



**TOWN OF PITTSFIELD
ZONING BOARD OF ADJUSTMENT
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263**

MEETING MINUTES of Thursday, February 14, 2019

CALL TO ORDER

The Zoning Board of Adjustment Meeting for February 14, 2019 was called to order by Mr. Hetu 7:07p.m.

MEMBERS PRESENT

James Hetu
Scot Palmer
Pat Heffernan

OTHERS PRESENT

Pittsfield Residents: Mike Cabral, Larry Konopka, Dan Schroth, Joel Schroth, Don Lavigne, Mark Guald, Sonya Taylor, Valerie Anderson, Paul Nickerson, Spencer Gauthier, Emma LaBombard, Bill Cushing, Ed Cushing, Karyn Forbes, Jennifer Pickard, Dorothy Hardy, Jay Hardy, Dave Harper, Lisa Harper, Edward Patterson, Laurie Houle, Aaron Burdsell, Luke Cram, Jody Cunningham, and Daniel Welch.

Others Present: Stephan Gadomski, Teen Challenge; Louis Manias, Teen Challenge; Zach Brewster, Teen Challenge; Grant Ohlund, Teen Challenge; and Heidi DuBois, friend of Teen Challenge.

Other Public Officials: Carl Anderson, Selectman and Clayton Wood, Planning Board.

Pittsfield Staff: Jim Pritchard, Zoning Secretary; Jesse Pacheco, Building Inspector; and Cyndi Hetu, Minutes Clerk.

Motion. Mr. Heffernan made a motion to approve the minute of November 29, 2018 as written. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Palmer – Yes; and Mr. Heffernan – Yes. The Chair declared the Motion passed.

ITEM 5: TEEN CHALLENGE NEW ENGLAND AND SISTERS OF HOLY CROSS'S APPEAL OF ADMINISTRATIVE DECISION OF THE ZONING ORDINANCE ADMINISTRATOR HOLDING THAT ZONING ORDINANCE

IMPLICITLY PROHIBITS TEEN CHALLENGE'S PROPOSED USE OF 96 FAIRVIEW DRIVE BECAUSE THE PROPOSED USE IS NOT DEFINED OR LISTED IN THE TABLE OF USES. THE PROPOSED USE, AS STATED IN BRIEF IN THE NOTICE OF APPEAL IS AS FOLLOWS: "OUR MISSION IS TO TEACH LIFESTYLE CHANGES TO ENABLE THE STUDENTS TO LIVE RESPONSIBLE, PRODUCTIVE, AND REWARDING LIVES. WE THINK THAT THE ZONING ORDINANCE PERMITS THIS USE AS A SCHOOL BY SPECIAL EXCEPTION." TEEN CHALLENGE'S USE PROPOSAL DESCRIBES THE PROPOSED USE IN GREATER DETAIL. THE LOCATION OF THE PROPOSED USE IS 96 FAIRVIEW DRIVE, TAX MAP R-22, LOTS 27 AND 29, IN THE SUBURBAN ZONING DISTRICT, WITH TOWN WATER AND SEWERAGE.

Mr. Gadomski explained Teen Challenge submitted new information to address the Zoning Board of Adjustments objection to their first variance application. The new information describes their program in detail and they feel it shows Teen Challenge is proposing to use 96 Fairview Drive as a school as defined in the zoning ordinance. Because the students live at the school it is a boarding school but the boarding is part of their educational process. Their mission is to teach lifestyle changes to enable the students to live responsible, productive, and rewarding lives. They think that the zoning ordinance permits this use as a school by special exception.

Mr. Gadomski read their proposal which was submitted with their last application; Their proposal is the use of the facility at 96 Fairview Drive Pittsfield, NH as a 40 bed, 15 month Christian discipleship residential drug and alcohol recovery program for men 18 years and older. As of right now they have no immediate plans for the lot 27, 12 acres across the street. The program has a strong biblical based principal curriculum that helps an individual develop a personal relationship with God. Teen Challenge has a rigorous academic and vocational training program that equips individuals to return to society as a responsible citizen.

