

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
(Adopted)
November 28, 2022
Held: Pembroke Academy Cafeteria**

MEMBERS PRESENT: Bruce Kudrick, Chairman, Thomas Hebert, Vice Chairman, Dana Carlucci, Paul Paradis

ALTERNATES PRESENT: Robert Bourque, Blakely Miner III

EXCUSED: Natalie Glisson, Wendy Chase

STAFF PRESENT: Paul Bacon, Code Enforcement Officer

Chairman Kudrick called the public hearing to order at 7:00 p.m.

Roll call was taken by the Reporting Secretary.

I. Public Hearing

Case 22-11-Z A request for an **Appeal of Administrative Decision** under article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions, §143-112, Appeal of a decision made by the code Enforcement Officers.

Chairman Kudrick explained that **Case 22-11-Z** which was originally on the agenda would be continued to December 19, 2022.

Chairman Kudrick appointed Alternate Member Miner to vote in place of Member Glisson.

Continued Cases

Case 22-09-Z A request has been made for a **Special Exception under Article IV Use Regulations, § 143-19 Table of Use Regulations, Community Facilities, #10**. The applicant, Fieldstone Land Consultants, PLLC, representing Live Free Recovery Services, LLC c/o Joel Asadoorian, of 273 Currier Rd., Candia, NH, 03034, is requesting a **Special Exception to allow a residential drug treatment/detox facility at the former site of the TD Bank**. The property is located at 50 Glass St., Map VE, Lot 137, in the B-2, Central Business District, and is owned by McDall, LLC, c/o David A. Moore.

Applicant: Live Free Recovery Services, LLC c/o Joel Asadoorian
273 Currier Road
Candia, NH 03034

Property Owner(s): McDall LLC c/o David A. Moore

Property Address: 50 Glass Street
Tax Map VE, Lot 137 in the B-2, Central Business District.

Included in the Member Packets: Application for a Special Exception; Authorization Letter dated September 29, 2022 from Joel Asadoorian of McDall, LLC; Zoning Board of Adjustment Fee Schedule Worksheet; Letter from Craig S. Donais of Wadleigh, Starr & Peters, P.L.L.C. dated May 12, 2022; Email from Anne Knight to Ryan Gagne dated July 4, 2022 7:31:04 PM; Email from George Hanse to Ryan Gagne dated July 3, 2022 10:06:54 AM; letter from Keith F. Thibault of Southwestern Community Services dated July 5, 2022; Live Free Recovery Services Good Neighbor Policies; Existing Conditions Plan and Zoning Exhibit Plan by Fieldstone Land Consultants, PLLC.

Present: Chad Branon, a Civil Engineer with Fieldstone Land Consultants, PLLC, with offices at 206 Elm Street, Milford, NH and 45 Roxbury Street, Keene, NH; Ryan Gagne, Live Free Recovery Services LLC; . Alden Moore and Joe Asadoorian of McDall LLC, owner of Tax Map VE, Lot 137.

Chairman Kudrick explained that the first case (**Case 22-09-Z**) was continued to November 28, 2022 because at the October hearing there was over 60 people at Town Hall which was against the Fire Code. Preparations had to be made for a larger venue which resulted in this evening's meeting being held at the Pembroke Academy cafeteria.

The Reporting Secretary read the case aloud.

Chairman Kudrick stated the rules of the hearing: (1) Applicant will present its case; (2) Those in favor of the application will speak; (3) Those opposed will speak.

At this point, Chairman Kudrick said that everyone present will get a chance to speak. He stressed that he is asking everyone to be courteous of each other no matter whether the person speaking is for or against the Case.

He then continued stating the rules of the hearing: (4) Rebuttal by the applicant and those in favor of the application will speak; (5) Rebuttal by those in opposition to the application will speak. All people wishing to speak must give their name, address, and interest in the case. All questions and comments will be directed to the Chairman. The Board will base their decisions on facts presented by the applicant. If any of the presented facts are found to be different than what was presented, the Board reserves the right to reconsider the approval.

He asked the Applicant to make a list of all the questions directed to them and then they will have an opportunity to reply to all of them at once.

Mr. Branon said that he is seeking a Special Exception from Article IV, §143-19 to permit a treatment care facility known as Live Free Recovery Services to occupy and operate out of the former TD Bank building located at 50 Glass Street.

He distributed to the Board, an 11" x 17" colored zoning map similar to the one received in each member packet.

He continued to say that 50 Glass Street was purchased by McDall, LLC in March 2022. The owner spent the better part of last year trying to find a suitable tenant for the structure. The property is situated in the B2 Central Business District and consists of 1.79 acres. It is located at the intersection of Church Street and Glass Street and has 166 linear feet of frontage along Church Street and 161.1 linear feet of frontage along Glass Street.

Mr. Branon said that the site is developed with a 10,513 sq. ft. building with associated site improvements which include parking, walkways, landscaping, drainage, and signage which is detailed on the existing conditions plan before the Board.

The property is vacant and last occupied by TD Bank from 2008 to 2022. The Suncook Bank was the first occupant of this site in 1954 and, until 2022, has housed various banks.

The building is presently vacant which Mr. Branon stated was not good for a neighborhood. The site has deed restrictions which limits the uses. It cannot be used for a commercial bank, retail bank branch, financial services institution, insurance company, brokerage firm, savings and loan or credit union or any affiliate thereof. Mr. Branon explained that these are all standard deed restrictions when TD Bank vacates a property. He said that this is a hardship because the deed restrictions restrict a use from existing on a site that has occupied it for 68 years.

Mr. Branon said that, given these severe circumstances, the owner thought that the site would be well-suited for a wellness center or a medical building. When Live Free Recovery Services was interested in renting the space and more research was done on Live Free Recovery Services, the owner felt that they would be a good tenant for the site. According to Mr. Branon, Live Free Recovery Services has a great track record.

The property owner hosted a neighborhood meeting to share details relative to their operations. The use that they provide is an essential service and a public benefit to the communities that they operate in.

Mr. Branon said that the use of the property as a treatment center will be less intense than the prior uses that occupied the site.

He said that Live Free Recovery Services is a community-based business which means that they like to build relationships with a community's fire department, police department, and town officials in order to make a community better. He said that the sentiment is supported in a number of references and letters that they provided with the application.

Live Free Recovery Services also implements good neighborhood policies at all their facilities which they also submitted with their application. These policies are a direct correlation to their successful track record in all the communities that they exist in. They are looking to occupy the building and utilize the infrastructure.

Mr. Branon said that there would be minor site modifications such as restriping the parking areas, parking spaces, erecting a white vinyl stockade fence along the perimeter of the site in the areas not already fenced. He pointed out that existing encroachments on the property such as gardens and parking spaces, would be allowed to remain during the life of this proposal. This is an example of how the land owners and Live Free Recovery Services are willing to work with the community.

Mr. Branon said that Live Free Recovery Services intends to occupy 50 Glass Street as a residential drug treatment and detox facility for individuals with substance abuse disorders. The treatment facility would operate 24 hours a day, 365 days a year. The residential program would consist of individual and group activities and counseling. Medical services would be limited to minor on-site first-aid, and regular regimented medication management services for particular participants.

The business anticipates having approximately 20 employees working at this location (not necessarily at one time), but because it is a 24-hour facility, there would be employment shifts. They hope to provide services to a maximum of 56 program participants in a number of room configurations.

Mr. Branon said that, while this use is not solely a hospital, sanitarium, institution, nursing, rest or convalescent home, the proposed use is consistent and compatible with the scope and type of services provided by these facilities and has been deemed such by Town staff and Town Counsel. It is their opinion, that a residential drug treatment and detox facility is a permitted use and meet the criteria outlined within the Town's ordinance. (Article IV, §143:19)

Ryan Gagne of 119 Clear Creek Way, Manchester, NH is the owner and CEO of Live Free Recovery Services. Live Free Recovery Services currently has locations in Keene (Roxbury Street, 361 Court Street, 881 Marlboro Street) and in Manchester (68 Rimmon Street, 70 Kelly Street, 607 Chestnut Street, and 880 Second Street).

Mr. Gagne explained that in 2015 they began as Live Free Structured Sober Living which offered sober living facilities to young adult men. In 2016 they formulated their first clinical program and became Live Free Recovery Services and, since then, have created multiple out-service programs. Admission is run "very, very tightly." Assessments are done on each client to determine the level of care needed and, if they do not meet Live Free Recovery Services' criteria, they are referred to an appropriate facility.

Mr. Gagne said that addiction services have multiple levels of care. The level proposed for 50 Glass Street is "residential and detox". It is similar to a 30-day model where someone comes and participates in a very intensive treatment program that is structured 24 hrs. a day, 7 days a week. They would have a full clinical schedule (meeting with clinicians twice a week), and case management would help set them up for services afterwards. In New Hampshire, they have an accessible program for anyone to come in and experience each level of care which minimizes people coming in and out and also allows for long-term care to take place. Both Keene and Manchester locations are where people tend to spend anywhere from 5-14 months. On Glass Street, it will be a much shorter stay.

Mr. Gagne said that they have found that 85% of their clients go on to further care by their own choice. Individuals are not forced to be with their program. They are allowed to walk out the door.

He said that typically someone is worried that a client will walk out the door and hang out in a particular place. He said that he can assure the Town that if someone is not looking to stay in a program, they do not want to stay somewhere where they are not familiar with everyone. They want to go back to the location that they are familiar with.

Live Free Recovery Services is the only program that is contracted with Medicaid through all levels of care. In the past, Medicaid typically did not serve anyone with addiction issues. They now have access to all levels of care, utilizing Medicaid insurance. They can even step into their Sober Living Programs after clinical treatment is done -- allowing them to be in full continual care for up to 18 months.

Mr. Gagne said that they have a great track record and working relationship with the Zoning Boards in Keene and Manchester. They even rent a facility from the Mayor of Keene who wrote a letter saying that if they left today, he would gladly rent space to them again. Since their facilities have been open, they do not have issues to be addressed because they follow through with all the things that they say they will do.

He said that there will always be a minor medical staff available such as a nursing staff on site. They also have nurse practitioners available and a psychiatrist that oversees everything. If a client is medically compromised, he will be referred to a hospital.

The Glass Street structure will require little alterations in order to make it work for them and meet the NH Department of Health and Human Services' requirements. He said that it would be a perfect place to get someone stabilized and ready to head out the door to another level of care so that the client can turn their life around and make an impact in the community.

As requested by Chairman Kudrick, Mr. Branon read the application aloud:

1. Please describe how the requested use is essential or desirable to the public convenience or general welfare. The requested use is essential and desirable to the public convenience and welfare of the community. There is a growing need for facilities of this nature within communities across the country. The goal of these facilities is to provide an accessible place for those with substance abuse disorders to find help and get their lives back on track. These facilities help people defeat their dependence on substances and become functional members of the community again. This requested use is absolutely essential to improving the lives of people and improving the general welfare of those in the community that suffer from the disorders. Live Free Recovery Services, LLC provides a well-managed, safe environment, for people to overcome these obstacles in life.

