

**Board Members Present:** Chairman Paul Powers, Vice Chairman Andy Kohlhofer, Ex Officio Roger Barham, and Members Jack Karcz and Tim Lavelle and Alternate Member/Administrative Assistant Leanne Miner present in the basement meeting room.

**Also Present:** Jenn Rowden Rockingham County Planning Commission (RPC); Applicant and Representation including Barry Gier, Jones and Beach; Thomas Nisbet, Applicant PPM Fremont Holdings LLC, Joshua Lanzetta, Esq of Bruton & Berube, PLLC and Brian Stoesz M.S.

## **I. WELCOME**

Mr. Powers opened the meeting at 7:02 PM.

## **II. MINUTES**

**Mr. Karcz made a motion to approve meeting minutes for May 19, 2021. Mr. Kohlhofer seconded the motion. The motion passed 4-0-1 with Mr. Lavelle abstaining.**

## **III. NEW BUSINESS**

**Conditional Use Permit – Public Hearing - Map 003-037-003.** The Applicant PPM Fremont Holdings has submitted a Conditional Use Permit application to construct a Multi-Use Development at Map 3, Lot 37-3 on Spaulding Road in Fremont NH. The Applicant PPM Fremont Holdings, LLC c/o Bruton & Berube, PLLC seeks to construct one (1) building located on 5.3 acres which will include two (2) residential townhouses and two (2) residential Boarding and Care Facilities consisting of a sober living facility or “sober house”.

Mr. Lanzetta provided an overview of the permit request, he stated that they are before the Board for a very limited purpose, to evaluate a Conditional Use Permit and the Conditional Use Criteria. There was a presentation starting with views of the property and a proposed sketch plan. Mr. Nisbet gave a brief introduction of himself and his personal history as a business owner in Fremont and his experience with sober houses. Mr. Stoesz spoke next providing a brief background of his personal addiction and his long-term experience in the drug and alcohol treatment business. Mr. Stoesz explained that he has participated in 9 Zoning Board meetings to present information and answer questions to other Boards. Mr. Stoesz stated that New Hampshire is #3 in the nation for opioid addiction and dead last in New England for providing services to help people. He explained that there are 3 levels of facilities and the one that they propose is the lowest level, with most residents having been functioning in society before becoming addicted. They propose 2 building with 12 residents in each, staffed 24 hours a day, residents will be working 20 hours a week and will also work with the State program Recovery Friendly Work Initiative. Mr. Stoesz stated that the sober house would only take residents that were at least 30 days sober and there is a zero-tolerance policy. He explained that sober houses do not provide treatment programs, but rather a safe place for people to transition back to a normal life with support.

Mr. Lanzetta spoke to the Board regarding the Conditional Use Permit application stating that the permit is in compliance with Town ordinances and that this residential use would be the least invasive use for this property. This ended the presentation and there was a pause for questions and comments from the Board and RPC.

Ms. Rowden (RPC) reviewed the application and thought it was complete. She noted that there was enough parking for these units and inquired if there is enough room to expand parking if needed. The Applicant's engineer responded in the affirmative. Ms. Rowden also inquired about signage and the applicant responded that there will not be signage. Her last question was will there be any meetings held there and the answer was no.

**Mr. Lavelle motioned to accept jurisdiction of the application for Conditional Use to construct a Multi-Use Development at Map 3 Lot 37.003 on Spaulding Road. Mr. Barham seconded, and the motion passed 5-0.**

**Mr. Barham motioned to open the public hearing for a Conditional Use Permit for Map 3, Lot 037-003 to the public. Mr. Kohlhofer seconded the motion and the motion passed 5-0.**

Mr. Powers stated that the Board received 2 letters which are from Fremont residents, and they are both in favor of this facility.

Shannon Martin of 62 Spaulding Road, the landowner next to the proposed site. Ms. Martin spoke against the use of this parcel for sober housing. She had questions regarding whether they will pay taxes and about the strain on the Town services, also how will residents travel as the town has no public transportation. She has concerns about this use and the residents staying there in a residential area.

Mr. Barham addressed some of these questions regarding emergency services for overdosing and noted that Fremont has a drug problem like most towns, and sober houses provide a safer place for people in recovery.

Mr. Lavelle and Mr. Kohlhofer also spoke in favor of the proposed use. Mr. Kohlhofer also noted that in his experience residents often don't realize there is a sober house in their neighborhood.