Residents are carefully screened through their admissions department staff. They are not able to admit registered sex offenders or those convicted of arson. Most referrals come to them through relationships or word of mouth and the testimony of their successful graduates. Other referrals come through the local churches, their community drug awareness teams and the court and legal system.

The greatest requirement to enter Teen Challenge is evidence of a sincere desire to change one's life. All of their residents are medically cleared before their entrance into Teen Challenge.

Once an individual has been accepted into a residential component of Teen Challenge they begin a five phase fifteen month minimum Christian discipleship program. Each phase of the program has a purpose with certain goals set for the resident to achieve as they progress. And a customize curriculum with biblical

and life changes principals which each student must complete before graduating the program.

However, if residents decide to leave the program at any time during the minimum fifteen month stay with Teen Challenge, they have them meet with a staff member to help them understand the decision they are making. If the resident insists on leaving the program prematurely, they have a process they must follow. Staff member or an apprentice will help them pack up their personal belonging. A staff member will then notify a family member to arrange transportation from the facility. If no family member is available, a staff member of Teen Challenge will transport them to the nearest bus terminal or airport. Residents are not allowed to leave Teen Challenge unattended.

Phase One is three months minimum in length. The purpose of Phase One is to acquaint the new resident with the philosophy and rules of Teen Challenge and begin to establish them in the foundations of the Christian faith. Objectives are learn Teen Challenge rules and responsibilities, begin GED if needed, start the personal and group studies for new Christians curriculum, begin mentoring sessions with assigned mentor, begin clinical counseling sessions and attend monthly family support groups.

Phase Two is three months minimum in length. The purpose of Phase Two is to give the maturing resident further practical opportunities to use the Biblical principles taught in Phase One. Objectives are maintain a consistent prayer and devotional life, continue work towards GED if needed, progress further through personal and group studies, cooperate in sessions with assigned mentor, continue clinical counselling sessions, and attend monthly family support group.

Phase Three is three months minimum in length. The purpose is to give the mature resident the opportunity to apply the Biblical principles learned in Phase Two while assisting the staff in their responsibilities. The objectives are leadership and vocational training, character quality development, continued cooperation in mentoring sessions, continued cooperation in clinical counseling sessions, continued progress through personal and group studies, and attend monthly family support groups.

Phase Four is three months minimum in length. The purpose of Phase Four is to give a maturing resident an opportunity where they can continue to apply the principles learned in the previous phases while being utilized in leadership roles. Objectives are continued leadership development and training, earn GED before completion of phase, be a consistently good role model, continued corporation in mentoring sessions, continued cooperation in clinical sessions and attend monthly family support groups.

Phase Five is three months minimum in length. Staff will work with a resident on the development and implementation of an after care plan. This includes resume

writing, job interviewing and training, computer skills training and financial management skills. Attention is also given to relapse prevention, finding a home, finding a church in their community, employment, housing, and transportation. Objectives are complete all classroom assignments given in accordance with the aftercare planning and development, begin life coaching classes, be a consistent good role model, develop a transition plan with the resident in life supervisor which may include employment at thirteen months, continued cooperation in mentoring sessions, continued cooperation in clinical sessions, and college and trade school enrollment applications.

There is a graduation ceremony where they can transition back to their community and be in college or go back to the workforce or they can stay on at Teen Challenge for another six months in an apprentice program.

The Chair asked Mr. Gadomski to go through the description of the order they are appealing and then provide an explanation, point by point, of what they are asking the ZBA to change.

Mr. Gadomski responded based on the new application and the breakdown of what they do, they teach the students, they train them, it's academically involved, they believe it's a discipleship ministry and therefore would fall under the school variance which is already in the ordinance. The Chair asked meaning the definition of the school. Mr. Gadomski said yes.