2. Please state how the requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or general welfare. The requested use would not impair the integrity or character of the district or adjoining zone as the facility operates as a well-managed treatment facility with limitations on clients. The property will continue to be maintained as it has in the past, and not appear any different than the existing state. The business operation of the treatment facility will improve the health, morals and welfare of the patients, and ultimately the general welfare of the community as the participants overcome their disability and become functioning members of the community again. By allowing the use for treatment facilities such as this one, people will be able to break the cycle of addiction and greatly improve the health, morals, and general welfare of families and communities.

Mr. Branon added that there were statements made through interested parties relative to the operation of the site because of a statement made in the application. He said that participants/clients will not be able to walk outside of the facility without chaperones. There is always oversight and management of people who chose to be participants of Live Free Recovery Services.

3. Please describe how the specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be affected adversely. The site is located in a neighborhood that has a mixture of commercial, business and residential housing with many apartment units. This location is ideal for this type of facility as the use is a blend of residential and commercial. The neighborhood has many public sidewalks that would provide access to nearby amenities (parks, restaurants, etc) and a connection to Main Street. Residents will not have vehicles on site, so having a location within walking distance to the Main Street is a valuable asset. For these reasons, we believe the location is appropriate for the proposed use and the character of adjoining uses will not be adversely affected.

Mr. Branon added that the Glass Street site is serviced by municipal facilities, has appropriate parking, access, is in close proximity to services and is an appropriate location for the proposed use. The type of service being proposed will not have an impact on the neighborhood for a

number of reasons -- less intensity, less traffic. Clients are not allowed vehicles on site so will not be able to leave. If someone's stay is done or they choose to leave, they would call for a ride. It is not changing the neighborhood. People do not tend to stay in the neighborhood of the facility.

Employees of the facility (approximately 20) may use the surrounding businesses at lunchtime and, therefore, support local commerce.

4. Please show that no factual evidence is found that the property value in the district will be adversely affected by such use. The proposed use will be residential by definition, and the surrounding properties are a mix of residential and commercial business. The majority of the nearby residential buildings are multi-family and apartments. The proposed use will fit in with the neighborhood and there will be no visual change to the property, building, or grounds. There is no factual evidence that the change of use of the property would adversely affect property values in the district.

Mr. Branon said that, based on the way that the business will operate, it will be less of an impact. He said that vacant buildings have a bad impact on property values in a neighborhood. It has been well-documented that a vacant building is an opportunity for mischief.

He read aloud and then submitted to the Board, two letters from real estate professionals (Maria Giakoumakis of V.A.M.P. LLC dated August 20, 2022, see attached Exhibit 1 and Patrick Keeler of eXp Realty, dated October, 24, 2022, see attached Exhibit 2).

Mr. Branon said that a publication that was provided in an abutter letter states, by the author, that "a review of the literature does not reveal any specific examples of residential drug rehabilitation centers and their impact on neighboring property values." He said that in many cases, the use is being taken out of context. There are many references to MMT facilities which are out-patient methadone treatment facilities which is not what is being proposed.

Mr. Gagne said that he does not disagree with the things that were cited in that particular assessment. Methadone and suboxone clinics have significant traction with people coming and going from 5:30 am -2 pm. This is not what is being proposed.

He continued to say that the proposed use would be a residential facility that would separate their participants from the substance of choice which is causing the harm in their life. It is not an out-patient facility. It is not a methadone or suboxone clinic or a safe injection site. There is bi-weekly drug tests. If anyone's drug test levels rise or maintain when they should be dropping, they are re-evaluated and referred to a different program for their level of care. It is not a stand-alone out-patient facility. It is a high intensity residential program.

Mr. Branon said that they are proposing to install additional fencing and work with neighbors to allow some very significant encroachments to remain which would potentially have an impact on those abutting properties.

5. Will undue traffic, nuisance or unreasonable hazard result from your proposed use?

Yes or no and please explain your answer. The proposed use will reduce traffic in/out of the property, as no clients are allowed to have a vehicle. The former bank operation had a greater number of vehicle trips per day, as customers of the bank would utilize the parking lot and drive-thru lanes during business hours. The proposed use will have a minimal amount of vehicle trips per day, as new clients are brought to the facility and there will be approximately 10 employees visiting the site each day. The Live Free Recovery Services, LLC does a very good job of outlining expectations and proper behavior for the clients utilizing the facility. By managing the clients and addressing any issues at the facility, there will be no nuisance or unreasonable hazard as a result of this proposed use. Attached to the application are letters of recommendation stating how the applicant has run other facilities and provided beneficial facilities to other communities for substance abuse victims.

6. Please explain how adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use. The existing building will be remodeled on the interior to provide bedrooms, restrooms, and communal areas to be used by the patients in the recovery facility. The exterior of the building, the grounds and the parking lot will remain unchanged by the applicant, but will be maintained and upkept as needed. There will be onsite staff and the operations and maintenance of the facility will be overseen by the management company, which is the Live Free Recovery Services, LLC.

Mr. Branon said that the site is serviced by municipal utilities and are not aware of any issues from a facility's standpoint of this site.

7. Please show that there are no valid objections from abutting property owners based on demonstrable facts. The proposed use will not impact the abutting properties and the amount of traffic to the site will be less than the previous bank use. The management of the business will ensure that the facility is run in a professional manner and that the clientele will not cause any nuisance to abutting properties. The facility will outline the rules for the patients at the facility, which limits noise, regulates quiet hours, restricts smoking, and provides direction on living at the site. Attached to this application is a copy of these rules that are used at other facilities run by the applicant.

Mr. Branon said that there is a misunderstanding of the use which was based on some of the documentation that was provided. They are contesting with what they hope is seen as factual evidence based on professional testimony, history and other experiences from neighbors of their other facilities. This will operate appropriately and will be a good neighbor. The proposed

smoking area will be on the North side of the building where there is a covered area outside the door. Smoking will not be permitted elsewhere on the property.

8. Please show that the proposed use has an adequate water supply and sewerage system and meets applicable requirements of the State. The existing building is serviced by Town water and services. The existing building has fire suppression sprinklers installed. The sprinklers will be maintained with the proposed use. At this time, there are no proposed changes to the water and sewer services to the building.

Mr. Branon said it is an existing building with existing infrastructure. It is serviced by municipal sewer and water facilities. They reached out to appropriate personnel and are not aware of any concerns related to this proposed use. They believe that the site, as it exists, will provide adequate services. He said that if there ever needed to be a modification or update, it would be handled through the next review which would be the site plan review or building permit review. Chairman Kudrick asked Mr. Branon if he had met with the Water and Sewer Departments.

Mr. Branon said that they have not physically met with them but have had conversations with them.

Chairman Kudrick said "but you have contacted both Water and Sewer?"

Mr. Branon said that it is his understanding that they have.

Chairman Kudrick said that the reason he asked is because there is not a lot of sewer capacity available and this building will be using more than what the bank ever used. He said it was a concern. He also said that it is the same thing with the water. We are still in a draught. Even though it has been raining, it has not infiltrated the ground enough and Pembroke has wells. Anything that will be adding more water use, the Board needs to know for the water and sewer.

Mr. Branon said that they would not be opposed to any kind of conditions if the Board felt that it was appropriate for them to provide letters from someone. He said it was their understanding that, because it is an existing building and there is existing infrastructure, the goal is to provide services in those instances. It will likely have an increased use because of the number of people that will be on site throughout the day.

Chairman Kudrick asked for clarification on an earlier statement made by Mr. Branon which was that the residents would not be allowed to leave the property but the employees could.

Mr. Branon said "correct". There is a sentence in the application that said that the residents would be allowed to walk to nearby stores - that is not accurate. He said that the statement is not correct and is correcting it now, for the record. The employees will be allowed to do that, but the residents at the 50 Glass Street facility would be chaperoned and not allowed to walk freely. If

they are part of the in-house treatment program, they would not be permitted to leave the facility unchaperoned. They would even be chaperoned outside while smoking a cigarette.

9. If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system. The building will be served by Town water and sewer.

Member Bourque asked for clarification – that the facility would be run 24 hrs. a day, 7 days a week, for 365 days a year with 20 employees. Did Mr. Gagne mean 20 employees per shift?

Mr. Gagne said that the majority of treatment takes place in a 6-hour window which is the first shift and is the most intensive portion of the day. Clinical hours normally take place from 8 am to 5 pm. There are some peer-related elements such as 12-step fellowships and recovery meetings in the evening, but the staffing pattern reduces greatly on the second shift and even more so on the third shift because everyone is sleeping. During the third shift there would be nursing staff and 2-1/2 people known as Recovery Support Staff doing Q15s which means that a staff member, would check that all clients are in bed or in their room.

Mr. Bourque asked if there would be more than 20 employees?

Mr. Gagne said that, with part-time staff, there could possibly be 25 staff members, 7 days a week.

No other Board members had questions.

No one spoke in favor of the application.

Because of the number of people wishing to speak in opposition of the application, Chairman Kudrick said that he would allow those on the left side of the room to speak first and then would allow those on the right side of the room to speak.

Richard Booker, 8 Millard Street, said that a study by R. Moyer et al, in 2018, on the effects of MMT facilities (Methadone Medical Treatment) which published in the Journal of Experimental Criminology and was reported by the American Society of Evidence Based Policing. The study states what happens around a facility and how it is policed. The report talked about 2 things: drug rehab and MMT. Mr. Booker said that he is assuming that this facility is a drug rehab facility. The study was done over a 10 year period and was restricted to a 200 meter radius (approx. 1/10th of a mile) of the facilities. The study reported that they saw 18% decrease in crime rates in areas of the facilities. They also found a 10%-30% significant increase in violent crimes and drug-related crimes within 1/10th of a mile. “Based on this data, it is evident that the proposed use would not meet this exception requirement on the grounds of additional nuisance to

the neighborhood in the form of increased violent and drug-related crime.” Based on this report, Mr. Booker said that he is opposed to the application which would affect where he lives.

Katie Booker, 8 Millard Street, gave the Board the Police Logs of the applicant’s facility at 70 Kelly Street, Manchester (Exhibit 3). She had not received the police logs from their other locations yet. The Manchester Police Logs show an incident of an overdose less than 1 year ago. The Fire Log showed a call, less than 6 months ago, for EMS, for Continuous or Multiple Seizures, an Assault Override, a Possibly Dangerous Body in the Area. Yesterday there was a log for a “Check Condition of a Subject”. There was also a report of an incident of smoke which was later found to be from cooking. In her opinion, this proved lack of supervision.

