prerogative, but it is not something the city is responsible
228 for. Vice-Chair Mastrogiovanni stated there is also the concern of someone’s view of this area and
229 added that the orange fencing is not attractive. Mr. Lussier noted that the entire stretch of Island
230 Street is going to be unattractive for the entire summer and the area being referred to is adjacent
231 to the construction area. The Vice-Chair asked whether there were any homes directly adjacent to
232 the proposed location. Mr. Lussier stated there are two multi-family units directly to the north.

233
234 Mr. Clancy referred to the bike path and suggested fencing be provided to prevent any spill over,
235 which could help the properties to the north. He suggested an eight to ten foot fencing barrier along
236 the northern portion of the parcel to protect the bike lanes and property owners to the north.

237
238 A motion was made by Mayor Jay Kahn that the Planning Board recommends that the following
239 recommendations be shared with the City of Keene Public Works Department regarding the
240 temporary construction material storage yard to be located at 0 Island Street with the following
241 condition:

- 242 1. The installation of 8-10’ fencing with a barrier and screening along the northern
243 portion of the parcel.

244 1.

245 The motion was seconded by Armando Rangel and was unanimously approved.

246

247 **III) Master Plan Update**

248

249 **a. Master Plan Steering Committee resignation and confirmation**

250

251 Ms. Brunner stated that Pamela Russell-Slack has submitted her letter of resignation from the
252 Master Plan Steering Committee as she is unable make the meeting date and time set for the
253 meeting. The Planning Board Chair and Mayor suggested moving Councilor Catt Workman from
254 an alternate to a regular voting member.

255

256 A motion was made by Mayor Jay Kahn that the Planning Board accept the resignation of Pamela
257 Russell-Slack from the Master Plan Steering Committee. The motion was seconded by Ryan
258 Clancy and was unanimously approved.

259
260 A motion was made by Mayor Jay Kahn that the Planning Board nominate Councilor Catt
261 Workman as a regular member of the Master Plan Steering Committee. The motion was seconded
262 by Ryan Clancy.

263
264 Mr. Hoefler asked why the Planning Board was involved in the Steering Committee nomination
265 and resignation. Mayor Kahn explained that the Master Plan Steering Committee is a committee
266 formed by the Planning Board.

267
268 **b. Project Updates**

269
270 Ms. Brunner stated that the Steering Committee last met earlier this month. There is a community
271 survey that is currently open (through the end of this month) and there are nearly 500 responses so
272 far. She encouraged the Board to spread the word about this survey.

273
274 Ms. Brunner further stated there is a two-part workshop scheduled in late May and encouraged
275 Board members to attend these workshops as the Master Plan is ultimately under the Board's
276 authority. The first one is scheduled for Thursday May 30th from 5:00 pm to 8:30 pm (dinner will
277 be served) and again on Friday May 31st from 9:00 am to 12:00 pm. These meetings will be held
278 at the Keene State College Alumni Center on Main Street. These meetings are also open to the
279 public. Attending both sessions is encouraged, but if someone could only attend one of those
280 sessions that would also be alright.

281
282 Visioning sessions are also being planned, which will be held during the week of June 17th. The
283 visioning sessions are for the public to participate. During the workshops, the participants would
284 select what the future of Keene should look like, those ideas would be brought before the Steering
285 Committee for their review and then presented to the public at the visioning sessions.

286
287 **IV) Staff Updates**

288
289 None

290
291 **V) New Business**

292
293 None

294
295 **VI) Upcoming Dates of Interest**

- 296
297 • Joint Committee of the Planning Board and PLD – June 10th, 6:30 PM
298 • Planning Board Steering Committee – June 11th, 11:00 AM
299 • Planning Board Site Visit – June 19th, 8:00 AM – To Be Confirmed
300 • Planning Board Meeting – June 24th, 6:30 PM

301
302 The Mayor asked where the site visit is going to be held. Ms. Brunner stated this is decided at the
303 Steering Committee on June 11th.
304
305 There being no further business, Vice-Chair Mastrogiovanni adjourned the meeting at 7:35 PM.
306
307 Respectfully submitted by,
308 Krishni Pahl, Minute Taker
309
310 Reviewed and edited by,
311 Megan Fortson, Planning Technician



CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

TO: Planning Board
FROM: Community Development Staff
DATE: July 14, 2024
SUBJECT: Agenda Item III - Final Vote on Conditional Approvals

Recommendation:

To grant final approval for any projects that have met all their “conditions precedent to final approval.”

Background:

This is a standing agenda item in response to the “George Stergiou v. City of Dover” opinion issued by the NH Supreme Court on July 21, 2022. As a matter of practice, the Planning Board issues a final vote on all conditionally approved projects after the “conditions precedent to final approval” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

As of the date of this packet, the following applications are ready for final approval:

- 1. SPR-12-17, Mod. 2 – Site Plan – Archway Farm, 183 Arch St**
- 2. SPR-01-13, Mod. 3 – Site Plan – Cheshire County Shooting Sports Education Foundation, 19 Ferry Brook Rd**

If any projects meet their conditions precedent between date of this packet and the meeting, they will be identified and discussed during this agenda item.

All Planning Board actions, including final approvals, are posted on the City of Keene website the day after the meeting at [KeeneNH.gov/planning-board](https://www.keene-nh.gov/planning-board).

STAFF REPORT

PB2024-05 – CLSS CUP – Live Free Recovery Residential Treatment Facility – 973 Marlboro Road

Request:

Applicant Live Free Recovery Services LLC, on behalf of owner BTD Properties LLC, proposes to operate a residential drug and alcohol treatment facility on the property located at 973 Marlboro Rd (TMP #249-004-000). The parcel is 1.1 ac and is located in the Rural District.

Background:

The applicant, Live Free Recovery, offers a comprehensive range of inpatient and outpatient rehabilitation services for persons being treated for and recovering from addiction in New Hampshire. Since 2020, Live Free Recovery has operated five facilities in Keene that include group homes, outpatient, and detoxification services. The applicant is seeking approval to open its sixth facility within the City of Keene.