The Chair read the determination of its intended use by the Zoning Administrator on May 2, 2018. "The determination is a drug or alcohol rehab facility is not defined or listed in the table of uses and therefore implicitly not allowed. A variance from the ZBA would be required for this use. Further instructions are found at the town hall." He asked Mr. Gadomski if he is appealing the classification of a drug and rehab facility and would like to be classified as a school. Mr. Gadomski said that was correct.

The Chair opened the hearing to the public. He explained they are not discussing the approval of this project; merely the classification of the use as a school versus a drug and rehab facility.

Mr. Gauthier asked how Teen Challenge is registered through the state of New Hampshire, a rehabilitation center or a school. The Chair asked Mr. Gadomski if they are registered. Mr. Gadomski said they don't have to be. The Chair asked if they are registered in any way. Mr. Gadomski said they are a non-profit 501(c) 3 which is registered.

Mr. Anderson, 51 Levitt Road, said if they educate their kids at home five days a week it doesn't make its home school. Their own website states they are a ministry to treat drug rehab facility. To classify it as a school is a way around the zoning ordinance. The Chair

responded the school definition in the ordinance does specifically eliminate the home school option. The definition in the ordinance does say “a building or part there of that is designed or used for teaching, except for the teaching of one’s own children in owns home.”

Mr. Anderson read the primary purpose of Teen Challenge from their website. “For over 60 years Adult and Teen Challenge USA has operated on holistic model of drug and alcohol recovery.” He said they probably teach classes there but it doesn’t make them a school. He thinks this is just a way around the zoning ordinance.

Mr. Schroth thinks it is a school. He explained when they made this zoning proposal years ago they didn’t realize people were going to need more education in their life. He started a school about stonework but it’s not about stonework. The first thing they teach is about ethics otherwise people are no good. It is about educating people and this [Teen Challenge] is a school.

Mrs. Pickard said it is a way of skirting around it otherwise it would be a no. Anyone who wants to come to town and they can’t do it are going to try to do whatever they can so they can do it. The way the zoning laws are now there are a lot of things people can’t put up there until someone comes up there and changes it. She said homeschooling is still teaching. The Chair said the ordinances rule out calling a home a school because one is teaching their children. He explained there is a table of use of what is allowed and what is not and if not on the table it is explicitly not allowed.

Mrs. Pickard said unless someone comes forward to change this current ordinance will be in place. The Chair explained there is an avenue in order to meet criteria even if it is explicitly banned. They are asking to be considered under a second set of criteria. If they are considered a school they would be considered under a special exception which is allowed with conditions as opposed to a rehab facility which is not allowed and would have to be considered under a variance.

Mrs. Pickard asked the Chair to explain a variance. The Chair explained it is permission to do something that is either implicitly or explicitly not allowed. Mrs. Pickard asked who allows the variance. The Chair explained both of those (variance or special exception) come before the ZBA, the difference is the criteria they consider when considering an application.

Mrs. Pickard says she thinks they could explore it and see if they fit the school definition. The Chair said that is what they are doing tonight. Mrs. Pickard asked why it was brought up in an earlier statement. Mr. Zielinski said they are trying to change what they do by changing the wording in the application. Mrs. Pickard said Mr. Anderson said they can homeschool but your house isn’t a school and asked how she cannot respond to something like that. The Chair explained the homeschool line of thought is specifically written out of the ordinance.

The Chair asked for those that have cell phones to silence them.

Mr. Zielinski said everything he has seen about them says they are a rehab facility. He believes they are trying to do a side step. Teen Challenge doesn't have a good record and it's not about teens. It doesn't say it excludes felons just arson. The Chair said sexual offenders are also excluded. Mr. Zielinski asked what kind of people they are going to have there. The chair explained that will be part of the next meeting. Mr. Zielinski said it matters what they call the place because if it is a rehab facility more resources (police and fire) will be needed in the town. He further expressed concern for the condition of the building. The Chair said they would have to bring it up to code regardless of school.