Ms. Booker owns a business at 155 Main Street which she has owned for over 4 years. During that time, she has only had 2 incidents where an item was stolen from her store and, upon calling dispatch the robber was apprehended and found to have outstanding warrants for his arrest. She is concerned that crime may increase downtown. She would also like to do more research on the Police Logs for their other facilities. Considering the number of other facilities owned by Live Free Recovery Services, she did not feel that this location was necessary. She expressed concern that the original application stated that residents would be allowed to walk around town, but now the applicant has retracted that statement. She asked, if someone wanted to leave the program, where would the client go while waiting for their ride.

Christopher Glenn, 425 N. Pembroke Road, said that he owns a brewery at 6 Glass Street. He asked how they would staff the medical staff with such a shortage across the country – specifically mental health providers? With a staff of 20 people, how will they manage the clients walking around the town with a chaperone while attending to those remaining in the facility? Can the clients leave at any time such as 1 pm and walk into his facility which serves alcohol?

Christine Auger, Kimball Street, said that if a client wanted to leave the facility, they could not be physically held against their will.

With regard to Medicaid paying for the resident’s stay at the facility, Ms. Auger said that she presently works for Medicaid. At the present time, everyone has straight Medicaid across the board even if they are no longer eligible due to the public health emergency. There is discussion of that benefit ending in the new year. She asked what would happen to those clients that are no longer eligible for Medicaid, if Medicaid ends? She expressed concern that a client leaving the program would have nowhere to go because they had cut their family ties and would end up homeless and at Memorial Park where children play. According to the NH Department of Health and Human Services, often times, they are in homeless camps. The town is typically responsible for housing or relocating the clients. These issues will impact the Town’s taxes.

Jessica Auger, 12 Kimball Street, said that she lost most of her family to drugs and wished that there were rehab facilities for her family members when she was young. Most of all, she wished that someone had saved her when she was a child, growing up in that circumstance. Her children live in town and she does not want them exposed to what she was exposed to. She wants someone to stand up for the children of Pembroke.

Anna Dubuque, 180 Main Street, said that the 2018 annual report showed that Pembroke spends \$749 per person on public services, including, but not limited to fire, police, and EMS. With the proposed 56 live-in residents, following the 2018 model, the Town would be spending an additional \$42,000 annually on public services to accommodate this use.

John Seeman, 179 Buck Street, said that under §143-113, B of the requirements for a Special Exception, Live Free Recovery Services must state the need for these facilities. Mr. Seeman said that the Applicant has not provided data pertaining to the Town's need for this facility. They only provided broad statements of the public's benefit nationwide. He said that, per the Pembroke Zoning Ordinance, it should be interpreted that the "general welfare" means Pembroke's general welfare and not of the general public or surrounding states.

Per the Application and the Applicant's public statement outside Town Hall on October 24, 2022, the facility will be bussing in patients and, therefore, it is evident that the majority of the patients will not be from Pembroke. Given that the facility will be private and for profit, the proposed use will serve minimal public benefit or convenience to the B2 and B1 zones. Thus, this would disqualify the Special Exception of this condition for this section.

Mr. Seeman said that any decision made by the Board will act as a precedent in future cases regarding the B2 zone. Given that the proposed use seeks to house 56 residents, this would meet the generally accepted category of a "high occupancy residential facilities." There are no other mixed-use commercial/residential community that provides residential space at this density in the B2 zone. The only potential exception to this would be the mill building at 100 Main Street, but that is a purely residential facility and provides, on average, 750 sq. ft. per dwelling. This site is well above the square footage proposed for the usage. Per the Special Exception Application, the owner sites apartments in the area as precedence for not violating community character. However, these apartments are typically limited to 2-4 units per building with occupancy typically reaching a maximum of 16 residents per building. Given the square footage of the building at 50 Glass Street, this application would set a precedence in the future thus compromising the character of the B2 and B1 zones.

He said that he felt that the criteria for the Special Exception were not adequately met by the Applicant. If they amended the application in any significant manner i.e. reducing the number of residents to something more inline with the existing residences of the facility (12-16 residents) or changing the proposed usage to something that would be inline with their business goals such as a clinical therapy or talk-therapy center that would be open to the public and would be able to

take patients, he felt that a number of people in the Town would be more amenable to welcoming Live Free Recovery Services to the community.

Nick Bokhan, 4 Kimball Street, said that first floor residential spaces are restricted in the Central Business District. This would restrict residential space to the second floor of the facility which defines the characteristic of the zone. The facility's gross square footage of the second floor is approximately 4,300 sq. ft. Given that Live Free Recovery Services intends to house 56 residents at a time, this space falls well below the minimum required 5,650 sq. ft. based on 100 sq. ft. per person for single rooms and 4,480 sq. ft. based on 80 sq. ft. per person for multiple-occupancy rooms as outlined on page 55 in NH Code of Administrative Rules. His information was based on the NH Department of Health and Human Services requirements for convalescent facilities. He submitted Exhibit 4 to the Recording Secretary.

Chairman Kudrick said that when discussing the number of occupants being cared for, the room sizes, etc., are factors that are handled by the Planning Board. The Zoning Board only looks at the use of the facility.

Lawrence Faulstich, 94 Glass Street, said that a 2016 John Hopkins University study found that "violent crime associated with drug treatment centers is similar to that associated with liquor stores and less frequent than that associated with convenient stores and corner stores." A mayor in the same article said "We are starting to understand that it is directly related to the increase in recovery homes in our city."

A study from the American Addiction Centers said "research indicates that up to 75% of individuals who begin treatment for substance abuse disorders report having engaged in a physical assault, mugging, using a weapon to attack another person and other violent crimes." The study continues to say that "Though intake protocols at most substance abuse disorder treatment facilities include mental disorder training to assess the risk of suicide, it is impossible for every facility to address every need of every individual needing treatment."

Mr. Faulstich read a statement from James Woodbury of 88 Glass Street referenced §143-113 Special Exception, Item E - *no factual evidence is found, that property values in the district will be adversely affected by such use.* In a Peer Review Study of substance abuse treatment centers on property values which was addressed for residential treatment facilities throughout the entire State of Virginia, they associated the presence of these facilities with an 8% to 17% decrease in property values. There was a second article that Mr. Woodbury found that "in the case of these Not In My Backyard (NIMBY) arguments regarding property values, it was found that the property values decreased more than 2% whenever there were treatment centers placed in residential areas." Although the decrease was small, it still happened in the city where housing was booming and there was growth.

Mr. Faultstich said that it is up to the person who purchased the property to do the research of what he can and cannot make this land available for. It is not up to the Town to make up for that.

He asked, why locate in Pembroke? Why not in a city? Why across the street from a brewery when there will be people in recovery? Are the clients kicked out if they are found to be abusing substances while in the facility? When they leave, where are the clients going? There is a park less than a mile away from this property and Bear Brook State Park close by.

Mr. Faultstich moved to Suncook in 2020 and said that they would absolutely not have purchased their home, and paid over the asking price, if they had known that there was a drug treatment center 2 blocks away from their house. He said that the studies show that property values will decrease near a drug rehab facility and he is living proof that he would not have bought his house.

Kelly Bokhan, 4 Kimball Street, said that she bought their home 2 years ago, and would not have done so if they had known that there was a drug treatment facility that may be placed nearby. She pointed out that just because the 2 previous studies cited were not in New Hampshire, does not mean that they do not exist.

The median property value in Suncook is \$324,000. The decrease on the median property values at 2% would be approximately \$7,000; an 8% decrease would be approximately \$25,000.

It was said that, at nighttime there would be 2.5 people on site and every 15 minutes one person would be checking on the residents. What would the second person be doing considering that there will be 56 residents. The application says that 10 employees will be on site each day, but in the presentation, it was said that 20 employees would be there.

She asked how many people will actually be on site at one given time. It was said that the clients cannot walk off site but will be chaperoned when they do. What is the employee-to-client ratio? 5 people to one chaperone?

Ms. Bokhan said that in September the President of the United States stated that the pandemic was over. In her opinion, there should no longer be a problem renting the facility to another business. She knew of a child-care center that was interested in the site.

She does not believe that an unnecessary hardship exists. "Unnecessary Hardship is defined as deprivation of an owner's right to benefit the use of that property that is caused by a zoning ordinance which makes it impossible to receive a reasonable return from the property." She stated that the current zone allows the applicant to use the property in other ways that will grant them a return on the property such as a daycare, gym, counseling facility, general medical office, corporate office, business, retail shops, restaurant, physical therapy facility, to name a few.

The applicant stated that they provided numerous references. One was from a neighbor. The other references had a direct relationship to the applicant – real estate transactions and from the Mayor whom they rent from. In her opinion, those references should be thrown out.

The applicant said that the building was appropriate because it exists. In her opinion, it is not appropriate because there are 2 bars within 350 ft. of the facility. She said that it is not appropriate to have an addict near a bar.

Brian Verville, 168 Buck Street, stated that his concern was setting a precedence. He said that it may be difficult to get the initial approval, but once the approval is granted, it is not as difficult, in the future, to expand the services. Since there were 2 different types of recovery mentioned, he stated that if there was a change in ownership at some point in the future, expanded services could be allowed i.e. a methadone clinic.

Chairman Kudrick recessed the meeting at 8:33 pm.

Chairman Kudrick reconvened the meeting at 8:42 pm.

Cathy Roche, 9 Middle Street, said that she was born and raised in Suncook, got married at the local church, built a home and raised 3 sons in the Village area. For nearly 30 years she worked in the Workforce Development field and worked with hundreds of addicts. She asked how long a customer will stay at their facility? Do they have housing assistance and employment and training services so that the customers can be productive in a community? On the application, the Applicant stated that there would be 10 employees visiting the site every day yet, this evening, it was said that there would be 20 employees per day.

It was mentioned that the facility will have basic medical first-aid provided by a nursing staff. Is that provided by RNs, LPNs, or LNAs. She was concerned because LNAs are able to distribute medications.

With regard to third-shift staffing, it was said that there would be 2.5 people – will they be peer support workers or will they be more certified to handle someone in crisis? Is there a medical governing body that the facility will answer to or is it just the NH Department of Health and Human Services.

Ms. Roche said that Suncook Village is a historic, quaint, densely-populated little village with many children and elderly. There are many activities that happen in the village. She asked if Live Free Recovery Services would support and partake in village events.

She said that she is in favor of addiction rehab centers but not in historic Suncook Village. She suggested placing the facility in a commercial zone such as Route 106 or along Pembroke Street where children and the elderly would not be affected by it.

She asked, when the customer leaves the facility, will that person be with an LNA, a peer support worker, or with a safety professional? Will there be a security guard on the premises? Ms. Roche also said that Suncook does not have public transportation so patients leaving the facility would be walking if they had no support person to pick them up.