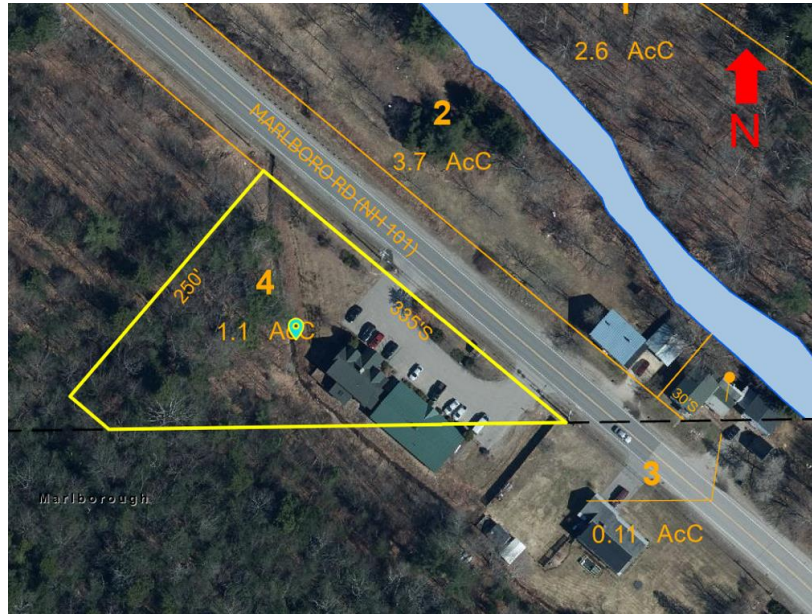


Fig 1: 973 Marlboro Road outlined in yellow

The purpose of this application is to grant a Congregate Living and Social Services Conditional Use Permit to operate a residential drug/alcohol treatment facility at the property located at 973 Marlboro Road. The existing building on the property was developed by Monadnock Log Homes in 2004 for the commercial use of log home retail sales and included a model log home as a showroom. The previous use of the property was a therapy clinic for youth diagnosed with autism and other developmental delays. Historically the property has been used for commercial operations and was the location of a restaurant in the 1970s and 1980s.

The property is split by the City of Keene/Town of Marlborough municipal boundary with 1.1 acres in Keene and .96 acres in Marlborough. The 4,462-sf building is also bisected by the municipal boundary. The site contains a parking lot with 17 spaces and two site access points along Marlboro Road (NH Route 101). There is also an outdoor activity area that is fully screened with a stockade fence and existing mature landscaping along the road that provides screening for the parking area.

The residential drug/alcohol treatment facility will be a 24-hour, state-licensed residential program for up to 20 residents who have previously completed a detoxification program in another location. Residents are not allowed to leave the facility unsupervised during their stay, which is approximately 4-6 weeks.

STAFF REPORT

The applicant received a Variance from the City of Keene for the proposed use and is scheduled to appear before the Marlborough ZBA for a Special Exception application on June 19, 2024.

Determination of Regional Impact:

After reviewing the application, staff have made a preliminary evaluation that the proposed CLSS CUP does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

Completeness:

The Applicant has requested exemptions from providing a proposed conditions plan, grading, landscaping, and lighting plans, building elevations, and technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

Departmental Comments:

None

Application Analysis: The following is a review of the criteria for granting a Congregate Living and Social Services conditional use permit.

A. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all the applicable standards in this LDC for the particular use in Section 8.3.4.

This property is located in the Rural district and received a Variance for the use. The proposed location is that of a former behavioral services therapy clinic for youth diagnosed with autism and other developmental disabilities. This property has historically been used for commercial activity due to its location on NH Route 101. The applicant states that the proposed Residential Drug/Alcohol Treatment Facility will operate with the spirit and intent of the LDC and Master Plan as well as the use standards in Section 8.3.4.

Section 8.3.4 of the LDC includes the following use standards for a Residential Drug/Alcohol Treatment Facility:

1. No residential drug/alcohol treatment facility shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15.
2. Annually, a residential drug/alcohol treatment facility shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.

The applicant is aware that a congregate living and social services license will need to be obtained and renewed on an annual basis. This requirement has been included as a condition of approval in accordance with Section 15.3.C of the LDC.

STAFF REPORT

- B. *The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.***

The applicant states that the proposed facility will be a state-licensed, 24-hour operation with staff on site at all times. There will be three shifts consisting of 5-7 staff members during the first shift and 5 staff members during the second and third shifts. Staff consist of highly trained professionals and include clinicians and social service experts.

- C. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property. In addition, any parking lots, outdoor activity area, or waiting areas associated with the use shall be adequately screened from adjacent properties and from public rights-of-way.***

The proposed use is located in a built-up area of NH Route 101 along the Keene/Marlborough municipal boundary. The surrounding area consists of a mix of residential and commercial uses. The applicant intends to utilize an existing building and parking area that will meet their needs with no change to the existing layout of the property.

- D. *The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.***

The applicant states that the use will be of a lesser impact than the previous use and surrounding area in terms of traffic, noise, and visual appearance and will meet the intent of the Rural zoning district in terms of intensity of use.

- E. *The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.***

In regard to City services, this site is located along a state highway that is well-served by both fire and police. Neither department raised any concerns related to this application.

- F. *The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.***

There are no features of natural or scenic importance on this site.

- G. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.***

The applicant has submitted a traffic generation estimate based on the ITE Traffic Generation Manual land use category "Congregate Care Facility." The manual notes that for this category, "Vehicle ownership levels were very low at congregate care facilities; the facilities' employees or services provided to the residents generated the majority of the trips to the sites." It is also noted that peak hours for the category do not coincide with the peak hours of adjacent street traffic.

STAFF REPORT

The manual estimates 2.02 trips per “dwelling unit.” Dwelling unit is not defined and the applicant states that if “dwelling unit” means per bed/resident, then the use would generate 40.04 vehicle trips for the 20 residents proposed. If “dwelling unit” means bedroom, then the use would generate 20.2 vehicle trips for the 10 bedrooms proposed. The applicant notes that residents will not be permitted to have vehicles or leave the facility unsupervised during their stay. The applicant estimates that based on the above information and nature of the 24-hour operation, the facility will generate 30 vehicle trips per day.

The applicant does not propose altering the street access of the site and will utilize the existing two street access points along Marlboro Road.

H. The proposed use will be located in proximity to pedestrian facilities (e.g. multiuse trails and sidewalks), public transportation, or offer transportation options to its client population.

Staff will transport residents to offsite appointments in a facility vehicle that will be stored on site. Residents are not allowed to leave the facility on their own and are not allowed to have their own vehicle while in residence.