Mr. Patterson, 46 River Road, said he has experience with some organizations like Teen Challenge. He has a nephew who had a drinking problem and he looked at getting him into Teen Challenge and found it is not as easy to get someone into the program as they think. The Chair asked for comments about what they do that makes them a school versus a rehab facility.

Mr. Patterson said they have more characteristics of a school because of his experience with his nephew. It is more structured than a rehab program. He spoke of a friend who went through Teen Challenge and how they helped him get his life turned around. They (TC) structure the time so they know what is going on and the staff is involved much like a boarding school situation. He explained they have to register and qualify in order to get in just like one would have to do in a college.

Mrs. DuBois, not a resident of Pittsfield, had a son who graduated from Teen Challenge 14 years ago. Mr. Zielinski asked if Mrs. DuBois was a resident of Pittsfield and if not she has to tell them that and get permission from everyone here to speak. The Chair said she has to get permission from the Board. The Board gave permission from Mrs. DuBois to speak.

Mrs. DuBois explained her son graduated from Teen Challenge and they taught him how to be a godly man, good work ethics, how to take care of himself and how to do life without doing drugs therefore to her it is a school.

Mrs. Cunningham, 76 Fairview Dr, said it is a drug rehab facility. She spoke of her personal experience and that she told her family and friends she was at a drug rehab which is what it is. She asked what they report on their 501(c) 3. She also asked why they were not told to amend the part they were a drug and rehab center but to redo another part of their application. The Chair said they were told to redo their description of their application. The ZBA could not consider the application because it was not clear as to what activity was going to go on the property. Mrs. Cunningham said they were going to redo the description but since that wasn't going to work they redid what they were labeling themselves as to fly through some loopholes.

The Chair said they did submit an updated description of the activities which is what was read in tonight. Mrs. Cunningham said they didn't classify themselves as a school on their last application. The Chair said the Zoning Administrator classifies them which is

what they are discussing tonight. Mrs. Cunningham doesn't know how it can change from the corporate website and the 501(c) 3. They can't just change what you are to serve different purposes in life. She suggested the Zoning Board have a lawyer to help them.

Mr. Cabral said on the front page of the application they did classify themselves as a drug rehab facility. The Chair asked which part of the application he was referring to. He showed Mr. Cabral the new application. Mr. Cabral said the application says recovery center not school.

Mr. Schroth said it is going to be a constitutional question with minority rule to get it excepted. He asked why there are not five board members and if they need three votes to get it voted through as a school. The Chair responded yes they need three votes. He said d he volunteered to be on the board as well as Larry Konopka but the board knew how he felt. He said the Board better watch out because he thinks they are against them. He said the Board is violating their oath. The rights of the minorities are protected in the constitution.

Mrs. Cunningham responded she thinks Mr. Schroth was insulting because he or the others can't serve on the board because they are bias. This is why she was asking for legal assistance because everyone is bias.

Mr. Anderson said the Zoning Administrator acts on the zoning compliance form. The compliance form identified them as a rehab facility not a school. The overall scope of what they do didn't change just the description. This does not make it a school because they teach classes there.

Mrs. Taylor thinks it is still a recovery center. If they didn't have drug & alcohol issues they wouldn't need the classes. The first reason they are going there is because they have an issue they are trying to learn how to combat. She doesn't see how they classify it as a school. When they send kids to school they need to learn something not being sent there because they have an issue. She would think a non-profit school would through them into other regulations. She asked about the regulations of them being a private boarding school. They put it on the website they are a rehab center and they should take them at their word.

Mr. Gauthier, Fairview Drive, said if they look up the definition of a rehab facility it is a place people go for retreatment and that is what Teen Challenge is. He believes it is a rehab.

Mrs. Pickard, 3 Park St, you go to school to learn things such as sharing, being a good person, playing well with others, etc. just like you would at a rehab. She thinks there are some school characteristic but if it is a non-profit than things could be sticky.

