

**TOWN OF NORTHFIELD  
PLANNING BOARD  
April 1, 2013  
MINUTES**

Members present: Kim Robichaud, Jason Durgin, Wayne Crowley, Glen Brown and Doug Read.  
Members absent: Mike Murphy and Kevin Waldron. Also present: Dari Sassan, LRPC.

**Minutes:** Glen Brown moved, seconded by Jason Durgin to approve the minutes of March 4, 2013 as corrected. Motion passed.

**Wendy Lavallee/Newfound Recovery, LLC: Application for a Major Site Plan Review for a Medical Care Facility for addiction recovery treatment at 9 Summer Street (Tax Map U8 Lot 138) in the R2 zone.** Paul Lavallee explained that his wife plans to own the building and lease it to Phoenix House. He commented that he considered the prior use of the building for elder care would be a similar to the proposed care for people with addictions, but he had been advised by the Code Enforcement Officer to apply for a Special Exception with the ZBA and a site plan review with the Planning Board. He stated that there would be no changes to the building or the site. Treatment consists of people living on site to be treated for drug and alcohol abuse. The typical length of stay is 30-90 days. Mr. Lavallee explained that he had applied for a Medical Care Facility in this application before he had spoken with NH DHHS which has jurisdiction over this type of facility. DHHS has determined that the building is not adequate for medical detox and therefore the current plan is for “social” treatment.

Wayne Crowley asked if application has been made for a license to operate a facility in this location. Peter DelPra of Phoenix House replied that an application cannot be made until the facility is ready to operate and he was advised by DHHS to go through the town process first. Wayne Crowley explained that a Special Exception is required and the town’s regulations require that the ZBA approve the application before the Planning Board acts upon it although the Board is willing to discuss the plan as a conceptual review. Mr. Crowley asked for a clarification of what the applicant is asking for. Mr. Lavallee replied that they had originally applied for a medical detox facility, but DHHS won’t allow it in this building. He would still like approval for the medical care facility from the town although it will currently just be a treatment center. He is looking for approval from the town in order to go ahead with the purchase of the property, adding that this project would add jobs and be a good use of the building. Wendy Lavallee added that she would own the building and pay taxes even though Phoenix House is a nonprofit organization. Paul Lavallee commented that he didn’t anticipate any more impact to the town than the elder care facility was and that the treatment of addictions would be similar use as the treatment of elders. Wayne Crowley replied that he believed that a detox facility would have more impact on the town than elder care since there would be up to 33 clients of varying ages on the property 24/7.

In commenting upon the completeness of the application, Dari Sassan explained that it cannot be considered complete until:

1. The ZBA has made its decision
2. An application for licensure has been made – this application would give more definitive information on the proposed facility. The application would not have to be submitted at the

time of the Planning Board review, but any approval would be based upon information included within that application for licensure.

3. A waiver is submitted to the Planning Board for certain site plan requirements.

The application is complete otherwise.

Wayne Crowley asked the applicant if they are under a time constraint. Wendy Lavallee replied that she has submitted an offer with the contingency of town approval, but she does not have a purchase and sale agreement at this time. She added that the seller is interested in selling as soon as possible however.

Doug Read suggested that the Board consider this a preliminary review in order to proceed with the discussion. Wayne Crowley cautioned the applicant that since this will be a preliminary discussion, there will not be a definitive answer as the application will not be accepted as complete at this time. Wayne added that the application to the state for licensing will give the Planning Board a better idea of exactly what the application is for.

#### **Questions from the Board:**

- What if someone wants to leave the program – do they just walk away? Peter DelPra replied that they could walk away, but the counselors work closely with clients and would not let them walk away. Transportation is provided if someone wants to leave the program.
- Are clients court ordered to enter the program? Normally clients don't enter the program voluntarily but rather as a result of negotiation with courts or family intervention.
- Is duration of stay based upon a milestone? Yes, it is based upon a clinical need and the state pays for up to 30 days.
- Are your success rates published? No, but success rate is similar to other types of programs. Discussion of the definition of "success" followed with both Peter DelPra and Paul Lavallee explained that they are in successful recovery.
- Do clients "come and go" or stay at the facility? The treatment is 24/7 with clients staying at the facility full time.