Mike Payeur, 451 Pembroke Street, said that he spent 32 years dealing with substance abuse people. He asked if it was a locked unit? Do they have security, cameras, and/or a direct line with the Police Department? In his opinion, the issue is when the customer gets to their detox point and they no longer want to participate and they walk out the door. Usually the person is not happy. If they leave the facility, they will then be in this community. He has lived in Pembroke for 66 years and has a vested interest. He told the Board that they are the stewards of Pembroke's community and to consider Pembroke's best interest.

Gerry Fleury, 21 Kimball Street said that he has been an abutter to this site for 48 years. His research found that there was an LLC-to-LLC arrangement. McDall LLC owns the property while Live Free Recovery Services would operate the program. Mr. Fleury attended the "Meet and Greet" which was hosted by the owner. His research also found that Mr. Gagne managed to keep the neighbors surrounding his facilities happy.

One thing that concerns him is that the entities are Limited Liability Corporations which means that if something goes wrong, and you incur losses, you can only sue to a certain extent because it isn't a very deep pocket. Since the LLC leases from an LLC, Mr. Fleury said that you would not be able to go after the value of the property. His understanding is that there is one basic question with the Zoning Board -- does it qualify under Section 10 as a convalescent center. There was a letter submitted with the application by an attorney that said that it is a "compatible substitute". There is a difference between a compatible substitute and a perfect fit. He asked if the Town attorney actually looked at that and agreed with the direct question.

If the Zoning Board says yes to Live Free Recovery Services, and they have a lease which they do not renew, the facility may be leased to XYZ Recovery and does not have Mr. Gagne's ability to run a "clean shop". What kind of assurance would the Town have? Would XYZ Recovery have to come back to the Town and go through the review process? Could the new Recovery facility move in and run some other type of clinic where the employee-to-client ratio was less or that people would be allowed to walk out? If that did happen, who polices that? What is the recourse?

Jessie Mertz, 123 Main Street, said that he owns 121-125 Main Street and Kettle-to-Keg. He said that he rents apartments and, based on the turnout tonight, the rehab is not a plus to the community. A drug rehab facility would not be a selling point to the Village. He said that, aside from property values, the ability for him to find good tenants for his property would be more difficult with a rehab facility close by. He said that his business would be directly affected by

Live Free Recovery Services' business. He said that Suncook has faced their drug issues, but the village has been on the upswing for a number of years. He said that he did not think that this facility would add value to the Town or the community.

Clay Ellis, 68 Glass Street, said that he would not have bought his property if there had been a recovery center next door. He said that he is perfectly fine buying a property next door to a medical facility and a bank. The proposed property improvements are not very substantial and would not add any value to his property. The fence will surround his property on 3 sides and he feels that it would turn his land into a swamp and eventually affect the structure of his property. The placement of the fence raises a question of what the owner intends to do with the green area behind his house. He presently hears all the noises that come from the parking lot and feels that 56+ people outside on the facility's site will affect his quality of life. He does not see this use of the facility as being an improvement to the village.

Paul Griffin, 73 Glass Street, said that he owns 71, 73, 75, and 77 Glass Street. He has children (11 and 5 years old) that walk to the bus stop every day across from the former bank building. He has invested a great deal of money buying and renovating his properties in the last 8 years in order to increase their value and the appeal of the neighborhood. He does not feel that any families with children will want to rent a residence across from a rehab facility. He has one tenant that has already told him that they will look for another rental if this facility is allowed. He does not feel that a rehab facility should be in a residential area surrounded by kids and elderly. Filling a vacant building with a group of people with a track record of bad decisions is far worse than a building remaining vacant. Common sense is that a rehab facility is completely different from a primary care facility and he finds it insulting that the Applicant would try to tell him otherwise in defense of their plans. The facility is "at will" and at any point a drug patient in crisis can walk out at any time and into the path of his children. This is an avoidable situation and he hopes that the Board takes this into account. He asked what type of 24- hour security or crisis management will be on the property to de-escalate or mitigate emergency situations.

Carla Hayden, 22 Church Street, said that she has only been here 1.5 years. She has owned property and now rents and said that she agrees with the property owners. She added that if she knew that she would be living near a drug rehab facility, she would not have rented here. She feels very comfortable and safe where she lives. Most of her neighbors are elderly. She is not against drug rehab facilities, as she lost her best friend to drugs and presently has a niece living on the street. She realizes that they need help but this is not the place. They need to be in a city or a larger place. This village is too small of an area for this use. She is concerned that the landlords may lose good tenants. She said that she was appealing to the Board to not let this use go through.

Cathy Roche, 9 Millard Street, asked if a Special Exception goes with the property forever.

Chairman Kudrick said yes.

Ms. Roche asked the Board to keep in mind that Suncook Village is their home.

Sarah Hallok, 15 Kimball Street, said that she has owned her house for 3 years. She did not know that Suncook even existed until she was house-hunting. She loves Pembroke. She said that this puts a hard stop on people wanting to learn more about Suncook. Like many others, if she was house-searching now and this rehab facility was in place, she would continue to look elsewhere. She loves all the village businesses and strongly believes that it will have an affect on the property values. If this is approved, she wonders if she should place her house on the market immediately before people no longer want it.

Matt Wilcox 19 Union Street, pointed out that this town is not Manchester or Keene. This town is completely different. He said that Suncook is a village that is on the upswing and is a close-knit community. It is his opinion that the surrounding properties will lose value and is evident by those residents that already spoke that they would not have purchased their homes if they knew that a rehab facility was in the vicinity of their homes. He pointed out that this may not be considered a research study from Seattle or New York, but he has observed real people saying that this use will hurt their property value.

Atty. Pat Caron, 66 Glass Street, said that he lives in the duplex next to the former bank. He said that he agreed with everyone's arguments and assessments against this proposed use of this property. He asked who would buy a home near a drug treatment center. It is not a medical facility, it is a drug treatment center. He explained that he is an attorney with one of his areas of practice being criminal law since 2000. He does a lot of work with folks that have substance abuse problems. When a client comes to him, the first question he asks is if the client has any substance abuse problems. If the answer is yes, then he tells them that he can probably keep them out of jail. He would speak with the prosecutor and tell him that the client has a substance abuse issue and work out a plan whereby they would go to a program and 3 months of after-care and they would not have to go to jail. If they do not fulfill this part of the bargain then they would go to jail for 9 months because most offenses by drug addicts are misdemeanors such as shoplifting, burglary of cars, etc. to pay for their habit. Out of 120-130 clients that he has served, not one client permanently stayed off drugs. In his opinion 50 Glass Street is a terrible location for a rehab center. It is a residential area and the people have a commonality – they are normal, regular, and mostly conservative folks. This facility will change that character. If the application is approved, he said that he would not remain in Suncook.

He said that he is empathetic to the treatment, as his brother and sister both died of heroine overdose. It is not a nice location and there is no way to "fancy it up" and be farmlike or be any kind of a facility that would encourage recovery. It will be a very institutional setting that will be more like a prison than what one might think of as a drug treatment facility. He said that it does not matter how many chaperones they have, but right now there are not 5 drug addicts

walking by his house. He said that there is no way that it will not lower the property values. No one will consider purchasing a home near a drug rehab facility.

Attorney Caron said that the applicant keeps implying that they are a medical facility. He said that medical facilities have rosters with MDs, nurse practitioners, and with Masters and PHDs in substance abuse.

Stephen Fowler, 443 No. Pembroke Road, said he owns the property at 33-35 Glass Street with a mix of tenants, mostly residential. His tenants have expressed their concerns with this facility. He asked if the Applicant would name other agencies that have oversight of their treatment facility other than NH Department of Health and Human Service.

Peter Valley, 20 Church Street, said that he lived in this town all his life. He said the town is like a big family. The Suncook Bank made the village special. It improved the village. Having a drug rehab facility in this town is not right for children, elderly, and even young people. This town does not need a facility like that. This town needs stores, banks, and more things for school children and need to make it safe for them. He asked the applicant to find a facility outside of a town.

Chairman Kudrick recessed the meeting at 9:25 pm.

Chairman Kudrick reconvened the meeting at 9:30 pm.

Chairman Kudrick asked Paul Bacon, Code Enforcement Officer, to read a response from Town Counsel with regard to the clarification of Item #10 of the Table of Uses, Community Facilities, "Hospital, sanitarium, or philanthropic institutions, nursing, rest, or convalescent home hospital".

Mr. Bacon said that they reached out to Town Counsel who had a conversation with the Applicant's attorney. Town Counsel told the Board that the proposed use qualifies as a hospital under Pembroke's Zoning Code definition: "A building providing 24-hour in-patient services for the diagnosis, treatment or other care of human ailments."

Chairman Kudrick asked the Applicant for their rebuttal.

Mr. Branon responded to Richard Booker's report by R. Moyer. After purchasing the study and doing research, he found that the study was done primarily on methadone treatment facilities. He said that the applicant's use is not the primary focus of that study.

Chairman Kudrick asked Mr. Branon to explain the difference between the applicant's use and methadone treatment facilities.

Mr. Gagne said that the methadone out-patient clinic is where someone comes on a daily basis and takes a dose of a medication that is similar to an opioid to inhibit withdrawals in order to engage in the community on a daily basis. The reason why there is a crime statistic associated with that is because large cities, such as Philadelphia, are like an open-air drug market. There is a vast difference between that type of a program and the program that they are intending to use at their facility. The drugs that they may use are to inhibit withdrawal symptoms from a drug such as heroine, in order to make the patient comfortable enough to get through the withdrawal process.

With regard to medical or clinical staff, Mr. Gagne said that their clinicians are licensed and there is also the additional governing body that was mentioned earlier.

Individual's licenses are then governed by the licensing board. In the case of a Master's Level Drug-and-Alcohol Counselor (a/k/a MLDAC), the MLDAC Board would oversee their license and make sure that they are practicing to the highest and best of their license. The same thing for the Licensed Clinical Social Worker and others. The difference is that an individual coming for a daily dose of methadone would not be engaged in talk-therapy. A methadone clinic patient would not take counseling. The reason that there is a crime element with those type of clinics is because while coming on a daily basis to get that dose, they are also engaged with other people who are not looking to take sobriety or recovery too seriously but rather to not feel sick. There are distinct differences between the two types of clinics and the individuals who are coming to the program on a daily basis. The difference is that someone coming to Live Free Recovery Services has to be fully engaged in treatment.

Mr. Gagne said that, with regard to the Kelly Street operation and the police logs, 70 Kelly Street is referred to as a sober home which is very different from the level of care that is proposed for Suncook. At that facility, individuals go out and re-engage in the community. The explanation for the fire logs is that these individuals cook for themselves and set off the fire safety system.

The Suncook facility will have a cook which is part of the licensure process. The patients will not be allowed to cook for themselves per the State Code.

With regard to the police report for the overdose, it was not an overdose. It was an observation of someone that was having chest pains and the staff tried to take that person to the hospital but the patient would not get in the car with a staff member and only wanted to take the ambulance. Because the patient admitted to use that day, it was mistakenly characterized as an overdose.