Mrs. Pickard asked if there are supposed to be five members. The Chair responded a full board would have five members and two members have moved out of town which is why they are short. Mrs. Pickard asked how long they have been down two people. The Chair

said he got the second resignation this morning. Mrs. Pickard asked if it is a good idea to vote without five members. The Chair said they had the option rather they wanted to go ahead tonight knowing there were only three members and they decided to go ahead.

Mr. Konopka said he didn't hear them ask the applicant if they wanted to go ahead with only three members. The Chair explained they discussed it before the meeting because they didn't want to go through all this if the applicant didn't want to go ahead. He asked if he heard someone say he was bias against Teen Challenge because he has not said anything against them.

Mrs. Taylor said she didn't go to school to be a good person. She asked about the definition of a school and what if they are teaching someone else's children. The Chair said the zoning says the definition rules out a school if the teaching is of one's own children. Mrs. Cunningham asked the Chair if he said children. The Chair said teaching of one's own children in the home is the only thing that is specifically ruled out as a school.

Mr. Gauthier mentioned the applicant agreeing to go along with the three members. He asked if the applicant goes along with it and they don't get the outcome they want are they fine with that or are they going to come back at us again. The Chair said they have the right to appeal 30 days from the date of the ruling.

Mrs. Pickard asked when they asked the applicant if they wanted to go ahead. The Chair said right before the meeting again. She expressed concern with applicant going forward because he was already here and not having much time to decide rather to go forward with just the three people.

Mr. Welch, 51 Main Street, asked if there is a route to get approval rather it is a rehab center or school. The Chair said the criteria for approval changes whether it is one or the other. Mr. Welch said it is a rehab center and therefore they should follow that route.

Mrs. Taylor brought up concern about the schedule and the last meeting. She suggested they go ahead and make a decision if the applicant is okay with it. She explained at the last meeting they all showed up and waited and then the applicant withdrew the application and no one called her ahead of time. She asked if they are going to make the decision tonight. The Chair said will go into deliberation once they are done public input. They are trying to provide justice and not rush the process.

Mr. Nickerson read the Teen Challenge application to get into the program which says they are a Christian faith based rehabilitation program. He doesn't see anything in the application that says they are a school.

Mr. Nickerson said it has been six months since the application was submitted so they are well overdue their allotted 30 days. The Chair said the initial application was rejected and this is a new application. Mr. Nickerson said they are saying the same thing.

Mr. Nickerson said he is not worried about the people coming into the program are already rehabilitated. Their program is to keep them rehabilitated for fifteen months. They are using the Bible thinking it is going to revive them. If they want to come into this town he would be glad to find them a place right up on the mountain where they belong.

The Chair responded Mr. Nickerson has just argued both sides of this. He said they are already rehabilitated and they are taught the Bible. Mr. Nickerson said they are not rehabilitated. They have detoxed but they are not complete; drugs can never be rehabilitated. He said they could call it a board school because they have to come up with \$750 a month but he doesn't believe it. He thinks it should be called what Teen Challenge call themselves on the application. He submitted a copy of the Teen Challenge entrance application.

Mr. Nickerson said if they want to go with a school then they are going to open a can of worms. If they used the word school in their application he would go along with it. He also doesn't believe it belongs in a residential area.

Mr. Schroth said 53,000 people go to a game at Veteran Stadium in Philadelphia while there are 100,000 people dying from suicide and drugs.

Mr. Graham, 120 Tilton Hill Road, believes they are doing the work of a school by the way they operate. They present a program that touches lives. They reach out to the community. The Chair asked why he considers it a school. Mr. Graham said they are presenting a program as a school and it is the portion which is doing the job.

Mr. Patterson said this hearing is to know whether they can accept it as a school. He thinks there is an overlap between a rehab and a school. They hire counselors at a school for rehabbing behaviors. The Chair asked why it is considered a legit school according to the zoning ordinance. Mr. Patterson said there is an overlap between Pittsfield Middle School and Teen Challenge and what they are doing and no one questions what PMHS is doing.