Recommended Motion:

If the Board is inclined to approve this request, the following motion is recommended:

Approve Conditional Use Permit PB2024-05 for a residential treatment facility as depicted in the application materials received May 17, 2024 with the following condition subsequent to final approval:

- 1. The Applicant shall obtain a Congregate Living and Social Services License, which shall be renewed annually in accordance with Chapter 46 of the City Code of Ordinances.***



City of Keene, NH

Congregate Living & Social Service Conditional Use Permit (CUP) Application


If you have questions about how to complete this form, please call: (603) 352-5410 or email: communitydevelopment@keene-nh.gov



SECTION 1: PROJECT INFORMATION

PROJECT NAME: Live Free Recovery Residential Treatment Facility

PROJECT ADDRESS(ES): 973 Marlboro Road

SECTION 2: CONTACT INFORMATION

| PROPERTY OWNER | APPLICANT |
|---|--|
| NAME/COMPANY: BTD Properties LLC | NAME/COMPANY: Live Free Recovery Services, LLC |
| MAILING ADDRESS: 1 Main St., Marlborough, NH | MAILING ADDRESS: 9 Dutton Cir., Mount Vernon, NH |
| PHONE: See Agent Info. | PHONE: See Agent Info. |
| EMAIL: See Agent Info. | EMAIL: rgagne@livefreerecoverynh.com |
| SIGNATURE: See attached Owner Authorization Letter | SIGNATURE:  |
| PRINTED NAME: | PRINTED NAME: Ryan Gagne |

| AUTHORIZED AGENT (if different than Owner/Applicant) | FOR OFFICE USE ONLY: | |
|---|---|---|
| NAME/COMPANY: BCM Environmental & Land Law, PLLC | TAX MAP PARCEL #(s): 249004000000000 | |
| MAILING ADDRESS: 41 School St., Keene, NH 03431 | ----- | |
| PHONE: 603-225-2585 | PARCEL SIZE: 1.1ac | DATE STAMP:  |
| EMAIL: reimers@nhlandlaw.com; kessler@nhlandlaw.com | ZONING DISTRICT: Rural | |
| SIGNATURE:  | PROJECT #: PB-2024-05 | |
| PRINTED NAME: Jason Reimers | By _____ | |

SECTION 3: APPLICATION SUBMISSION REQUIREMENTS

A COMPLETE APPLICATION MUST INCLUDE THE FOLLOWING ITEMS AND MUST BE SUBMITTED BY ONE OF THE OPTIONS BELOW:

- **Email:** communitydevelopment@keene.nh.gov, with "Planning Board Application" in the subject line
- **Mail / Hand Deliver:** Community Development (4th Floor), City Hall, 3 Washington St, Keene, NH 03431

The submittal requirements for Conditional Use Permit (CUP) applications are outlined further in **Article 15.4** and **Article 25.14** of the [Land Development Code \(LDC\)](#). You may request an exemption from submitting some of the items below. The Community Development Director may grant an exemption, if it is determined that the scope of the project does not warrant the submittal.

Note: Additional information, such as color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority during the review process.

GENERAL SUBMITTAL REQUIREMENTS

CERTIFIED NOTICE LIST (See **Attachment A** for more information.)

2 SETS OF MAILING LABELS (See **Attachment A** for more information.)

PROJECT NARRATIVE (See **Attachment B** for more information.)

FEES: Fill in the information below to calculate the total fee.

\$100 base fee + \$62 legal ad fee + (_____ current USPS certified mailing rate x ⁹_____ abutters) = _____ **(Total Fee)**

NOTE: Please call the Community Development Department for the current certified mailing rate. Checks should be made payable to the *City of Keene*. Credit card payments are accepted in-person or by calling 603-352-5440.

DOCUMENTATION OF ALL REQUIRED STATE OR FEDERAL LICENSES, PERMITS, AND CERTIFICATIONS

ANALYSIS OF ESTIMATED TRAFFIC GENERATION ASSOCIATED WITH THE PROPOSED USE.

NOTE: This analysis must utilize the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.

WAIVERS (See **Attachment C** for additional information.)

- WAIVER(S) REQUESTED**
 NO WAIVER(S) REQUESTED

| PLAN SETS (See Attachment D for additional information.) | SUBMITTED | EXEMPTION REQUESTED |
|---|-----------|------------------------|
| LOCATION MAP OF PROPOSED IMPROVEMENTS | Y | |
| EXISTING CONDITIONS PLAN | Y | |
| PROPOSED CONDITIONS PLAN | | Y |
| GRADING PLAN | | Y |
| LANDSCAPING PLAN | | Y |
| LIGHTING PLAN | | Y |
| ELEVATIONS | | Y |
| TECHNICAL REPORTS (See Attachment D for additional information.) | SUBMITTED | EXEMPTION REQUESTED |
| DRAINAGE REPORT | | Y |
| TRAFFIC ANALYSIS | | Y |
| SOIL ANALYSIS | | Y |
| HISTORIC EVALUATION | | Y |
| SCREENING ANALYSIS | | Y |
| ARCHITECTURAL & VISUAL APPEARANCE ANALYSIS | | Y |
| OTHER REPORTS / ANALYSES | | Y |

POSTED NOTICE REQUIREMENT

Per **Article 25.14.6** of the [LDC](#), an applicant for any conditional use permit shall, not less than 10 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice of the use applied for and the date and time of the public hearing, in a location on the premises visible to the public. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

**CONGREGATE LIVING/SOCIAL SERVICE
CONDITIONAL USE PERMIT APPLICATION FOR
LIVE FREE RECOVERY SERVICE'S PROPOSED
RESIDENTIAL DRUG/ALCOHOL TREATMENT FACILITY**

**973 Marlboro Rd., Keene, NH
TMP# 249-004-000**

I. PROJECT NARRATIVE

The Applicant, Live Free Recovery Services, LLC (“Live Free Recovery” or “Applicant”), proposes a Residential Drug/Alcohol Treatment Facility at 973 Marlboro Road (aka Route 101) (TMP#: 249-004-000), which is located in the Rural District. The Applicant has submitted a variance application to permit this use in the Rural District. It is expected that this application will be heard by the Zoning Board of Adjustment at its June 3, 2024 meeting.

The property, which includes a 4,462 sq. ft. building and 17-space parking lot, is located partly in Keene (1.1 acres) and partly in Marlborough (0.96 acres). The town line runs through the existing building, which was designed and built by Monadnock Log Homes in 2004 for the commercial use of log home retail sales and model log home showroom. The most recent use of the building/site was a therapy clinic for youth diagnosed with autism and other developmental disabilities. However, prior to the development of the existing building, the lot was historically used for commercial purposes including a restaurant in the 1970s and 1980s.

The Applicant, Live Free Recovery, provides a comprehensive range of inpatient and outpatient rehabilitation services and residential programs for persons being treated for and recovering from addiction in New Hampshire. Since 2020, Live Free Recovery has successfully operated programs in Keene including two large group homes, an outpatient facility, and a detoxification facility. Most recently, Live Free Recovery received approval to operate a Residential Drug/Alcohol Treatment Facility in the former Phoenix House building on Roxbury Street.

The proposed Residential Drug/Alcohol Treatment facility will be a 24-hour, state-licensed, residential program for up to 20 individuals in recovery to receive non-medical therapeutic and clinical support services after having previously completed a detoxification program in another location. Residents, who willingly enter the program, are required to be abstinent and will not be permitted to leave the facility unsupervised during their stay, which is typically 4 to 6 weeks.

