

City of Keene
New Hampshire

PLANNING BOARD
SPECIAL MEETING MINUTES

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

I. Call to Order – Roll Call

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

II. Advice and Comment:

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

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

rehabilitation from a drug and or alcohol addiction.” Ms. Kessler said this proposed facility would be a non-medical facility for up to 20 residents. The parcel is currently owned by BTD Properties and Live Free Recovery has a purchase and sales agreement on the property, contingent upon receiving the appropriate planning and land use approvals, which is why Mr. Gagne planned to submit for the June Zoning Board of Adjustment and Planning Board meetings.

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

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

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

This standard lists criteria that need to be met to determine whether a proposed use is fitting for a site and the surrounding area. Ms. Kessler and Mr. Gagne felt that they met most of those standards, but they sought feedback on 15.2.C, which states that “*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.*” Ms. Kessler said there was a subjective element to this standard, which is the phrase “adequately screened.” Ms. Kessler and Mr. Gagne felt that the parking lot in front of this building was adequately screened. The outdoor activity area Mr. Gagne

mentioned is to the east of the building. This would be the only outdoor space used by residents on a scheduled basis.

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

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

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

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

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

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

Mayor Kahn asked why Mr. Gagne felt that screening would be valuable. Ms. Kessler replied that she and Mr. Gagne thought the property was adequately screened already. However, the City's Land Development Code has certain standards for Congregate Living and Social Service uses, including the requirement that outdoor activity areas and parking areas are adequately screened from abutting properties and from the public right-of-way. The property is adequately screened from the properties to the east as there is a solid fence that blocks the entire length of the property. It is also screened to the west and to the south by a dense forest that extends for thousands of feet before reaching any development. She asked the Board whether—understanding this is a nonbinding session—the screening of the parking lot at the front of the building was adequate.

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

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

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

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

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

Mr. Hofer asked whether the screening requirements for this use were different than if it returned to a retail use. Ms. Kessler said the Planning Board development standards include screening of parking areas. Ms. Brunner said that because this is a zoning standard, the parking must be adequately screened and the applicant's reason for this discussion was to gauge whether the Board

felt strongly that what existed was not adequate screening. If the Board felt the screening was not adequate, the applicant would need to request an additional variance in addition to the one they were already requesting. This was a higher standard because it is in zoning. The typical Planning Board landscaping standards could be waived by the Planning Board.

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

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

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

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

II. Adjournment

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

Respectfully submitted by,
Katie Kibler, Minute Taker
May 14, 2024

Reviewed and edited by,
Megan Fortson, Planning Technician