Mr. Gagne said that they have not had an overdose in that location. If someone relapses, sometimes they have an overdose. After 8 years in the location, one incident of calling an ambulance is very minor.

With regard to the other logs, Mr. Gagne said that he did not think that they were even tied to their property.

Mr. Gagne said that he normally does not go into detail regarding the licensing staff because people usually glaze over. They have a psychiatric nurse practitioner who works at Dartmouth Hitchcock for 35 years and was on their psych unit. She was also responsible for creating their intensive out-patient program. She has been on our staff for 2 years. There will also be staffing patterns which will periodically change. With regard to the oversight question, there is the NH DHHS, the governing bodies for individual licenses, the Bureau of Drug and Alcohol which continuously changes the staffing regulations. For example, the overnight staff may have 1 RN and tomorrow the Bureau of Drug and Alcohol will require 2 RNs. He said that those things always change but very rarely require less staff. The facility's license can be revoked if the facility does not adhere to the licensing requirements. With regard to the ratio of staff per patient, it is up to the State. It is not his call. The State will dictate the required staff which is the RNs and higher.

Mr. Gagne said that with regard to how the Live Free Recovery Services handles people who are leaving, he said that they have an AMA (Against Medical Advice) protocol. The individual's care is of the utmost importance and so they have a cycle of people that meet with that person in order to try to slow that person down from making a fatal decision.

With regard to where the person goes upon leaving, Mr. Gagne said that they are worried about them potentially using one time and dying. He said that the AMA protocol is extremely important to them and is one of the most important things that they do because it directly affects what everyone does. If someone was going to leave regardless of what the staff does, then, rather than the client walking out the door, they would offer to bring them to a particular location. Many times there are crisis access points that are available throughout the State. There is a process called the "Doorway" which will also help that individual get into a crisis support portion. There is very few times that they have ever had someone walk out the door, especially if they did not live locally. If someone is looking to go out and get high, they are not going to stay local because they are not familiar with anything that is here. They are going to try to get back to a location that they are familiar with so they can get what they are looking for.

Mr. Gagne said that his facility is trying to stop that process from ever happening and, from there, get those individuals to a crisis point so they do not make the fatal decision to use and run the risk of possibly dying.

With regard to the fire, police, and EMS and the town report where the cost was \$749 per person, Mr. Branon said they see people frequently make errors on this. That number is the budget for those departments divided over the number of people that live in town. It is the person's cost to have fire, EMS, and police. He said that this facility does not necessarily increase the cost associated with running those facilities. There will be a building that would be occupied, revenue

created through that business and local commerce that will contribute to local taxes. But as it relates to those costs, it is not a linear calculation. Mr. Branon said that unless someone can say that there is a need for an additional capital expenditure as it relates to this project, there would not be additional costs. They would be dividing that budget over more people which, in fact, would result in the cost per person decreasing. It is the same calculation with schools and the concerns with subdivisions potentially bringing in more school children. Unless the development is going to trigger the need for an addition and another teacher, it is actually reducing the likely cost per student in the school. Mr. Branon said that he is a professional that frequently does physical impact studies and he said that they do not anticipate that the cost would go up with any measurable degree. He said that certainly there could be an occasional call to the fire or police departments, but that is what they are there to do. It does not necessarily mean that the Town would need another cruiser or police officer.

Mr. Branon said that it is important to point out that there is a lot of misunderstanding or twisting of how someone views this treatment facility. He said that this is absolutely a public facility. It is open to the public and it is for profit. Anyone who owns a business has to recognize that businesses are for profit. Live Free Recovery Services provides a much needed service in even this community, as mentioned by a few residents.

He said that there was a statement that patients will be bussed into this facility. That might be true. Live Free Recovery Services offers a form of transportation for the people under their care. On occasion they will pick someone up or transport someone. It does not mean that they are bussing people in all the time from other communities. Any form of transportation, the words "bringing people in" can mean from 2 blocks, 2 miles, or 20 miles away or from a different town. This business is open to the public. This is a service.

Mr. Gagne said that the context that was referred to a multiple amount of times was that it was "for profit" in comparison to being "not-for profit". A non-profit has a different word for profit – it is called surplus. If it is "not for profit", and no longer has money, it cannot service the needs of the community.

Mr. Branon said that pertaining to occupancy on the 1st floor, the person was trying to make some correlation between this business and residential housing. This falls under the definition of convalescent care and, therefore, the facility is not a function of a first floor and second floor evaluation.

Mr. Branon said that, although the internet is a powerful tool, it is important that the person who recites from a study must read the contents of that study. Most of the studies say that they are evaluating methadone treatment facilities and, if they are combining them with a residential treatment facility, there will be a potential for an increase in violent crime correlation. Mr. Gagne addressed that earlier when he described the differences in uses.

He said that he believes that Mr. Gagne has appropriately addressed how the facility will be used and staffed and that they will not have vehicles. There is a lot of attention on the clients and on their own safety which ultimately is why they are there. He said that history in an operation and practice speaks volumes and everyone has to have a solid understanding of the proposal in order to understand how the site functions. He said that there is a lot of misunderstanding in association with uses that are not being proposed which is where concerns, in his opinion, seem to lie.

Mr. Gagne said that he has a four-year-old son and his clinical director has a two-year-old daughter that they bring to the facilities. They do not worry about the safety of their children at the facilities. Some addicts may have co-occurring disorders that make them completely irrational. Those disorders are revealed during the inside admissions process such as screening and checking for sex offenders.

Mr. Gagne said that his first concern is whether the programs are safe for the overall neighborhood because some of their programs are located near schools.

Mr. Branon said that property values are an emotional issue and, after 20 years of this type of work, he has found that it is important to provide professional letters from real estate professionals. He said that real estate professionals know how to evaluate property values. There is calculations and computations. This is a mixed use neighborhood, not entirely residential which is what comes to play and is referenced in their professional letters that were provided with their submission. He said that he has not seen a professional letter yet produced from an abutter or a concerned party. He emphasized that the applicant provided professional letters attesting that this project will not have negative value impacts on neighboring property values. His experience in front of zoning boards or legally is that that is what has to be relied on as it relates to property values.

He said that he understands the emotions and concerns. He said that a lot of the concerns are invalid or misaligned because there is still this thought that it could still be a treatment facility that they are not proposing. If the facility was to change, he said that his understanding is that it would have to go before the planning and building departments who would ultimately determine what the approval falls under. He said that he has seen other boards make conditions relative to what they are proposing which is reasonable but it is ultimately not the applicant's job to enforce that down the road necessarily, but what they are explaining and what they are addressing, the professional letters that they provided are associated with the use that they are proposing.

Mr. Gagne said that they are not trying to locate the facility in a city because there is typically not a lot of properties available. The 50 Glass Street site meets the licensing requirements which is not always the case. They chose this facility because it is within a smaller community that is centrally located.

He said that people alluded to the fact that staffing was going to be incredibly difficult but he said that when something is located in an area in a decent proximity, it is also helpful. All their Keene locations are in R1 districts. Some are in high-end residential zones. He said that he likes the fact that by being in an R1 district, the facility does not have a city feel to it and they get a chance to meet and communicate with neighbors. He said that it has been incredibly difficult to form relationships with the City of Manchester. He likes to operate in small locations and there is enough staff that is centrally located to make it possible to staff a facility like this.

Mr. Branon said that the term “Unnecessary Hardship” is not a special exception criteria and, therefore, would not address it.

He said that there was concern about setting precedence. His experience has been that there is a lot of evaluation that this Board does and every project stands alone. They have not seen precedent arguments be very successful over the years locally or even through courts, because each project has its own merits, standings and conditions.

With regard to how long a customer stays at the facility, Mr. Gagne said that, at this facility, they would stay for 30 days and then the case managers and their team would look to get them to step down to one of their locations in Manchester and Keene so the person could get long-care treatment. A person could be in the recovery modes for approximately 18 months.

For housing assistance, their sober-living facilities are all grant eligible. There are 4 different housing assistance programs that help people with recovery housing. The location will depend on how many jobs that they work with. They have employers in trade fields and a few Manchester restaurants that will also employ residents at sober-living facilities. Anyone coming in must be engaged in either volunteer work for employment so they have access to funding in order for them to get on their feet. Once they are employed, then they are covering their own right.

With regard to staff training, they have recovery support certifications for their facilities. The clinical director is able to supervise them and do in-house training, partnered with a certification board. The other licensed clinical positions such as a registered nurse is governed by their license board and the facility.

With regard to participating in community events, Mr. Gagne said that they just sponsored a softball team in Keene. They have the largest donation of the food bank in Keene. They are also taking part in a toy drive project in Manchester and are partnering with Market Basket for a food drive. Mr. Gagne said that this involves sitting outside with a u-haul and filling the list with donations from the public and afterwards, Live Free Recovery Services matches everything on the list from the local food bank and drops it all off at the local food bank. This is the first year that they are doing this in Manchester. They did it in Keene last year and provided toys and Christmas dinner for approximately 14 families. Mr. Gagne said that they try to go where they

are welcomed and do what they can. Their intention is not to take away. They try to give. They even took part in a "Trunk or Treat" which took place after hours and they had 6 staff members of the clinical team dressed in Halloween outfits.

With regard to security, Mr. Gagne said that they are not a locked facility. Only specifically appropriate people will be at this facility. If someone is mentally compromised, they will try to get that person to the services that they need but it is not always with Live Free Recovery. They have cameras in the facility which is part of the licensure process. They must be able to observe medication rooms, hallways, and common areas. They cannot observe bedrooms or private areas which is why they do what is known as Q15s. With regard to security guards, Mr. Gagne said that he has never, in 15 years, been to a place that has required a security guard except in Worcester.

Mr. Branon addressed the question of fencing and the potential of turning a property into swamp land. He said that they are not proposing any changes to drainage patterns for this project. He also pointed out that the proposed white vinyl fence is drawn on the plan as a faint purple line. That fence location was picked to try and maintain a number of non-compliance uses by neighboring properties and provide some separation and comfort. It is a change of use and they were doing it strictly as an offering. He said that if the Board feels that the fencing is not necessary or required, they are not opposed to not doing it. There are driveway encroachments with the neighbor to the East. There are also garden encroachments and other things that are there and would try to work with.

Chairman Kudrick said that those are all Planning Board issues.

Mr. Brannon said that there were comments about avoidable harm. He said that they feel that the operations and explanations are all talking about avoiding harm. People need help and this is a permissible facility by Special Exception. There is a concept that these are bad people. There is a stereotype tonight that is arrogant. These are people - sons, relatives. And it is unfortunate that people have access to addictive drugs, and there needs to be an interest in helping people and making it better. It's not a linear association to harm. Mr. Brannon said that he does not think that anyone has provided a study that actually speaks to the use that they are proposing. This is not what many people call "legal drug dealing" referring to methadone clinics where people go and get dosed. What they are proposing is different.