The facility will be staffed 24/7 by a team of highly skilled professional staff with clinical and social service expertise, to ensure that the needs of its residents are met and that it is a good neighbor to the surrounding community. Staff will include a team of licensed clinicians, Certified Recovery Support Workers (CRSWs), as well as med-tech support staff. Staff will assist residents with the services and skills needed in their transition to independent living. Staff will provide transportation to residents if they need to make trips offsite for medical appointments or other purposes.

Residents will have scheduled time for breaks outside in a fully-enclosed outdoor area, which currently exists on the site. This area is approximately 1,000 sq. ft. Staff will always be present to monitor ambient noise levels at all outdoor activities, and will be readily available to address neighbor concerns, should they arise. In addition, all points of ingress/egress for the building will be secured with locks and security cameras will be installed for added safety.

The proposed facility will generate minimal traffic/parking on the site. As residents will not be permitted to leave the facility or have vehicles during their stay, daily vehicle trips will primarily be by staff. The 24-hour facility will have three staff shifts, with 5 to 7 staff present during the first shift, and no more than 5 staff present during the second and third shifts. It is estimated that there will be an average of approximately 30 vehicle trips to/from the site daily. This level of traffic generation is more consistent with that of a residential neighborhood than of the commercial corridor, Route 101, on which the parcel fronts.

The existing parking area has space for 17 vehicles; however, only 10 onsite parking spaces are required for the proposed use per Table 9-1 of the City's Land Development Code. It is anticipated that no more than 7 vehicles will be parked on site at a time. The site presently has two driveways off Marlboro Road (Route 101) that provide access to the site/parking area.

With respect to visibility, the proposed use will not have a noticeable visual impact on the surrounding area. The Applicant does not propose to alter the exterior of the site or building, which is a log-style building and is in good condition. The parcel is currently screened from the abutting property to the east by a solid wooden fence along the property line. The parcels to the south and west are undeveloped and are densely forested/vegetated. There are existing, mature evergreen shrubs and trees planted between the roadway and the front of the site that partially screen the existing parking area and building from the roadway and abutters to the north.

No new structures, additions to the existing building, or exterior site/building improvements are proposed. However, prior to establishing the use, Live Free Recovery plans to make the following interior renovations: installation of a sprinkler system, alarms, power-operated fire doors, and new interior walls as well as improvements to the existing bathrooms. The cost of these initial improvements to the building is estimated to be approximately \$150,000. Live Free Recovery has allocated approximately \$20,000 in its annual operating budget for facility maintenance and routine repairs.

To the best of the Applicant's knowledge, there are no other Congregate Living and Social Services uses located within 750 feet of the parcel at 973 Marlboro Road. The Applicant operates a medical detoxification facility adjacent to the Cheshire County Department of Corrections facility, which is approximately 0.5 miles from the subject parcel. In the event of an emergency, Live Free Recovery may rely on this facility to treat its residents.

Live Free Recovery has a long-standing and highly effective track record of operating similar uses in Keene and other communities in New Hampshire. It is based on this experience that Live Free Recovery can confidently say that the impact of this proposed use on local emergency response services (e.g. Fire, EMS, and Police) will be minimal.

The proposed facility will be a well-managed, low intensity use that will fit in with the surrounding area. It is in keeping with the purpose of the Rural District, which is “...provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.” See Section 3.1.1 of the Keene Land Development Code. In addition, the proposed use will have a commensurate, if not lesser, impact (e.g. noise, traffic, visual) on the site and surrounding area as the previous commercial uses of the property.

The site is serviced by the Town of Marlborough’s municipal sewer and is located approximately 0.5 miles to west of Marlborough’s downtown and approximately 0.5 miles to the east of the Cheshire County Department of Corrections. The adjacent properties to the south and west are undeveloped, forested parcels. The adjacent properties to the east and north are single-family homes. However, this area does not reflect typical characteristics of the City’s Rural District, which include low-density residential/agricultural neighborhoods spaced away from commercial centers on roads that are not heavily trafficked.

The Applicant has entered into a purchase and sales agreement with the owner of the property, BTD Properties, LLC, which is contingent on obtaining all necessary land use approvals. In addition to obtaining zoning and planning approvals in Keene, the Applicant will need to obtain a Special Exception and Site Plan approval from the Town of Marlborough for the proposed change of use. Prior to operation, the facility will need to be licensed at the state-level by the NH Department of Health and Human Services.

II. SITE DEVELOPMENT STANDARDS:

20.2 Drainage & Stormwater Management – No new structures, additions, or impervious surfaces are proposed on the site. As such, there will be no increase in the volume of stormwater on the site as a result of this proposal.

20.3 Sediment & Erosion Control – No land disturbance is proposed at this time that would require the installation of sediment and erosion control.

20.4 Snow Storage & Removal – Snow will be plowed from all parking areas and will be stored on site. However, snow will not be stored in any required parking spaces. If needed, snow will be removed offsite.

20.5 Landscaping – There is existing landscaping in the form of mature evergreen shrubs at the front of the building as well as a combination of large arborvitae and juniper bushes and three ash trees in a landscaped median between the roadway and the parking lot at the front of the building.

20.6 Screening – The parcel is currently screened from the abutting property to the east by a solid wooden fence along the property line. The parcels to the south and west are undeveloped and are densely forested/vegetated. There are existing, mature evergreen shrubs and trees planted between the roadway and the front of the site that provide screening for the existing parking area and building from the roadway and abutters to the north.

There is an outdoor space to the east of the building that is fully enclosed with a solid wood fence.

20.7 Lighting - There are 4 existing 7' high pole mounted lights in the parking lot and wall mounted lights at the building's front entrances.

20.8 Sewer & Water - The site is currently served by the Town of Marlborough's municipal sewer and a private well on site for water supply. The Applicant will install a holding tank to provide fire protection water for a sprinkler system that will also be installed.

20.9 Traffic & Access Management - As noted in the Project Narrative, residents of this program will not be permitted to have vehicles on site and are not permitted to leave the site unsupervised. Staff will provide transportation for residents to/from the site should they need to leave the site for medical appointments or other purposes. The average daily vehicle trip generation is estimated to be approximately 30 vehicle trips. These trips will primarily be by staff entering and leaving the site during each of the three employment shifts.

The site presently has 2 driveways off Marlboro Road (NH Route 101) that provide access to the 17-space parking space at the front of the building. It is anticipated that no more than 7 vehicles will be parked on site at a time.

20.10 Filling & Excavation – No fill or excavation is proposed with this application.

20.11 Surface Waters & Wetlands – No wetlands or surface waters are present on the property.

20.12 Hazardous & Toxic Materials – There are no known hazardous or toxic materials on the property and the proposed use does not involve such materials.

20.13 Noise – The proposed use will comply with the City's noise ordinance and the sound level limits in the Zoning Regulations.