Mr. Pacheco, Catamount Hill, said the program is doing well for people. However, having a drug rehab which is not allowed by zoning. They should be going with the use of drug rehab. The Chair said there is no place in town which it is allowed. Mr. Pacheco said they can't change from rehab center to school. The Chair asked what Teen Challenge is doing to make them a rehab. Mr. Pacheco said their application to join Teen Challenge says they are a rehab facility and nowhere does it say they are a school. They have to be registered with the state and asked how they are registered.

Mr. Zielinski asked if are they registered with the state as a 501(c) 3 and how are they registered with the town of Manchester and how the other facilities they have are registered. With his experience as a fire fighter in Boston he has seen schools and rehab facilities. It is still a rehab facility no matter how they dress it up.

Mr. LaBombard asked how it would affect the town by changing it from a rehab to a school. The Chair explained the fundamental change is it would be implicitly denied as a rehab facility which is not allowed in the zoning ordinance and they would have to apply for a variance. If it is considered a school the zoning ordinance allows schools under certain circumstances with conditions.

Mr. Harper, 32 River Road, said if he was to walk up to a Teen Challenge facility he would not see it as a school. He would like to see them in the town through an honest route. He suggested the board consider it a rehab facility not a school. The Chair asked what about them make them a rehab facility. Mr. Harper said by their own description. They teach but so do majority of rehab facility. It looks more like rehab than more like a school. He thinks it is a roundabout way to do things.

Mrs. Harper, River Road, said there are a lot of aspects that are not educational to the School but it doesn't change what the school does. She is for Teen Challenge but she thinks it is rehab facility. They say they are a faith base program and if it is by faith they need to do things by faith.

Mr. Nickerson suggested the Board call the other locations – Ossipee, Manchester, and Vermont - and ask what they call themselves. The Chair said there is only one Teen Challenge in NH and the closest is in VT. Mr. Nickerson said there was one in Ossipee. The Chair said that is another organization. There is one Teen Challenge in Manchester and one in Vermont.

Mrs. Cunningham said it doesn't matter what everyone's opinion is as to rather they are a rehab or a school. She said it all boils down to what they are truly classified as. They are classified as a drug and alcohol rehabilitation center.

Mrs. Taylor read the definition of a school as provided on Google; an institute for educating children, an institution at which instruction is given in a particular discipline. She read the definition of rehabilitation; the action of restoring someone to health or normal life through training and therapy after imprisonment, addiction or illness. The Chair asked what the definition of a rehabilitation facility. Mrs. Taylor said it is a facility that rehabilitates people and tries to restore someone to health.

Mr. Anderson submitted a print out of Teen Challenge purpose from their website. It is a rehab center and not a school.

Mr. Cabral said the application states they are a recovery center not a school.

The Chair closed public input.

The Chair called a ten minute recess.

The Chair called the meeting back to order 8:38pm

The Chair opened to the applicant.

Mr. Gadomski said it is not their intension to be dishonest or deceptive. Based on what they do at Teen Challenge they looked at the ordinance and saw it provided a way to reapply as a school. They believe there is provision under school for them to reapply.

The Chair asked if there are any questions from the Board.

Mr. Heffernan asked if they teach anything at the facility. Mr. Gadomski said they teach things like character quality, leadership, Biblical principles, GEDs if needed, tutors are provided and financial management.

Mr. Palmer asked what is required for a GED. Mr. Brewster responded they would have to take a state facilitated test. Mr. Palmer asked if they would have to go through classes. Brewster explained they have to take educational classes such as math, reading, and science. They get free resources, do classes online and then take them to a testing facility. Mr. Palmer said they can get a GED at the facility. Mr. Gadomski said it is required to graduate from the program.

The Chair asked what differentiates them from a rehabilitation facility. Mr. Gadomski said they are not modeled as a medical rehab facility. Thirty, sixty, and ninety day programs that are clinically modelled with medical staff and licensed counselors have a different approach than Teen Challenge. Their approach is faith based; they believe the Bible can change lives and higher power can come into a person's life which they identify as Jesus Christ. Many clinical models believe it is a decease and sickness; Teen Challenge believes it is a sin. Other models say once you are an addict you are always an addict; they believe they can be set free from them and be changed.