Cathy Roche, 9 Middle Street, said that in this case, she is arrogant and animated but it is because this is her home and does not want the aesthetics and character of Suncook Village changed. She said that this proposal would definitely change it. It would no longer be the quaint little visiting downtown village area to walk and shop in anymore. She said that Suncook lost a number of businesses in the past and she does not want to see anything else leave because the Village is now growing. If asked, she said that anyone on the Meet Me In Suncook Committee would agree. That Committee markets this whole area for people to come and

partake in what the Village has to offer which she does not think would be substance addiction counseling.

Ms. Roche said that she agrees that what the applicant has to offer is extraordinarily valuable but not in this historic village area. If the applicant had proposed to locate on Pembroke Street or on Route 106, she would have been 100% behind them. She explained that Suncook Village is about the residents, the history, and how fantastic the progress that is being made to the mills building. Those type of positive improvements in the Village area are very important. She said that she does not want to see that change.

Chris Glenn, 425 No. Pembroke Road, said that if there is an issue, EMS will be called. There will be an increase in EMS activity with a facility such as this. He said that there is no business tax, only property taxes which would show the increase. With regard to the 2 realtor letters, Mr. Glenn said he would like to know any personal or business-related items that the applicant has conducted with those companies and whether they are objective or subjective.

John Seemon, 179 Buck Street, noted that it was said that the site would be open to the community. Is this something where someone could walk into the facility and receive treatment? What percentage of residents of this town does the applicant expect to be occupying the facility. If it is an insignificant percentage, then an argument could be made that it is not a significant benefit to the Town of Pembroke.

The applicant stated that they provided 2 professional letters but he noticed that there has been no substantial data provided for their arguments. He said that they provided 2 separate studies that show property value decreases. Although they are conflicting studies, they ultimately show the decrease in property values associated with these types of facilities. He added that letters of recommendations can be biased and are no different than public statements. It can be stated that they are from a licensed professional that is providing services but one can make the argument that if the applicant had business dealings with these people, there could be a form of bias associated with it.

In his opinion, the applicant has not shown any significant data as to the facility's benefit to this town or the benefit to the facility that this might impose. He pointed out that the sole responsibility of providing data to the Zoning Board should not fall on the residents of this community. It should fall on the applicants. He also said that he is not fundamentally opposed to this type of facilities if it was located on Pembroke Street or Route 106 or if the applicants worked with the community on modifying their current special exception application and came up with an amenable proposed use that would be a significant benefit to the Town and be in line with business values and the propensity to actually make a profit in this community.

Peter Valley, 20 Church Street, said that he owned a security business and was also a police officer. He said that a facility such as this needs security in case someone becomes violent. He pointed out that even hospitals, nursing homes and businesses have security.

Clay Ellis, 68 Glass Street, said that with regard to the usage of the parking lot and grass space for activities other than parking is a concern. Basketball or gardening does not fall in line with a medical outside use. He also said that the applicant brought up his driveway as an encroachment. Mr. Ellis said that it is in the deed and honoring that is not a courtesy.

Chairman Kudrick said that the driveway and use of the parking lot is discussed at the Planning Board level.

Jessie Mertze, 123 Main Street, said that methadone and suboxone finds its way to the street from rehab centers. People at the peak of their addiction would be coming here because it is a detox center. This is their first step. So they are the worst of the worst. He said that this is going to drain Pembroke's already taxed police and fire services. It will not bring money to the Town but it will cost the Town. He felt that the reason the applicant does not need security is because they would merely call the police. He did not feel that studies are necessary to prove that property values will decrease because, in his opinion, it is common sense and that is why all these residents attended this meeting.

Katie Booker, 8 Millard Street, said that the applicants never fully completed the answer as to why they chose this town other than it being a convenient location for their workers and that they like to work with small communities. To that point, Ms. Booker said that Keene has a current population of 22,302. In comparison to Pembroke with a population of 7,227 with the dense majority of the population in Suncook at 4,975. She also asked the Board to consider Allenstown with a population of 4,772. When Pembroke and Allenstown are added together, it still does not add up to Keene's population. Pembroke is much smaller than Keene.

Kelly Bokhan, 4 Kimball Street, said that with regard to 70 Kelly Street as a sober living facility, she asked if they graduated from the live-in recovery program because, if so, she said that there was an overdose in the last year. The applicant said that there had been only 1 overdose in 8 years. Ms. Bokhan asked if that was in fact true because she will be looking back at data of the past 8 years.

She also said that the Applicant mentioned that there was someone on site that one of these incidents was called from and she asked if it was the incident on 10/24/22, 10/31/22, or yesterday.

Ms. Bokhan also said that the Applicant mentioned that the residents had not provided any letters from professionals. The letters that the applicant provided have a direct stake in their business of

real estate transactions and rentals. She said that she is in housing, is a professional, and did provide a letter.

REBUTTAL:

Mr. Gagne said that the incident that was characterized as an overdose was actually a concerned call based on their staff. With regard to the other incidences that Mr. Bokhan spoke off, he could not respond because there was no context provided.

Mr. Branon said that they are not proposing any outdoor activities at this facility. The parking lot will be used for parking and there are no plans to do any gardening or outside activities with the green space. Smoking will occur at a specified location on the North side of the building.

Mr. Branon said that it is difficult to determine the percentage of the community that will use the facility because he does not know how many are in need of the service, but it would be open to the public. He said that there is a lot of context that needs to go into consideration when it comes to studies. No one presented a study that was performed in New England. The studies were in Seattle, New Jersey, Philadelphia all with blended uses proposed. He said that he has not had an opportunity to review a study that has been discussed and that specifically speaks to this proposed use.

With regard to security, Mr. Branon said that this applicant has been operating for 15 years and would certainly not put his employees at risk. If there was an actual need for security or a police officer, there would be one there. This is a treatment facility that screens the people that come into their facility in order to make sure that they are good candidates. He said it is unfortunate that people cannot offer the same respect that the applicant did.

Chairman Kudrick thanked everyone for being courteous because he realized that it was a very emotional issue.

Chairman Kudrick summarized the case. This is **Case 22-09-Z** A request to allow a residential detox facility at the former site of the TD Bank. They talked about the Suncook Bank having started on the site in 1954. The new owners had problems finding someone to rent it because of the economy. Live Free Recovery Services came in and worked with the Town, Fire, Police, and other services and the neighbors in the area. They had an on-site meeting. They have 3 locations – 2 in Manchester and one in Keene. They say that there is a need because of the drug addiction problem. They are contracted with Medicaid. The residents will not be allowed to leave the site. The employees will only be able to leave the site. They explained that the facility will be used to break the cycle of addiction. No one will be allowed to walk off the site. They read 2 letters into the record that state that property values will not diminish. They took a large amount of time explaining the difference between the drug treatment centers that are available. There will be less traffic at the site than when it was a bank because patients will not have vehicles. The inside

of the building will be redesigned. There will be employees on the site. Residents were very concerned about the children and the elderly in the area and that some people would move out. They talked about how buyers would not look at this town to live in because of the treatment facility. Employees will be licensed by the State, and are governed by the State of New Hampshire. There was discussion on how many people would be working on site versus how many would be residents. There were things said that would be discussed at the Planning Board level because the ZBA is only looking at the use of the site. Many people talked about how great the village is and that they have been working hard to make the village better. They do not want to move out but this facility could make them move out. Most people do not have a problem with the facility but only with the location. They would prefer seeing it on Pembroke Street or on Route 106. The applicant answered, to the best of his ability, all the questions from the Town's people.

An audience member asked what the next step would be.

Chairman Kudrick announced that the Board will decide all cases within 30 days. Notice of decision will be posted for public inspection within 5 business days of the decision and will be sent to the applicant. The Board will approve, deny or continue the deliberation. No comments will be taken from the audience. He said that once he closes the hearing, no one can speak but they can stay and hear the deliberations.

The audience member asked how the decision would be relayed to the public.

Chairman Kudrick said that the Board may decide tonight, but if the meeting is continued it will be at the next meeting. The decision would also be posted for public inspection.

The Applicant had no further comments.

Member Carlucci said that he wanted to talk about some economic analysis that he came across regarding substance abuse treatment centers. In 2019, Market Watch explained that values could fall anywhere from 3.4% to 4.6% in the areas where treatment centers were built. He also found a 2019 article with the National Bureau of Economic Research that posted the same information. The Multiple Listing Service (MLS) in Virginia determined that neighborhood drug treatment centers could affect the values by 8-17%.

Mr. Branon said that the data that was read was not shared and they did not have an opportunity to look at it. He repeated that the entire context of the presentations have been questionable and he wondered if the reports speak of the same treatment facility that is being evaluated because he has a report that shows that this type of treatment facility would not have a negative impact and one was submitted by an abutter who supports that. He reiterated that they produced letters from professionals and he does not often experience a situation where a board member has done research that is not shared. He said he did not know how to take that.

Chairman Kudrick said that it is just more information that is being brought up like the other information from all the other people.

Mr. Branon asked for a copy of the data, which Member Carlucci handed to him.

Chairman Kudrick said that he will be ending this hearing because they have a limited amount of time to occupy the school cafeteria and the Board still has one more case to hear.

Chairman Kudrick said that this hearing is officially closed at 10:49 pm.

He said that the Board will approve, deny or continue the deliberation. No comments will be taken from the audience. He said that once he closes the hearing, no one can speak but they can stay and hear the deliberations.

He resummarized the case: This is a Special Exception for TD Bank to be turned into a treatment and detox facility. Many people talked about how great the village is and were concerned about the children and the elderly. They all agree that there is a problem but they would like to see the treatment center located somewhere else. A lot of information was brought up on the valuation of properties but, like all the other cases that the Board has, the valuation of property is very hard unless there is proof from a number of realtors, etc. The people are concerned and he is very happy that the people came out and discussed this. He is glad that they are concerned about the village area. The applicant answered as many of the questions that he possibly could and did a very good job of answering the questions.

Chairman Kudrick asked the Board if they wanted to continue the case or go on.

Vice Chairman Hebert said that he did not think that the Board could make a decision without extensive deliberations and discussions. In order to digest everything that was presented, he felt that it would be beneficial to continue it.

Mr. Bacon said that the janitor informed him that they close the building at 11 p.m.

MOTION: VICE CHAIRMAN HEBERT MOVED TO CONTINUE DELIBERATIONS OF CASE 22-09-Z TO THE NEXT MEETING, DECEMBER 19, 2022. SECONDED BY MEMBER CARLUCCI. UNANIMOUSLY APPROVED.

Chairman Kudrick said that anyone can attend but there will be no questions or answer by the audience. They will make arrangements to hold the hearing at the Pembroke Academy cafeteria again.