20.14 Architecture & Visual Appearance – No new structures or additions to the existing building are proposed with this application.

The existing building is a log-style building that is in good condition and is in keeping with the surrounding development context. The portion of the building that is located in Keene was built as a model, log home showroom space and has a kitchen, bedroom, bathroom and living room.

There is an addition that extends from the model log home to the east. This portion of the building is mostly in Marlborough and currently contains 7 office spaces and 2 bathrooms. There is an outdoor space to the east of the building that is fully enclosed with a solid wood fence.

Minimal interior renovations will be required to convert the building's existing 4,462 square feet of living space for the proposed facility.

973 MARLBORO RD. – EXISTING CONDITIONS



973 MARLBORO RD. – EXISTING CONDITIONS



973 MARLBORO RD. – EXISTING CONDITIONS





973 MARLBORO RD. – EXISTING CONDITIONS



Plot Plan - 973 Marlboro Rd.

City of Keene, NH

1 inch = 75 Feet



www.cai-tech.com

May 17, 2024



| | | |
|-------------------|---------------------|-------------------------|
| Town Line | River | Existing Fence |
| Property Boundary | Existing Building | Driveways & Parking Lot |
| | Post-Mounted LIghts | |

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

June 18, 2024

Jason Reimers, Esquire
BCM Environmental & Land Law, PLLC
3 Maple Street
Concord, New Hampshire 03301

Re: Opinion: Marlborough ZBA & Planning Board
Application for Special Exception
Live Free Recovery Services LLC
1 Main Street
Marlborough, New Hampshire

Dear Mr. Reimers:

At your request, I have reviewed the Application for Special Exception for the above referenced entity. I have also inspected the property and the surrounding neighborhood. In addition, I have inspected existing facilities owned by the same operator with three locations at 26 Water Street, 361 Court Street, and 106 Roxbury Street in Keene. It should be noted that the subject property straddles the Marlborough / Keene boundary. The purpose of this consulting assignment is to provide an opinion as to whether the proposed "Group Home" will impact the surrounding property values.

I am uniquely qualified to render an opinion related to this matter for the following reasons. (1) I have served as Chairman of the Wolfeboro Zoning Board of Adjustment for 13 years. In that capacity, I have extensive experience hearing cases all of which have an impact on surrounding property values component. (2) I have appraised and/or consulted on numerous properties in Keene and the surrounding area. (3) More specifically, I have been retained as an expert and testified in state and federal courts related to diminution of value issues. My curriculum vitae is attached to this opinion letter. The following is a summary of the facts, analysis, and my conclusions.

The proposed use is a change of use from the prior mixed use residential and commercial building (currently vacant) to a Group Home as stated in the Application for Special Exception dated May 16, 2024. Prior uses of the property were more intensive and not permitted in the zoning ordinance.

From an appraisal perspective, the highest and best use of the property must be considered in order to determine its market value. There are four components to the highest and best use. They are: Physically Possible, Legally Permissible, Financially Feasible, and Maximally Productive. When a parcel of land or improved property cannot be put to its highest and best use, the market value of the property is adversely impacted. In the case of the immediate neighborhood, if the proposed Group Home is approved, the highest and best use of the surrounding properties will not change resulting in no impact on surrounding property values since their highest and best use remains reasonable and feasible. This conclusion is further supported by the fact that there were more intensive uses of the subject property by prior owners.

Other mitigating factors in the neighborhood impact residential property values. For example, the subject property is located along Main Street (a.k.a. NH Route 101). A 2023 NHDOT traffic count just east of the subject property was 11,538 vehicles per day. The higher traffic count (i.e. busy road) is less desirable for residential properties than commercial properties that rely on higher traffic counts.

The owner of the proposed Group Home has three existing facilities located in nearby Keene. A review of market conditions in Keene along with more focused research of sale data surrounding these three properties concluded that there appears to be no impact on the marketing times or market values of surrounding property. Since January 2023, the median days on market for residential property in Keene was 7 days and the average was 19. The median sale price was \$335,750 compared to the median listing price of \$319,950 indicating a 4.9% premium paid over asking price.

Reviewing sale data for the three existing Group Homes in Keene, the following is a summary of the localized sale data during the same time period.

| | Median DOM | Avg. DOM | Median Ask | Median Sale | % Delta |
|-----------------|-------------------|-----------------|-------------------|--------------------|----------------|
| City of Keene | 7 | 19 | \$319,950 | \$335,750 | 4.9% |
| 26 Water St. | 6 | 26 | \$295,000 | \$285,000 | -3.4% |
| 361 Court St. | 33 | 40 | \$369,900 | \$351,000 | -5.1% |
| 106 Roxbury St. | 5 | 5 | \$359,900 | \$402,000 | 11.7% |

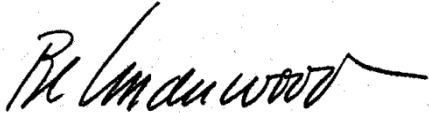
Water Street: There were only three sales during the time period. The closest sale to the subject property is located at 68 Water Street (7 houses away) and sold for full price. The sale price was \$31,188 higher than the equalized assessed value. The remaining two sales are farther away from the Group Home in the 300 block.

Court Street: There were nine sales during the time period. The closest sale to the property is located at 344 Court Street (diagonally across the street) and sold for 13.7% higher than the asking price after 7 days on the market. The sale price was \$88,579 higher than the equalized assessed value.

Roxbury Street: There was only one sale during the time period. The sale was located at 281 Roxbury Street (500 meters east of the property) and sold for 11.7% higher than the asking price after 5 days on the market. The sale price was 12.5% higher than the equalized assessed value.

Therefore, there is substantial market evidence that the neighborhood’s market values would not be impacted by the proposed Group Home. The neighborhood’s highest and best use would not be altered, its marketing time unimpacted and its overall market value unaffected from the proposed Group Home.

Respectfully submitted,
B.C. UNDERWOOD LLC



Brian C. Underwood, CRE, FRICS

QUALIFICATIONS OF THE FIRM



B.C. Underwood LLC specializes in the appraisal and consulting of complex real estate. The following is a representative list of assignments, geographical areas covered, and clients served.

