

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
02-22-06**

Members present: Polly Mills Fife, Roland Seymour, Steve Bradbury, Ken Gorrell, Kent Finemore, Dave Liberatore. Also present, Dave Lorch, LRPC and Eliza Conde, Secretary.

Chairman Finemore asked Polly Mills Fife to act as a voting member to replace Chris Dunne for this meeting.

Dave Liberatore moved, seconded by Ken Gorrell to accept the minutes of January 25, 2006 as read. Motion passed.

**Gary Coyne/Kenneth & Linda Partridge: Continuation of application for a Special Exception as provided in Article 7 Table 1 of the Northfield Zoning Ordinance for a Nursing Home Care Facility on 61.8 acres on Scribner Road (R5 Lot 33-1) in the C/I zone.**

Kent Finemore reviewed the application, stating that the Board has been struggling with the definition of Nursing Home as it appears in the Zoning Ordinance and how this application fits within the Zoning Ordinance.

Jon Rokeh, representing the applicant, distributed revised plans for the proposal showing a main 30-bed building with services, 9 10-unit buildings and 9 2-unit buildings. This plan reduces the amount of infrastructure needed and reduces the percentage of the property being developed to between 20 and 30%. Mr. Rokeh stated that the 10-unit pods fit the nursing home definition and better meet the current market demand than a large hospital type home. Polly Mills Fife asked what led to this style of nursing home rather than the conventional larger home. Mr. Rokeh replied that research has shown that people are happier and live longer in the smaller, homier units than they do in a hospital type institution. This format would be more attractive to potential clientele. Mr. Rokeh stated that the duplex units are intended for independent living with kitchens. Residents of these units would be part of the continuum care and be able to dine at the main building and access nursing care.

Referring to the floor plan that had been previously e-mailed to board members, Dave Liberatore asked where the nurse's station is located. Mr. Rokeh replied that some of the utility space could be used. Mr. Liberatore commented that if this is the plan that the developer plans to use, then it should show where the nurse's station is to be located.

Ken Gorrell inquired about the marketing of the units to the public. No units will be for sale, including the duplexes as all units are part of the nursing home facility under one ownership. The number of units on the current plan presented at this meeting is 18 in the 2-unit buildings, 90 in the 10-unit buildings and 30 beds in the main building. Kent Finemore asked how the number of units was determined, to which Mr. Rokeh replied

that they basically used the acreage stated on the Town's tax map, and allowed .5 acre per unit. No survey work has been completed at this time. Kent Finemore commented that the wetlands were not removed for that calculation, the exact acreage is not known at this time and there is no guideline for density in the zoning ordinance.

Dave Liberatore pointed out that the discussion at the last meeting was that the Nursing Home definition limited it to the "infirm elderly" and it was agreed that the units would not include kitchens. Now the plan is presented with complete units with kitchen facilities which leads one to think they are not intended for the "infirm elderly". Mr. Rokeh stated that the duplex units can be removed and replaced with additional 10- unit pods. Polly Mills Fife asked Mr. Rokeh if the applicant has discussed the plans with the Fire, Police, Road and Selectmen relative to safety issues and the potential impact to town services. Mr. Rokeh responded that they have not done so but that emergency services would be the same if the facility was all in one building. Steve Bradbury asked if a traffic study has been done. Mr. Rokeh stated that a traffic study would be part of the Planning Board process and that the applicant is simply looking for a Special Exception at this time so that they can advance to the next step in the process.

Dave Liberatore explained to Mr. Rokeh that he does not object to the type of project but that the plan changes every time the applicant comes before the board so that the board does not know what is to be voted upon. At the last meeting it was agreed there would be no kitchens, however this new plan shows 18 individual kitchens, and now the applicant is willing to agree to change this new plan again by eliminating the 2-unit buildings. Kent Finemore noted that the board is not sure they don't want the duplexes, but it does know need to know exactly what is planned.

