

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
December 27, 2006**

MINUTES

Members present: Polly Mills Fife, Steve Bradbury, Kent Finemore, Dave Liberatore and Alternate Keith Murray. Also present: Eliza Conde, Secretary.

Members met with Attorney Bart Mayer before the meeting for counsel relative to the application at hand.

Chairman Finemore asked Keith Murray to act as a voting member for this meeting. Dave Liberatore moved, seconded by Polly Mills Fife to accept the minutes of November 28, 2006 as read. Motion passed.

Kenneth & Linda Partridge: Continuation of an application for a Variance to the terms to Article 7, Table 1 of the Northfield Zoning Ordinance for a Supported Residential Healthcare Facility located on Scribner Road (Tax Map R5, Lot 35-1) in the C/I zone. Kent Finemore briefly reviewed the application which had been continued to enable the Board to seek the Town Attorney's advice. Attorney Maher has reviewed the application and suggested a number of conditions of approval. Mr. Holden stated he did not have any new information to add and would respond to questions as needed.

Discussion relative to the responses to the criteria for granting a variance was as follows:

- Polly Mills Fife asked if this development would adversely impact the abutter to the east. That parcel has potential for further development, but it doesn't appear that the proposal at hand would have any impact on it.
- Kent Finemore suggested that the proposal as presented would benefit the town by increasing the tax base.
- Keith Murray agreed that it benefits the public with the tax base as well as increased job opportunities. However, a drawback is the potential increased demand for municipal services (police, emergency, etc.).
- Dave Liberatore expressed concern about the possibility of the operation becoming non-profit which would eliminate the benefit to the public by creating no new tax base. Steve Bradbury agreed, saying that it would be good to include a condition that the facility cannot become "non-profit".

Discussion of the conditions as proposed by Atty. Mayer:

- The Board wants to be sure the plans and photos as presented are what the final facility looks like.
- Height and elevation: The building will be three stories high with the base elevation at 248.0 feet and the maximum building elevation at 299.0 feet.
- No kitchens in any of the units.
- Employees: The Board wants to be sure the facility is adequately staffed to avoid creating increased demand on town services. Peter Holden replied that the facility

will have to meet NH requirements for licensing which include adequate staffing. It was agreed to include a condition that the staffing must be consistent with state standards.

- Cars: Peter Holden stated that the residents will not be in a condition to drive vehicles. He would be fine with not allowing residents to have cars as it would help the facility eliminate excess vehicles in the parking lot.
- Parking: Plans call for 1 parking space per resident bed. The Board would like to see plans for a larger parking area enough for 1 space per bed in order to ensure there is enough room for parking in the future. Would only require the 72 spaces to actually be created.
- It was agreed to allow 18 months for “active and substantial” development to occur to keep the variance in force.
- The previously granted Special Exception will be revoked.
- The applicant has presented this facility as “for profit” which in fact would benefit the town through increased tax base. The Board would like to be sure it is not converted to non-profit use.
- To ensure protection of the view for the neighbors, any additional buildings such as maintenance sheds would require approval by the board, rather than establish a particular setback at this time. Discussion followed relative to the “plan as presented” which did not include any out buildings. If the developer follows the “plan as presented” the setbacks and view blockage will not be an issue. It was decided that adding a maintenance shed would not be “expanding the facility” and therefore would not be covered by the “plan as presented”. A condition should be included requiring approval of the board for any additional buildings.

Public hearing opened: Christopher Hunt expressed concern about the height of the building, however the zoning ordinance allows 3 stories without giving a height limit. Public hearing closed.

Polly Mills Fife commented that although the Board has considerable knowledge of the Scribner Road condition and requirements, it is being left to the Planning Board to decide the level of upgrading, etc. She suggested that the Board should make a comment relative to the road. It was agreed that ZBA members may attend the Planning Board meetings and offer suggestions and comments at that time.

As members of the Board were comfortable with the responses to the criteria for granting a variance as included in the minutes of November 28, 2006, Dave Liberatore moved to grant a variance to the terms to Article 7, Table 1 of the Northfield Zoning Ordinance for a Supported Residential Healthcare Facility located on Scribner Road (Tax Map R5, Lot 35-1) in the C/I zone with the following conditions:

1. All previous approvals granted by the Zoning Board of Adjustment, including the special exception for a nursing home facility are hereby revoked.

2. The variance granted by the Zoning Board of Adjustment is for the operation of a supported residential care facility, as that term is defined in State regulations as of December, 2006, and for no other purpose. Consistent with the applicant's representations, the facility shall never be upgraded to a nursing home. Applicant shall secure a license for the State of New Hampshire to operate a supported residential care facility.
3. In accordance with the representations of the applicant and based upon the applicant's presentation that the use will generate significant tax revenues, thereby being in the public interest and consistent with the purpose of the C/I district, the facility shall not be converted to a tax exempt status.
4. The supported residential care facility shall include no more than 144 resident beds, which shall be the maximum development capacity of the property and there shall be no further expansion of the facility. Any further development, including but not limited to, out buildings, storage facilities or maintenance facilities, shall require additional review and approval by the ZBA.
5. The development of the property shall be consistent with the "Photo Location/Plan, Winnepesaukee River Health Care Facility" plan and photographic simulations, with dormers, peaked roofs and other features shown in the photographs, as submitted by the applicant. The structure shall not exceed three stories, nor the height limitations contained in the Town of Northfield Zoning Ordinance, whichever height is less, with a base (first floor) elevation of 248.0 feet per the grading plan and a maximum (peak) elevation of 299.0. There shall be a 2:1 slope on the uphill side of the building and a 3:1 slope on the downhill side of the building, both with vegetation to control erosion.
6. No more than 50% of the units may include bathrooms and no kitchen facilities shall be included in any of the individual units.
7. Staffing shall be consistent with the State's regulatory standards for a supported residential care facility.
8. Residents shall not have personal vehicles.
9. One (1) parking space shall be provided for every two (2) resident beds, however property shall be prepared to accommodate one (1) space per resident bed should the need arise.
10. The applicant will submit a conservation easement to preserve the remaining open space associated with the property, which shall be in a form acceptable to the

ZBA and the Town Attorney. Said easement shall be executed prior to issuance of an occupancy permit.

11. Applicant shall connect the facility to municipal water and sewer, at its sole expense.
12. Scribner Road: The Planning Board shall have road construction oversight authority to mandate required upgrades to Scribner Road to support this development.
13. The structure shall be constructed in accordance with the Life Safety Code. Construction of the facility shall adhere to local fire department requirements for building fire suppression systems, number and placement of fire hydrants, and water pressure and volume requirements. A sprinkler system shall be installed in the building for fire suppression.
14. Landscaping techniques shall be used to create a visual barrier from Scribner Road and abutting properties. The design and extent of these buffers shall be determined by the Planning Board.
15. The applicant shall secure site plan approval from the Planning Board, which site plan application shall be consistent with the documents, testimony and evidence submitted by the applicant to the Zoning Board, as well as this decision.
16. Active and substantial development shall occur within 18 months of the date of this decision or this variance shall be null and void.
17. All previous approvals granted by the Zoning Board of Adjustment, including the special exception for a nursing home facility are hereby revoked.

Motion seconded by Keith Murray. **Motion passed.**

Meeting adjourned at 7:45 pm.

Respectfully submitted,

Eliza Conde, Secretary