ASSIGNMENT TYPES

| | |
|--|---------------------------------------|
| Airport Land & Buildings | Marinas |
| Apartment Buildings & Complexes | Market & Feasibility Studies |
| Appraisal Review | Mediation |
| Athletic Clubs & Facilities | Medical Buildings / Facilities |
| Automobile Dealerships | Mill Buildings |
| Bank Buildings | Mobile Home Parks |
| Bed & Breakfasts | Multi-Family Residential Properties |
| Business Valuation | Office Buildings & Parks |
| Campgrounds / Summer Camps | Parking Lots |
| Commercial Land & Buildings | Partial Interests / Partition Actions |
| Condominium Buildings | Planned Residential Developments |
| Conservation Easements | Private Schools |
| Convenience Store Chains | Railroad Tourist Attractions |
| Continuing Care Retirement Communities | Restaurants |
| Diminution in Value Projects | Retail Petroleum Properties |
| Easements & Rights of Way | Self-Storage Facilities |
| Eminent Domain | Senior Living Facilities |
| Environmentally Contaminated Property | Service Garages |
| Equestrian Properties | Sports & Entertainment Facilities |
| Estates & Luxury Residential Property | Spring Water Plants |
| Fast Food Restaurants | Shopping Malls |
| Forest Land | Single Family Homes |
| Going Concerns | Student Housing |
| Golf Courses | Strip Centers |
| Higher Education Institutions | Taverns & Inns |
| Hospitals | Tax Abatement |
| Industrial Land & Buildings | Time Share Projects |
| Impact on Property Value Studies | USPAP & Appraisal Methodology |
| Litigation Strategy & Support | Utility Corridors |
| Lumber Yards | Waterfront Property |

GEOGRAPHICAL AREAS

Connecticut: New Haven

Maine: Androscoggin, Cumberland, Franklin, Penobscot, York

Massachusetts: Barnstable, Bristol, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester

Georgia: Fulton

New Hampshire: Belknap, Carroll, Cheshire, Coös, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, Sullivan

New York: Kings

Pennsylvania: Cumberland, Juniata

Rhode Island: Providence

Vermont: Rutland, Windham, Windsor

France: Bourgogne, Île de France,

REPRESENTATIVE LIST OF CLIENTS

AMRESKO Commercial Finance
Arent Fox, PLLC
BCM Environmental & Land Law PLLC
Bald Peak Land Company
Bank of America
Bank of America Private Clients Group
Bank of New Hampshire
Bangor Savings Bank
Beech River Mill, Inc.
Brewster Academy
Camp Belknap
Carlisle Capital
Casella Waste Systems, Inc.
Chase Bank
Citizens Bank
Cleveland, Waters & Bass, P.A.
Cooper, Cargill, Chant Attorneys at Law
Cornerstone Energy Services, Inc.
Create
Danville, Town of
Dartmouth College
Dartmouth Hitchcock Medical Center
Devine, Millimet & Branch, P.A.
Eversource
Farm Credit East
Federal Deposit Insurance Corporation
Fletcher Tilton, P.C.
Franklin, City of
GSSG Solar
Gallagher, Callahan, & Gartrell, P.C.
General Services Administration
Godbout Law, PLLC
Gov. Wentworth Regional School District
Green Mountain Furniture, Inc.
Grinnell & Bureau Attorneys at Law
Hinckley Allen LLP
Holland & Knight LLP
Huggins Hospital
J.P. Noonan, Inc.
Key Bank
Lakes Region Conservation Trust
Liberty Utilities
Lyme Properties
Mallet Company
Marriott, J. Willard Jr.; Chairman, Marriott International
Martin, Lord, & Osman, P.A.
Manchester, City of
McLane Middleton, P.A.
Mobil Oil Corporation
Monziona Law Offices
Mount Washington Observatory
Mutual Oil Company
New Hampshire Charitable Foundation
New Hampshire Motor Speedway
North Conway Country Club
Northern Pass Transmission LLC
Northway Bank
OVP Management, Inc.
Orr & Reno
Pace Academy
Pastori Krans Attorneys at Law
Perkins Thompson Attorneys & Counselors
Phillips Exeter Academy
Pierce Atwood LLP
Pike Industries, Inc.
Pleasant View Gardens
Portsmouth, City of
PriceWaterhouseCoopers
RHP Properties
Ricci Lumber
Rochester Toyota
Rye, Town of
Salvation Army
Seward & Kissel LLP
Sheehan Phinney, P.A.
Sulloway & Hollis, PLLC
Sullivan & Gregg Attorneys at Law
TD Bank
Taylor Community
Tuscan Brands
U.S. Trust Company
University System of New Hampshire
Upton & Hatfield LLP
Vermont Academy
Walker & Varney Attorneys at Law
Webster Land Corporation
Wescott Law P.A.
Wolfeboro, Town of

**BRIAN C. UNDERWOOD, CRE, FRICS
CURRICULUM VITAE**

PROFESSIONAL DESIGNATIONS

Awarded the CRE designation, Counselor of Real Estate; The Counselors of Real Estate

Awarded the FRICS designation, Fellow, Royal Institution of Chartered Surveyors

PROFESSIONAL PUBLIC APPOINTMENTS

New Hampshire Real Estate Appraiser Board, Chairman (2008-2012)

PROFESSIONAL EXPERIENCE

B.C. Underwood LLC, Rye Beach, New Hampshire: Principal of a real estate appraisal & counseling firm founded in 1998 specializing in complex property types, litigation support, and mediation.

Atlantic Valuation Consultants, Inc., Meredith, New Hampshire: President of an east coast real estate and business valuation firm specializing in market / feasibility studies, and litigation support.

Conwood Group, New Cumberland, Pennsylvania: Managing General Partner of a real estate investment company that owned and operated coin laundries.

LICENSEE

Certified General Real Estate Appraiser, State of Maine
License Number: CG4821 (expires December 31, 2024)

Certified General Real Estate Appraiser, State of New Hampshire
License Number: NHCG-394 (expires November 30, 2025)

PROFESSIONAL EDUCATION

Harvard Business School

- *Valuation*; Cambridge, Massachusetts; 1999

American Society of Appraisers Seminars

- *The Expert Witness*; Manchester, New Hampshire; 1996

Appraisal Foundation

- *Appraisal Investigator Training Level I*; Alexandria, Virginia; 2009
- *Appraisal Investigator Training Level II*; Scottsdale, Arizona; 2010

Appraisal Institute Courses

- 400: *Uniform Standards of Professional Appraisal Practice (USPAP) Update Course*; 2022-23
- 410: *Standards of Professional Practice, Part A (Uniform Standards of Professional Appraisal Practice)*; Portland, Maine; 1997
- 420: *Standards of Professional Practice, Part B*; Hershey, Pennsylvania; 1993
- 110: *Appraisal Principals*; Hershey, Pennsylvania; 1993

- 120: *Appraisal Procedures*; Hershey, Pennsylvania; 1993
- 310: *Basic Income Capitalization*; Tallahassee, Florida; 1993
- 320: *General Applications*; Boston, Massachusetts; 1995
- 510: *Advanced Income Capitalization*; Tallahassee, Florida; 1993
- 540: *Report Writing & Valuation Analysis*; Tallahassee, Florida; 1995