#### **Public Hearing:**

John Ciriello, abutter at 9 Summer Street, stated that he is concerned about the safety of such a facility located within a residential neighborhood. He is worried about those clients who don't succeed, decide to leave and perhaps would enter neighboring homes looking for drugs. He is very concerned about the safety of his young daughter and believes he has the right not to feel scared to live in his home. He added that the property in question is unique in a nice location and certainly has value to the town. Mr. Ciriello added that he is most concerned about the medical detox program as those clients are unstable, cannot make rational decisions and can "slip" in the program. He is also concerned about new clients who are unstable when they enter the program. Wayne Crowley asked for an explanation of the "medical detox" program. Neil Gaer of Phoenix House replied that it is detox under medication and carefully supervised to reduce the possibility of seizures. Mr. Gaer commented that Phoenix House has been doing this work for many years and is a good neighbor in the community. Currently medical detox does not exist in NH except in hospitals, but as the Affordable Health Care Act is implemented, more patients will be insured and Phoenix House is trying to be proactive in meeting the needs of such a program.

Derek Lacourcierre responded to Mr. Ciriello's concerns about drug addicts saying that there are enough drugs and meth in town on the streets to "make your head spin" and he would rather see these people in a facility than on the streets. He asked Mr. Lavallee why DHHS will not allow the medical detox at this location. Mr. Lavallee responded that the state is concerned about the safety of the clients and requires a brick building. Since this building is a wooden structure, it does not meet the qualifications for a medical care facility. Derek asked if they would withdraw the application for a medical care facility based upon this information. Mr. Lavallee responded that they are still trying to get clarification with DHHS. Neil Gaer commented that he does not believe they would be able to have medical detox in this building. Paul Lavallee stated that they would pull the medical detox from the application but added that Phoenix House is concerned that the program will not be financially feasible without medical detox.

John Ciriello asked if a new owner would need to re-apply to the town if the property were to be sold. There was some question whether the Board could require that or not and this will be investigated.

Wayne Crowley explained that the application will need to be resubmitted along with the required waiver, the state application and approval from the ZBA. The state application includes comments from the fire and police departments. Doug Read explained that this meeting was a preliminary review, abutters have been notified and the application was not accepted as complete. The Board can continue the conceptual discussion at the next meeting and then accept the application as complete. Glen Brown moved, seconded by Doug Read to continue deliberation of the Lavallee application to the May 6, 2013 meeting. Motion passed. A Realtor from Coldwell Banker informed the Board that the property was listed today and that there are other people interested in the property.

**Elections:** Doug Read moved, seconded by Kim Robichaud to re-elect Wayne Crowley as Chair and Glen Brown as Vice Chair of the Planning Board. Motion passed.

**Time limits for recording approved subdivisions:** Dari Sassan suggested adding wording in the final approval of a subdivision section of the regulations requiring mylars to be submitted to the town within 90 days of conditional approval. Doug Read questioned the reason for requiring a limited amount of time. Dari responded that it helps applicants to understand what to expect and added that the board can allow an extension of time if the applicant so requests. Discussion followed relative to the necessity to require a time limit, the impacts on a potential developer and tax implications upon recording an approved plan. Dari Sassan suggested that the Board could just include a time limit within the conditions of approval. Wayne Crowley asked Dari to review neighboring towns regulations for further discussion.

**Workshop – Master Plan:** Wayne Crowley passed out his summary of the community survey results as presented at the Town Meeting. The results need to be incorporated within the Master Plan, including the updated CIP.

Meeting adjourned at 9:05 pm.

Respectfully submitted,

Eliza Conde, Secretary

*Minutes approved 05-06-2013*