The Chair asked if what would make them not an inpatient facility is the medical aspect. Mr. Gadomski said it would be that they are faith based and their curriculum.

The Chair asked if there is a Christian religious version of a clinical facility. Teen Challenge has evolved over the years and is adding programs to help people who can't get help through faith. They are in the process of developing a 30 day short term medical model in Brocton but taught mostly about faith.

The Chair asked if the facility they are proposing on Fairview Drive is strictly in the non-medical realm. Mr. Gadomski said yes. The Chair asked if it would ever be a medical facility. Mr. Gadomski said it is not their vision going in. If they moved that way they would have to reapply or change things.

The Chair asked if the current program includes no medical treatment. Mr. Gadomski said they do clinical counseling. They have a licensed state approved counselor who just joined them last year. The Chair asked if there will be any medical treatment on Fairview Drive. Mr. Gadomski said no.

The Chair said there was a question of the 501 (c) 3. Mr. Gadomski said he believes it is a faith based ministry. Mr. Wood suggested they look it up on Department of Justice NH corporation, nonprofit listing on the website. Mrs. Hetu said it would be publicly available on Guidestar.com. Mr. Gauthier read the Secretary of State business ID 740539 “principal residential faith based ministry helping members with life controlling problems.”

The Chair closed from the applicant and brought it before the Board.

The Chair opened for discussion to the Board.

The Chair explained the definition of a school can be found in the zoning ordinances. A school means a building or part thereof that is designed for or used for teaching except that teaching one’s own children at a home shall not by itself make a home a school.

The Chair said they don’t have a definition of a rehabilitation facility. He would like to define both and then make a determination from there. The zoning ordinance stipulates that any word or phrase is not a head word, the definition of the word or phrase has a meaning for it in the Webster III New International dictionary.

Mr. Palmer said rehab facility would be a court appointed place they have to go when there has been an issue with the law. The Chair said they can voluntarily commit to a rehab facility. Mr. Palmer said he has seen people have to do go a rehab because they have had too many DUIs.

The Chair read the Meriam Webster definition of rehabilitation “(A) the action or process or result of rehabilitating or being rehabilitated such as restoration especially by therapeutic means to an improved condition or physical function. MCL injuries alone rarely necessitate surgery and heal with rest and rehabilitation. (B) the process of restoring a person to a drug – or alcohol-free state (C) the process of restoring someone to a useful and constructive place in society and (D) the restoration of something damaged or deteriorated to a prior good condition.”

The Chair said dividing point for him is the process of restoring a drug or alcohol free state through detox. Mr. Palmer said detox is more of a medical thing. The Chair asked if the medical component is the dividing line between rehab facility and school. Would the dividing line be if it’s medical it’s a rehab facility and if it’s non-medical it’s an education program? Mr. Heffernan said he thinks it is the dividing line.

Mrs. Cunningham said she didn’t hear anything that said medical. The Chair informed her they are in discussion which has to be within the Board and that they can get her a copy of the discussion afterwards.

The Chair said process of restoring a person to a drug or alcohol free state is the medical detox not stopping the addict process. Mr. Palmer said the process is restoring a person from doing it not voluntary. The Chair said it could be voluntary.

The Chair thinks it is very clear from application submitted that if approved there would be no medical treatment on the facility. Mr. Heffernan said that would fit in with the dividing line. The Chair said in the future if they expanded into clinical treatment then it would fall into a treatment facility and they would have to come back. Mr. Heffernan if they introduced some physicians or someone licensed in the medical field that would make them a rehab facility and they would have to come back.

The Board agreed the dividing line between the rehab facility and a school is a medical component. They agreed that if there is no medical component to this application then it would make it a school.