Though not applicable to the current application, the Applicant was advised that septic design/loading should be based on use. Also since the project is in the Aquifer Protection District they should be aware of impervious surface limitations (15%).

No other comments were received.

**Mr. Lavelle motioned to close the public hearing for a Conditional Use Permit for Map 3, Lot 037-003 to the public. Mr. Barham seconded the motion, the motion passed 5-0.**

Mr. Stoesz responded to the question of transportation for clients. He stated that there would be a van and driver to help clients, and many would have vehicles.

Mr. Nesbit stated that the property is owned by PPM Fremont Holdings, and they will continue to pay the taxes on the property. Journey for Life will lease the property. It is a nonprofit and will not pay federal taxes, but all employees would pay taxes.

Ms. Miner read department comments provided as follows:

Police Chief – *No issues.*

Road Agent – *Driveway permits needed before construction.*

No other department comments were received.

Ms. Miner noted that public notice was given as follows:

Legal Notice in the Union Leader – 5/13/21

Town Hall – 2 postings on 5/10/21

Post Office – Posted on 5/17/21

Abutter Notices – Mailed on 5/17/21

**Mr. Lavelle motioned to grant a Conditional Use Permit for Map 3, Lot 037-003 on Spaulding Road in Fremont NH to Applicant PPM Fremont Holdings, LLC to construct one (1) building located on 5.3 acres which will include two (2) residential townhouses and two (2) residential Boarding and Care Facilities consisting of a sober living facility or “sober house”. Mr. Barham seconded the motion, and the vote was 5-0.**

#### **IV. CONTINUED BUSINESS**

1. Subdivision Regulation Updates - Stormwater Regulations. Ms. Rowden presented proposed updates to the Town’s Subdivision Regulations regarding stormwater. She reviewed the minor difference between the recent update made to the Site Plan Review regulations and the Subdivision Regulations.

Ms. Miner submitted drafts of the proposed updates to the Site Plan Regulations to Town Engineer Steven Keach of Keach-Nordstrom and Associates LLC and Town Counsel, Diane Gorrow Esq. The Town Attorney proposes the final wording on one sentence “In the event a property owner refuses to repair infrastructure that is damaged or not functioning properly the Town retains the right but not the obligation and accepts no responsibility to repair or maintain stormwater infrastructure if a property is abandoned or becomes vacant.”

Ms. Rowden explained that with construction on a private road that would eventually become a public road would be subject to MS 4 permit requirements and the town would be required to have maintenance of roadways be part of the overall comprehensive stormwater management program.

There has been no response from Steve Keach currently.

Site Plan Regulations and Subdivision Regulations are very consistent with Stormwater Regulations on both. Ms. Rowden mentioned that the inspection duration is 3 years. The

Subdivision Regulations stormwater update draft will be sent to Keach-Nordstrom and Associates for review and she will incorporate Town Attorney comments in both. Ms. Rowden or Mr. Keach will review this with the Road Agent, Ms. Miner will follow up with this.

Ms. Miner mentioned moving forward that she will request 3 quotes for MS 4 compliance work in anticipation of new Town requirements once the area eventually meets criteria for MS4 permitting. On June 16, the Board will be ready to move this forward to a Public Hearing.

2. Excavation Permits – A report due date of June 10 has been requested. Permits expire July 1. The Planning Board meets June 16 at which point the permits may be extended if necessary.

## **V. ADMINISTRATION, OTHER**

1. Circuit Rider Business
  - a. Masterplan – Land Use and Recreation Chapters. Coordinate dates, subcommittee meetings. Ms. Rowden will present the final to the Board on June 16, which is the final data and goals.
  - b. Masterplan – Natural Resources – Pending July budget update
  - c. CIP Coordination – An invitation was sent to the Budget Committee for the July 21 Planning Board meeting. The option for remote access was provided. Ms. Rowden will have a presentation followed with discussion.
2. Incoming Correspondence and Project Updates
  - a. Governor's Forest construction tentatively set to start next week. The Development Agreement has been executed, the Irrevocable Letter of Credit has been executed, he is waiting for the AOT Permit.
3. Administration – Budget – Ms. Miner presented the contract with RPC which is approximately \$450 less than that was budgeted. Ms. Miner and Mr. Powers reviewed and signed.
4. Other Department News – Ms. Miner would like to discontinue joining remotely for Public Hearings. The Governor's order expires on June 12 and all Town Meetings will no longer be allowed to have a quorum be remote.

## **VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:24 PM. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

Respectfully submitted,

  
Kathy Clement