Appraisal Institute Seminars

- *Marshall & Swift Valuation Service Commercial & Residential*; 2023
- *Arbitration*; 2023
- *Valuation Issues & the Tax Abatement Process*; 2022
- *Current Residential & Commercial Valuation Concerns*; 2022
- *Implications for Appraisers for Conservation Easement Appraisals*; 2022
- *Artificial Intelligence, AVMs, & Blockchain: Implications for Valuation*; 2021
- *Forestland Valuation*; 2021
- *Appraiser Essentials*; 2021
- *Appraising Residential & Commercial Properties during a Pandemic*; 2020
- *Market Trends in New Hampshire Real Estate*; 2020
- *Eminent Domain and Condemnation*; 2017
- *Data Verification Methods*; 2015
- *Thinking Outside the Form*; 2015
- *Subdivision Valuation*; Manchester, New Hampshire; 2005
- *Automated Valuation Models*; Baltimore, Maryland; 1997
- *Mock Trial*; Boston, Massachusetts; 1995
- *Appraisal Practices for Litigation*; Boston, Massachusetts; 1995
- *GIS Seminar*; Boston, Massachusetts; 1995
- *Due Diligence for Contaminated Properties*; Boston, Massachusetts; 1995
- *Environmental Risk and the Real Estate Appraisal Process*; Rockport, Maine; 1994

The Counselors of Real Estate Seminars

- *Global Economic Forces: The Deficit, the Dollar and Interest Rates*; Chicago, Illinois; 2005
- *Real Estate Capital Markets*; Chicago, Illinois; 2005
- *Big Thinkers on The Big Picture: Commercial Real Estate Markets*; Chicago, Illinois; 2005
- *Hedging: Protecting Your Assets in a Rising Interest Rate Environment*; Chicago, Illinois; 2005
- *Market Watch: A Real World View on Market Prospects*; San Francisco, California; 2007
- *Institutional Investment: When Residential Real Estate Brings the Highest Yields*; San Francisco, California; 2007
- *Banks, Banking Rules, Fed Policy, and Real Estate*; San Francisco; 2013
- *Outlook for the Economic Real Estate Market*; San Francisco; 2013
- *Real Estate Analytics, Investments and Beyond*; San Francisco; 2013
- *Reaching for Yield - The High Risk of Investments*; San Francisco; 2013
- *Money Never Sleeps*; San Francisco; 2013
- *Sustainability: Energy and Land Use*; San Francisco; 2013
- *A Vision for Boston*; Boston; 2014
- *Real Estate Outlook*; Boston; 2014
- *Emerging Trends in Real Estate*; Boston; 2014
- *Making Infrastructure Happen: Public-Private Partnerships*; Montreal; 2017
- *Retail Industry – In Crisis?*; Montreal; 2017
- *Trends in Tourism & Hospitality*; Montreal; 2017
- *Laying the Groundwork of Large Scale Development*; Montreal; 2017
- *The Global Economy & Real Estate Trends: Is Capital Following Growth?*; Montreal; 2017
- *The New City: The American Urban Scene*; Chicago; 2019
- *The Global Economy & Real Estate Trends*; Chicago; 2019

- *Technology: How Data is Being Leveraged*; Chicago; 2019
- *Opportunity Zones: Challenges and Opportunities*; Chicago; 2019
- *2019-2020 Top Ten Issues Affecting Real Estate*; Chicago; 2019
- *Aging in Place: Innovation in Design & Programming*; Chicago; 2019
- *University of Chicago's Influence on the South Side*; Chicago; 2019
- *Housing, Leasing, Finance, Valuation, Property Technology, Legal, & Taxes Series*; 2021
- *Leverage Urban Development and Increase Inclusion & Diversity*; Boston; 2022
- *Economic Point and Counterpoint*; Boston; 2022
- *Life Science Industry*; Boston; 2022
- *Resilience, Adaptation, Mitigation, and Preparedness*; Boston; 2022
- *The Future Shape of Our Workplace: Office Uprising vs. Employee Uprising*; Boston; 2022
- *European Real Estate Dialogue & Debate*; Boston; 2022

Massachusetts Board of Real Estate Appraisers Seminars

- *Teamwork in Eminent Domain*; Boston, Massachusetts; 1997

McKissock Learning

- *Introduction to Legal Descriptions*; November 2017
- *Fundamentals of Appraising Luxury Homes*; November 2019
- *Expert Witness Testimony for Appraisers*; November 2019

New Hampshire Association of Industrial Agents Seminars

- *Redeveloping Contaminated Sites*; Center Harbor, New Hampshire; 1994

New Hampshire Attorney General's Office

- *Wynn Arnold Administrative Law Workshop*; Concord, New Hampshire; 2009

New Hampshire Bar Association Seminars

- *Managing, Buying, & Selling Contaminated Properties*; Concord, New Hampshire; 1994

New Hampshire Superior Court, Office of Mediation & Arbitration

- *NH Superior Court Rule 170 Civil Mediation Training*; Concord, New Hampshire; 2010

ARTICLES PUBLISHED

How to Lower Real Estate Taxes, Coin Launderer & Cleaner; February 1996

Tax Abatements for Environmentally Contaminated Real Estate, New England Service Station & Automotive Repair Association; January 1995

SEMINARS PRESENTED

New Hampshire Tax Abatement Process, [presented together with Jack B. Middleton, Esquire & Jennifer L. Parent, Esquire; McLane Middleton]; Rochester, New Hampshire; 2014

New Hampshire Tax Abatement Process, [presented together with Jack B. Middleton, Esquire & Jennifer L. Parent, Esquire; McLane Middleton]; Concord, New Hampshire; 2013

Real Estate Appraisal Issues, New Hampshire Chapter, Appraisal Institute; Concord, New Hampshire; 2010 & 2011

Appraising Environmentally Contaminated Real Estate, New Hampshire Bar Association; Concord, New Hampshire; 1999

Real Estate Tax Abatement & Eminent Domain, [presented together with Jack B. Middleton, Esquire & Arthur G. Greene, Esquire; McLane Middleton]; North Conway, New Hampshire; 1999

Real Estate Tax Abatement Process, [presented together with Jack B. Middleton, Esquire; McLane Middleton]; Hanover, Portsmouth, and Manchester, New Hampshire; 1996

Real Estate Tax Abatement Process, [presented together with Jack B. Middleton, Esquire; McLane Middleton]; Manchester, New Hampshire; 1995

Tax Abatement for Environmentally Contaminated Real Estate, Independent Oil Marketers Association of New England; Westborough, Massachusetts; 1995

Tax Abatement Issues for Campground Owners, New Hampshire Campground Owners' Association; Laconia, New Hampshire; 1995

LITIGATION EXPERIENCE

admitted as expert witness

- New Hampshire Superior Court
- New Hampshire Board of Tax and Land Appeals
- New Hampshire Circuit Court, Family Division
- New York Family Court
- Massachusetts Appellate Tax Board
- United States Bankruptcy Court
- Vermont Family Court