The Chair asked if they are approving the application of Teen Challenge as a residential school. Mr. Heffernan said yes. Mr. Palmer yes.

Mrs. Cunningham asked if she could speak. The Chair said no they have closed to public input.

Motion. Mr. Heffernan made a motion to grant the Teen Challenge New England and Sisters of Holy Cross's appeal of administrative decision of the Zoning Ordinance Administrator holding that zoning ordinance implicitly prohibits Teen Challenge's proposed use of 96 Fairview Drive because the proposed use is not defined or listed in the Table of Uses. The proposed use, as stated in brief in the Notice of Appeal is as follows: "Our mission is to teach lifestyle changes to enable the students to live responsible, productive, and rewarding lives. We think that the Zoning Ordinance permits this use. As a school by special exception." Teen Challenge's use proposal describes the proposed use in greater detail. The location of the proposed use is 96 Fairview Drive, Tax Map R-22, Lots 27 and 29, in the suburban zoning district, with town water and sewerage. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Palmer – Yes; and Mr. Heffernan – Yes. The Chair declared the Motion passed.

The Chair informed applicant there is a 30 day appeal process for anyone with standing.

MEMBERS CONCERNS

There were no members concerns.

PUBLIC INPUT

Mr. Schroth asked that the Board has five members the next time they meet.

Mr. Gauthier asked now that they have approved it do they have to go through the process to meet the criteria of the special exception. The Chair explained they have to meet the criteria for a special exception. He read the criteria to the audience;

- 1) use shall not be detrimental or offensive to the neighborhood
- 2) use shall not diminish value of surrounding properties
- 3) the use, its parking needs, and access ways shall be no nuisance or hazard to the pedestrian or vehicular traffic. Parking needs shall be deemed a nuisance if the parking needs force vehicles to park on the street or a nearby facility
- 4) the use shall have adequate and appropriate facilities and utilities to ensure proper operation of the use
- 5) the use shall satisfy all special exception permitting conditions in Article 6 Section 3: Conditions for all special exceptions

Mr. Gauthier asked if they go forward as a school and it diminishes his property values. The Chair said yes all criteria have to be met in order for the special exception to be granted.

Mrs. Taylor asked the criteria they used to rule it as a school is it doesn't have any medical activities at the facility. The Chair responded the use being proposed is a non-medical use. Mrs. Taylor said if they applied that to a school, who have a school nurse, wouldn't that then make a school not a school because they have medical staff. The Chair said the primary function of a school is non-medical.

Mrs. Taylor asked why have rehab centers; wouldn't they all be schools. The Chair said a detox facility would have medical detox. Mrs. Taylor said there are some rehabs that don't have detox. The Chair said the line they drew was the proposal presented to them had no proposal for medical activity. They used Webster's dictionary to define rehabilitation and then used the proposal submitted to them by Teen Challenge to make their decision. If they start operating outside of the way it was proposed then it would be in violation of the zoning ordinance.

Mrs. Taylor asked if they consider mental health medical or not. The Chair doesn't believe he would be qualified to decide that or not. Mrs. Taylor said medical encompasses mental health. She thinks they need to be clear on definitions before they get here. She doesn't think that is the deciding factor to the definition of rehab.

Mrs. Pickard asked about definition of a school and that it says "any part of". The Chair said the part of the facility that is being used is being considered a school. Mrs. Pickard asked they are being taught classes. The Chair responded as it is proposed, yes.

Mr. Nickerson said the term resident is in the application (Teen Challenge entrance application) versus students for a school. Mrs. Pickard said they call people at college residents too.

Mr. Gauthier said in their application they will begin clinical sessions therefore there is medical.

ADJOURNMENT

Motion. Mr. Heffernan made a motion to adjourn. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Palmer – Yes; and Mr. Heffernan – Yes. The Chair declared the Motion passed.

The Chair adjourned the meeting at 10:14pm.

APPROVED:

Approval discussed at ZBA meeting 3/28/2019

Approval voted at ZBA meeting 4/11/2019