Case 22-10-Z A request has been made for an **Appeal of Administrative Decision under Article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions, §143-112, Appeal of a decision made by the Code Enforcement Officer.** The applicant, Pedro Avila, P.O. Box 1681, Concord, NH, 03302 is appealing the **Denial of a Building Permit** by the Code Enforcement Officer to build on a Class VI road. The applicant seeks a determination by the Board to establish that the lot is a buildable lot in accordance with §143-103. The property is owned by Kenneth Clement and is located at 653 Sixth Range Rd., Map 561, lot 91, in the R-3 Rural/Agricultural-Residential District.

Applicant: Pedro B. Avila
PO Box 1681
Concord, NH 03102

Property Owner(s): Kenneth R. Clement

Property Address: 653 Sixth Range Road
Tax Map 561, Lot 91 in the R-3 Rural/Agricultural-Residential
Zoning District.

Included in the Member Packets: Application for an Appeal from an Administrative Decision; Authorization Letter dated August 24, 2022 from Kenneth Clement; List of Abutters; Zoning Board of Adjustment Fee Schedule Worksheet; Tax Map; Assessment Card, Range Road Subdivision Plans (2).

Present: Pedro B. Avila

Chairman Kudrick continued the hearing at 10:55 pm.

Chairman Kudrick summarized the case as follows: The Applicant would like a permit to build on a Class VI road. The building inspector denied it because of the Zoning Ordinance. Others who tried to purchase the lot and build on it were also denied a permit. There was talk about storm drainage, water problems, and maintenance of the road. The Board continued the meeting because they had a discussion with Town Counsel.

The NH Supreme Court required the Town to issue a building permit to Mr. Clement. Court Orders do not expire so the order still stands today. Refusal to issue the permit would expose the Town to a claim of contempt. The Town only recently became aware of the Court Order which was why the Town granted the permit when it had previously been denied to others.

In the original case, Mr. Clement sought 2 variances for a fence and a shed. The fence variance is not relative. With regard to the description of the shed, Mr. Clement later admitted during his case that his real intent was not to build a shed, but a residence. He requested a variance from the ZBA to build on a Class VI road and was denied. He was also denied a building permit under §674:41.

On a court appeal, Mr. Clement's lot was created before the Town Zoning Ordinance required a Class V road frontage. His lot was non-conforming and he had certain vested rights and, therefore, did not need a variance to comply with the Class V frontage. The Court also ruled that the §674:41 did not apply and ordered the Town to issue the requested building permit for the residence. Because of the Court Order, the Town cannot require Mr. Pedro to follow §674:41 and go to the Board of Selectmen. The Town must issue the permit.

He continued to say that when a motion is made, there is a condition that the Board can put on it. Chairman Kudrick said that he understands that other people also tried to get a building permit and were denied because the Board understood that the law did not allow building on Class V road. Mr. Clement took the issue to Court and that is why Mr. Pedro is here tonight.

James Quinn, 649 Sixth Range Road, said that he read everything that the Town had and he understood that it was only for a shed. There is a huge difference between a residential building and a shed.

Chairman Kudrick agreed but while in Court, Mr. Clement admitted that he really meant a residence and the judge ruled it to be a house. It had nothing to do with hardship. It was because it was done before the Town Zoning Ordinance was in place for the Class V ruling.

Chairman Kudrick said that it was not discussed as being a house when it came to the Town, but upon reviewing the Court Order it was revealed that the Court, not the Town, ruled in favor of giving Mr. Clement a building permit. There is nothing that the Zoning Board can do.

Mr. Quinn asked if he could appeal the decision.

Chairman Kudrick said that he has 30 days to appeal the Zoning Board decision even though it is a Court Order.

Mr. Quinn asked if he could get a copy of the Court Order.

Mr. Bacon agreed to email Mr. Quinn a copy.

Jennifer Hoxie, 654 Sixth Range Road, said that on the Vision property listing on the Pembroke website, it states that the lot is rolling in wetland. Do the wetlands come into play with the Zoning Ordinance? Is there a special permit to build on wetlands?

Chairman Kudrick said that he has the right to get a building permit, but once he does, he has to follow all of today's Town rules and regulations such as wetland, set backs, etc. It does not have to go in front of the Planning Board. He would have to bring a site plan to the Building Inspector and the Building Inspector would go to the site and see where the driveway and house is planned to go. The Court Order merely says that he can receive a building permit to build a house somewhere on the lot.

Ms. Hoxie said that the Pembroke Zoning Ordinance says "the wetland protection regulations shall be considered as having preference over all other regulations in any area designated."

Mr. Bacon said that it no longer matters what Pembroke's Zoning Ordinance says, because the judge has ordered the Town to issue a permit.

Mr. Bacon said that Mr. Clement represented it as a shed to the judge but it became apparent at the hearing that Mr. Clement actually intended to build a residence, and the judge acknowledged that.

Stephen Smith, 605 Borough Road, said that when the building permit is issued, what about the other people in the past that came to the Town for a permit to build a home on that lot?

Chairman Kudrick said that Mr. Clement challenged it by taking it to Court.

Chairman Kudrick said that the ZBA did not know Mr. Clement had taken it to Court and received this decision. As far as the Board knew, they were following the regulations at the time which said that you could not build on a Class V road. It is only recently that the Board found out about this. If Mr. Clement had built his house in 1994-1995, there would be no questions. Because the Court has ordered that he can build on that lot, even if he waited another 20 years, he could still build.

Mr. Avila apologized to everyone. He said that when he began the process, he did not realize the sentiment that was attached to the property. He said that he sent all the abutters a letter and did not mean to be disrespectful by attaching a gift card to it. Having done plan development in the past, he realized that the first thing to do is to talk to the abutters. He said that he also gave them his personal cell phone. He appreciated that everyone took the time to read his letter. He said that he wants to live around people like those that were present.

Karen Yeaton, Church Road, asked if it was correct that the Town is not obligated to upgrade the road and that the Town is also not obligated to allow permission to anyone else to upgrade the road.

Chairman Kudrick and Mr. Bacon said yes to both statements.

Ms. Karen Yeaton said that when building permits that have come up before the Selectboard on Class VI roads, part of the approval process has been a requirement for the landowner to sign a waiver that says that the Town is not responsible for any damages that may occur as a result of life saving services that cannot be provided to that home because there is no road to traverse. There is no road for the fire truck, police cruiser, or the ambulance to traverse on, in order to save lives that will not be in place and this waiver is signed by the property owner saying that they acknowledge that and that the Town is not liable if a life is lost as a result of those services not being provided. She asked if that could be a condition that could go along with the ZBA's approval.

Chairman Kudrick said that there is a condition that the ZBA has that the Town has provided that the Board will add to this case. He said that this case is a little different than others, but basically there is §674:41 that covers exactly what Ms. Yeaton said. He also said that they cannot enforce all the conditions of the RSA because the Court said no, but the ZBA does have a waiver that the property owner must sign which is similar and will cover these issues.

Chairman Kudrick said that he would not summarize the case because it was already done.

Chairman Kudrick stated that the Board will decide all cases within 30 days. The Notice of Decision will be posted for public inspection within 5 business days of the decision and will be sent to the applicant. The Board will either approve, deny, or continue deliberation on the case. No comments will be taken from the audience.

The hearing was officially closed at 11:11 pm.

The following motion is in reference to Case 22-10-Z, an appeal to an administrative decision having been presented to the Board for consideration. The Applicant is seeking to reverse a building permit denial to construct a single-family home on a lot of record situated on a Class VI road.

MOTION: IN REFERENCE TO CASE 22-10-Z, AN APPEAL TO AN ADMINISTRATIVE DECISION, VICE CHAIRMAN HEBERT MOVED TO REVERSE THE DENIAL OF THE CODE ENFORCEMENT OFFICER. THE ACTIONS OF THE BOARD IN REVERSING THIS DECISION DOES NOT, BY ITSELF, FORMALLY ISSUE A BUILDING PERMIT. THE APPLICANT MUST OBTAIN A BUILDING PERMIT THROUGH THE BOARD OF SELECTMEN. THE CONDITIONS TO APPLY TO THIS CASE ARE AS FOLLOWS: BEFORE THE BUILDING PERMIT IS ISSUED, THE APPLICANT MUST COMPLETE AND RECORD AT THE MERRIMACK COUNTY REGISTRY OF DEEDS, THE RELEASE OF LIABILITY WAIVER AS OUTLINED IN §674:41. SECONDED BY ALTERNATE MEMBER MINER. THE MOTION WAS UNANIMOUSLY APPROVED.

Mr. Bacon said that the Board of Selectmen have not approved the waiver yet, but the Board has the document.

IV. Approval of Minutes – October 24, 2022

MOTION: VICE CHAIRMAN HEBERT MOVED TO APPROVE THE OCTOBER 24, 2022 MINUTES WITH ANY AND ALL AMENDMENTS AS WRITTEN. SECONDED BY ALTERNATE MEMBER MINER. UNANIMOUSLY APPROVED.

VI. Adjournment

MOTION: VICE CHAIRMAN HEBERT MOVED TO ADJOURN THE MEETING. SECONDED BY MEMBER PARADIS. UNANIMOUSLY APPROVED.

The meeting adjourned at 11:15 pm.

Respectfully submitted,
Jocelyn Carlucci
Recording Secretary

*KA.M.P. LLC
Maria Giakoumakis
PO Box 634
Windham NH 03087
603-703-1252*

August 20, 2022

To whom it may concern,

I have been a real estate investor and/or a licensed realtor in the State of New Hampshire since 2003. I also own and manage over a 100 units in Southern New Hampshire. I have unique experience, having represented similar operators in real estate transactions, and having rented real estate I own for supportive housing. The operators take great care in the maintenance of the property, and conform to the neighborhood standard.

It is my professional opinion that based on the property having been used for congregate housing in the past in form of a convalescence home, the proposed new use will have no impact on local property values. On the other hand, I can say with my experience that if the property is left vacant, it creates a negative impact on neighboring properties. I personally have done business with this organization and have rented homes to this company and neighbors have come up to me to express their gratitude for such outstanding neighbors. My property value as well as neighbors property values have had no negative impact.

Thank you,

Maria Giakoumakis
Maria Giakoumakis



October 24, 2022

RE: 50 Glass Street, Pembroke NH 03275
Professional Opinion of Value as of October 24, 2022

To: Town of Pembroke Planning & Building Department,

eXp Realty is providing this letter of opinion, in regard to the "Highest and Best" use of the property at 50 Glass Street, Pembroke NH 03275 as of October 24, 2022.

The current owners propose to use the subject property as a conjugate care medical facility during the day and with drop-off overnight patients but no vehicle parking to be allowed for patients, just for staff parking. This proposed usage will have significantly less traffic flow than the previous bank parking volume of walk-in customers combined with drive-thru traffic.

Please note, the adjacent property located at 46-48 Glass Street owned by Dr. Steven H Kaitz & Deborah J Kaitz has been occupied as a medical primary care facility since 1997, a similar use facility, including patients with prescription needs for drug-related issues., with no adverse effects or negative effect on the property values of the immediate neighborhood.