EXPERT WITNESS HISTORY

testimony at deposition, hearing, or trial

NH Alpha of SAE Trust v. Town of Hanover
Grafton County Superior Court, New Hampshire

Trustees of Dartmouth College v. Town of Hanover
Town of Hanover Planning Board / New Hampshire Supreme Court

150 Greenleaf Realty Trust v. City of Portsmouth
Rockingham County Superior Court, New Hampshire

Gilman Family Trust v. Town of New London
Merrimack County Superior Court, New Hampshire

In Re: Carlucci
U.S. Bankruptcy Court, District of New Hampshire

Campbell v. Campbell
New York Family Court, New York

Cutter Family Partnership v. Town of Rollinsford
Rockingham County Superior Court, New Hampshire

Southern Spectrum LLC v. Town of Wolfeboro
Carroll County Superior Court, New Hampshire

Bridge v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Kraeger v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Ruedig v. Town of Sunapee
Sullivan County Superior Court, New Hampshire

Wolters v. Wolters
10th Circuit Court, Family Division, New Hampshire

Public Service of New Hampshire v. Town of Richmond
New Hampshire Board of Tax & Land Appeals

PROFESSIONAL & PUBLIC AFFILIATIONS

- New Hampshire Real Estate Appraiser Board by appointment of Governor Lynch
Chairman (2008-2012)
- The Counselors of Real Estate: Member
Real Estate Issues Editorial Board (2005-2007)
CRE Consulting Corps Steering Committee (2005 -2007)
- Mount Washington Observatory
Past Vice President & Treasurer
- Town of Wolfeboro Zoning Board of Adjustment
Chairman (1995-2008)
- First Congregational Church, Wolfeboro, New Hampshire
Moderator (2008-2010)

CONTACT INFORMATION

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Rye Beach, New Hampshire 03871

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21190 Meursault, France

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+33 7.89.22.53.20

From: anne knight [REDACTED]

Sent: Tuesday, June 18, 2024 6:21:09 PM

To: reimers@nhlandlaw.com <reimers@nhlandlaw.com>; Ryan Gagne <rgagne@livefreerecoverynh.com>

Subject: Ryan Gagne--great neighbor!

To whom it may concern regarding Ryan Gagne's potential new recovery program in Marlborough: I'd like to reassure anyone who is worried about Ryan Gagne establishing an additional facility in Marlborough to help his clients in recovery.

My husband and I are direct abutters to Ryan's Live Free program on 361 Court St. in Keene. We have lived here for fifty years, and most of those years, we had an assisted living facility operating at 361 Court St. We were quite unnerved, therefore, when that facility moved, and a series of unreputable groups attempted to purchase the property and set up questionable programs. Fortunately, Ryan came in as a prospective buyer, and had an informational meeting to explain to everyone in our neighborhood his proposal for a new facility. We liked him instantly, but were wary of potential problems. As time went on—even before he had purchased the property—we became his staunchest supporters. Our loyalty has been well rewarded. Ryan is a terrific neighbor and is extremely trustworthy.

Ryan is doing a spectacular job as CEO of the Live Free program. His strict protocols are helping his clients succeed in their recoveries. The clients also know they must adhere to appropriate behaviors or they will have to leave the program. Whenever my husband and I interact with the residents, they are polite, friendly, and respectful. The members of the staff are also terrific.

As Ryan promised us, there has been no negative impact to the neighborhood. In fact, it has been an improvement since Ryan's program was established there. We had not realized that the assisted living program had created noise, increased traffic, and parking issues until our wonderful new neighbors took over the property. Ryan also has completed many valuable renovations there. We are very grateful that Ryan is such a wonderful neighbor.

It is important to scrutinize any program coming into a neighborhood. Some facilities are run by directors who are inadequate, inexperienced, or dishonest. However, Ryan has an excellent reputation, a great deal of experience, and is extremely caring about his clientele and the communities where his facilities are located. You can feel confident that he is a man of integrity, and will follow through with his commitments.

Please support Ryan in his goal to establish a facility in your community.

Anne E Knight
26 Prospect St
Keene, NH 03431

From: Jim Knight [REDACTED]
Sent: Tuesday, June 18, 2024 9:49 PM
To: Jason Reimers <reimers@nhlandlaw.com>
Cc: Tara Kessler <kessler@nhlandlaw.com>; Ryan Gagne <rgagne@livefreerecoverynh.com>
Subject: Live Free Recovery NH

Mr. Reimers,

My name is James Knight. I live at 26 Prospect St., Keene. My property is the only adjoining property to Mr. Gagne's 361 Court St. property.

When Mr. Gagne proposed to use 361 Court St. as a post substance abuse treatment Group Home, the neighborhood was very concerned. What Mr. Gagne was proposing is actually allowed by a 1987 Zoning Board ruling on the 361 Court St. property, a Group Home.

My point is, Mr. Gagne did not have to approach the neighbors about his plans. But he held a neighborhood meeting with all the surrounding neighbors to explain what his plans were. He answered the concerns of the neighbors and stated that he wanted to be a part of the neighborhood, not just a business in the neighborhood.

Live Free Recovery NH at 361 Court St. is an asset to our neighborhood. The property is maintained extremely well. The staff are very friendly and the residents are respectful and pleasant to talk with. The men in the program at 361 Court St. treat the house as their home. They keep the house clean inside and shovel the walks in the winter and attend to the grounds outside in the warmer months.

Mr. Gagne has setup a very strict guide line for the residents to abide by. If they violate that they are out of the program. Since the men in the program are there voluntarily and want to become productive members of society it's a rare occurrence for someone to be ask to leave the program.

In closing I want to support Mr. Gagne in his endeavors to fight substance abuse. What he is doing works. He is a great neighbor!

Respectfully,
James Knight
26 Prospect St
Keene, NH 03431

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Nomination of City Representative to SWRPC Commissioners

From: Help Desk

Sent: Tuesday, June 18, 2024 11:27 AM

To: Helen Mattson

Cc: Patty Little; [Terri Hood](#)

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 06/18/2024 - 11:27</p>

<p>Submitted values are:</p>

First Name:

Michael

Last Name:

Conway

Address

[REDACTED]

How long have you resided in Keene?

4 years+

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

None

Occupation:

Retired Environmental Engineer

Retired

Yes

Please list any organizations, groups, or other committees you are involved in

Monadnock Habitat for Humanity

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

College City Commission

Please let us know the Board or Commission that you are most interested in serving on.

Southwest Regional Planning Commission

Please share what your interests are and your background or any skill sets that may apply.

Housing and Brownfields

Please provide 2 personal references:

Jay Kahn

[Redacted]

References #2:

Stephen Bragdon, Esq.

[Redacted]