Public hearing opened:

Christopher Hunt commented that it would behoove the applicant to get an expert on Nursing Home care to speak to the board explaining how this system will work. Ken Partridge asked if the board has decided what a Nursing home is. Kent Finemore replied that the board has discussed the definition of a Nursing Home and how this plan can fit into the ordinance. Dave Liberatore commented that he doesn't need an expert to explain how a nursing home works, he just wants the applicant to decide what they are asking for. Ken Gorrell explained to Mr. Partridge that the board has discussed whether this application can fit the definition of a Nursing Home and if so, how can we make it work and is this a design concept we can live with. Jamie Knowlton stated that he sees the duplex units as not fitting into the definition of a Nursing Home. Public hearing closed.

Polly Mills Fife asked if each building would have to meet setback requirements. Kent Finemore replied that the road would be private and the whole facility would have to meet the setbacks, but not the individual buildings from each other. Steve Bradbury

asked if the facility would be entirely self-contained for roads, garbage, etc. Mr. Rokeh stated it would be totally self-contained and maintained by the owner of the facility.

Kent Finemore commented that the board now has a plan that is closer to the concept of a Nursing Home and it needs to decide if the plan can meet the definition of a Nursing Home as defined in the Zoning Ordinance. If it does, then the board can move forward with further conditions or requirements. Mr. Finemore stated that he believes it meets the definition even with the duplexes as it meets the continuum care needs of today. It would be an institution for the “generally infirmed elderly”. Dave Liberatore still believes the kitchens are not for the infirmed and the definition of Nursing Home says “2 or more people not related”.

Referring to a letter from Attorney Barton L. Mayer dated February 1, 2006, Kent Finemore asked Mr. Rokeh if the Board is correct in understanding that:

- The proposal is for a nursing home for the infirmed elderly and therefore the occupants of the nursing home must meet the definition in the ordinance.
- No kitchen facilities, i.e., refrigerators, stoves, oven, sink (for kitchen use) or dishwasher will be installed in any individual units.
- A nurse shall be on duty 24 hours per day, 7 days a week in each “pod”.
- Each “pod” shall have a single, common kitchen.
- The facility shall be licensed as a nursing home and provide healthcare under medical supervision for 24 hours per day.

Mr. Rokeh agreed with this understanding of the proposed use for this application.

Kent Finemore asked for an informal consensus of the board that the proposed use can fit the definition of a Nursing Home as it is defined in the Zoning Ordinance. Comments from members of the board:

- ❖ Dave Liberatore: Yes it fits the definition, but without the duplex units with kitchens.
- ❖ Ken Gorrell: Yes it fits the definition even with the duplex units.
- ❖ Roland Seymour: Yes it fits the definition with or without the duplex units.
- ❖ Polly Mills Fife: Yes it fits the definition with or without the duplex units.
- ❖ Steve Bradbury: Yes it fits the definition and would be one facility
- ❖ Kent Finemore: Yes it fits the definition but without the duplex units with kitchens.

Kent Finemore explained that now that the use has been defined and agreed upon by the Board there are several issues that need to be clarified in order to continue the application:

1. The Board needs to decide on some formula for density based upon the acreage without forcing the applicant to survey the property at this time.

2. The Board will prepare a letter to the applicant documenting the members' consensus that the plan fits the Nursing Home definition and outline the additional information that will be needed.
3. The Board will also send a similar letter to the Fire, Police and Highway Departments as well as the Boards of Selectmen and Planning to address emergency, safety, upgrading of Scribner Road, etc. Issues to be addressed will be number of access points, traffic generation, emergency response generation, the impact of opening Scribner Road to thru traffic, etc.

The letter to the applicant and the departments will clarify what concept has been agreed upon by the ZBA and the applicant and will seek input from other departments in order to determine what conditions would be required should the Special Exception be approved. The Board will try its best to get all this information ready for the next meeting and will encourage the departments to respond quickly.

Ken Gorrell moved, seconded by Dave Liberatore, to continue this application to the March 22, 2006 meeting. Roland Seymour asked that the minutes reflect the consensus of the board relative to the application fitting the nursing home definition. Motion passed.

Meeting adjourned at 7:50 PM.

Respectfully submitted,

Eliza Conde, Secretary