The 1.36-acre parcel has been used as a commercial bank for the last 50-plus years. It is currently vacant.

The proposal to change the use of the subject property to similar business use as 46-48 Glass Street, should not adversely affect or diminish the property values. given the similar use of 46 Glass Street since 1997.

FYI, Keeler Family Realtors purchased the abutting property at 46 Glass Street in 1977 until the sale to Dr. Kaitz in 1997 so I am very familiar with the area property values since I obtained my real estate license in 1997.

Based on these facts, it is my professional opinion that the proposed usage would not adversely affect or diminish the property values of properties in the immediate area and provide the "Highest and Best" use of the property.

Please feel free to contact me with any questions at 603.688-1006

Yours in service,

A handwritten signature in black ink, appearing to read 'Patrick Keeler', written over a horizontal line.

Patrick Keeler
eXp Realty
patrick.keeler@exprealty.com
NH Broker #001198

170 Commerce Way, Suite 200
Portsmouth, NH 03801
Talk or Text: 603.688.1006
888.398.7062 X:108



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Scott Godzyk What's going on Manchester NH? Community News and Alerts ...

December 24, 2021 ·

MANCHESTER NH POLICE LOG - FRIDAY 12/24/21 - WHAT DID I MISS LAST NIGHT WHEN I WAS SLEEPING? Our popular daily post that Lets you see what we missed from the Police log from last night. Please LIKE and SHARE this post. Thank you

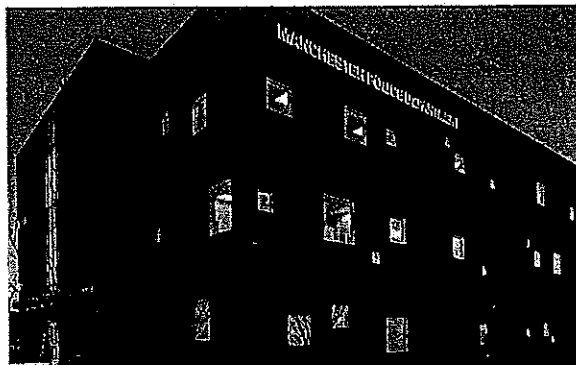
FRIDAY 12/24/21**

12:25am VIOLATION OF BAIL - ELLIOT HOSPITAL
12:31am OVERDOSE 342 Myrtle St
12:45am 911 HANGUP CALL 462 Granite St
12:49am MV PURSUIT Amory St / Coolidge Ave
12:55am FIGHT Union St / Grove St
1:21am ALARM BURGLARY Best Buy (Mall of New Hampshire)
1:26am ALARM BURGLARY 102 Spruce St @EVEN PAR CLUB
1:30am NEIGHBOR COMPLAINT 501 Clay St
1:32am TRAFFIC STOP HILLSIDE MIDDLE SCHOOL
2:02am TRAFFIC STOP Beech St / Valley St
2:56am UNWANTED SUBJECT 700 Elm St DOUBLETREE HOTEL
3:21am DISORDERLY CONDUCT IN PROGRESS RITE AID MCGREGOR ST
3:25am DISABLED MOTOR VEHICLE Front St / 293 N Off Ramp
4:53am CHECK VEHICLE 496 Currier Dr
7:03am ALARM BURGLARY 1050 Gold St @ENTERPRISE

12/23/21

11:17pm FOUND CHILD UNDER 12 YOA Elm St / Menimack St
10:43pm ACCIDENT HIT AND RUN 484 Chestnut St @ALLEY CAT PIZZA
10:24pm FIGHT Auburn St / Lincoln St
10:19pm TRAFFIC STOP Bridge St / Chestnut St
10:16pm TRAFFIC STOP Union St / Hanover St
10:16pm THEFT 131 English Village Rd
10:15pm ALARM BURGLARY NORTHEAST DELTA DENTAL STADIUM
10:05pm TRAFFIC STOP Bridge St / Union St
10:05pm ALARM BURGLARY 87 McGregor St @CMC
10:04pm ALARM BURGLARY 75 N Adams St
9:57pm TRAFFIC STOP Granite St / Canal St
9:55pm TRAFFIC STOP Manchester St / Lincoln St
9:50pm UNWANTED SUBJECT 777 S Willow St @NEWBURY COMICS
9:49pm UNWANTED SUBJECT 14 Pearl St @BREEZEWAY PUB
9:40pm ACCIDENT 1265 S Willow St @SUNOCO
8:08pm OVERDOSE 70 Kelley St @LIVE FREE SOBER LIVING
8:06pm FRAUD 456 Beacon St
8:02pm THEFT Dick's Sporting Goods
7:56pm SHOPLIFTING macy's
7:53pm ACCIDENT Webster St / Union St
7:39pm ACCIDENT
7:29pm ALARM PANIC 275 Green St
7:28pm ACCIDENT Webster St / Union St
7:12pm ACCIDENT Pine St / Hanover St
7:09pm ACCIDENT Mall of NH
6:49pm UNRULY JUVENILE 66 Nashua St
6:38pm PROWLER 255 Reed St
6:15pm BURGLARY ATTEMPT 618 Hevey St
6:10pm SHOPLIFTING HOME DEPOT

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#ManchesterNHPoliceLog



42

9 Comments 2 Shares

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Manchester Information



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In response to social media statements shared this afternoon, Mayor Craig and six Manchester aldermen have released the following statement:

"The statements and actions of Alderman-at-Large Joseph Kelly Levasseur and Aldermen Michael Porter are an embarrassment to the people of Manchester and an insult to everyone who is working to bring positive change to our city, state, and nation. ... See more

388

418 Comments 115 Shares

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Manchester Information

November 23, 2020 · 🌐

JFK Arena Could Become Temporary Homeless Shelter As City Looks To Approve Spending \$1.1 million for JFK Winter Emergency Shelter operations



UNIONLEADER.COM

Special meeting called to discuss using JFK Coliseum as winter homeless shelter
City aldermen will consider leasing out the JFK Memorial Coliseum ice arena on Beech Street f...



You, Keith Nadeau and 371 others

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Incident Date:

Between ▾

06/14/2022

to

11/28/2022



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+ New

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☐ Select All Records (3)

Results Per Page 25 ▾

1 - 3 of 3



Order By: Alarm Date/Time ▾

Newest First ▾

Shift Battalion 2	Validity 100	Incident Number 2223202
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Incident Type Rescue, EMS incident, other	Apparatus ID ALS3, E6
--	--------------------------

Incident Address 70 Kelley Street	Alarm Date/Time 10/31/2022 22:10:14
--------------------------------------	--

Initial CAD Incident Type Description Continuous or Multiple Seizures
--

Status Initial Report - Completed

Shift Battalion 3	Validity 100	Incident Number 2222666
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Incident Type EMS call, excluding vehicle accident with injury

Apparatus ID ALS3	Incident Address 70 Kelley Street	Alarm Date/Time 10/24/2022 23:57:33
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Initial CAD Incident Type Description ASSAULT OVERRIDE 4-B

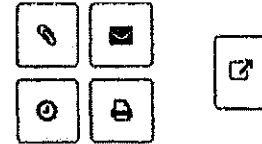


Status
Initial Report - Completed

Shift Battalion 1	Validity 100	Incident Number 2215509
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Incident Type
EMS call, excluding vehicle accident with injury

Apparatus ID ALS2	Incident Address 70 Kelley Street	Alarm Date/Time 07/26/2022 08:01:14
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Initial CAD Incident Type Description
Psbly Dangerous Body Area 17-B

Status
Initial Report - Completed

Results Per Page 25 v

1 - 3 of 3 < >



8081

ELESS ISSUES

Time: 11/27/2022 00:37
Location: 394 Second St: @FAMILIES IN TRANSITION #394
Details: 22098083
NEIGHBOR COMPLAINT

Time: 11/27/2022 00:37
Location: 70 Kelley St: @LIVE FREE SOBER LIVING
Details: 22098082
CHECK CONDITION OF SUBJECT

Time: 11/27/2022 00:53
Location: 1097 Elm St: @MCGARVEYS
Details: 22098084
ARGUMENT


Time: 11/27/2022 00:53
Location: 101 DUBUQUE ST
Details: 22098085
NEIGHBOR COMPLAINT

Time: 11/27/2022 01:08
Location: ELM ST / LOWELL ST
Details: 22098086
HOTSPOT PATROL

Time: 11/27/2022 01:38
Location:



Manchester Incident Alerts · Follow

Feb 28, 2021 · 

ENG6, TRK6, CAR1
CHARLIE RESPONSE
70 KELLEY ST
CENTRAL STATION ALARM
FIREGROUND TAC4



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Notifications



Menu

- (e) Portable space heating devices shall be prohibited, unless the following conditions are met:
 - (1) Such devices are used only in employee areas where personnel are present and awake at all times; and
 - (2) The heating elements of such devices do not exceed 212 degrees Fahrenheit.
- (f) Unvented fuel-fired heaters shall not be used in any ALR-RC.
- (g) Ventilation shall be provided in all enclosed living areas by means of a mechanical ventilation system or one or more screened windows that can be opened.
- (h) Each resident bedroom shall have natural lighting provided by at least one operable window with a screen to the outside, which is of a size equivalent to or greater than 8% of the room's gross square footage.
- (i) The number of sinks, toilets, tubs, or showers shall be in a ratio of one for every 6 individuals, unless household members and personnel have separate bathroom facilities not used by residents.
- (j) All showers and tubs shall have slip resistant floors and surfaces which are intact, easily cleanable, and impervious to water.
- (k) All hand-washing facilities shall be provided with hot and cold running water.
- (l) Bedrooms shall have at least 100 square feet for each resident in each private bedroom and at least 80 square feet for each resident in a semi-private bedroom, exclusive of space required for closets, wardrobes, and toilet facilities.
- (m) Bedrooms in an ALR-RC licensed prior to 4/3/2008 shall:
 - (1) Be exempt from (l) above;
 - (2) Provide at least 80 square feet per resident in a private room; and
 - (3) Provide at least 70 square feet per resident in a semi-private room.
- (n) Each bedroom shall:
 - (1) Contain no more than 2 beds;
 - (2) Have its own separate entry to permit the resident to reach his or her bedroom without passing through the room of another resident;
 - (3) Have a side hinge door and not a folding or sliding door or a curtain;
 - (4) Not be used simultaneously for other purposes;
 - (5) Be separated from halls, corridors, and other rooms by floor to ceiling walls;
 - (6) Be located on the same level as the bathroom facilities if the resident has impaired mobility as identified by the RAT; and
 - (7) If a licensed bedroom is temporarily being utilized for another purpose, it shall retain the capability of being restored to meet the requirements of a licensed bedroom within 24 hours and without requiring additional construction or renovation.
- (o) The licensee shall provide the following for the residents' use, as needed:

