

**PLANNING BOARD**

**FEBRUARY 11, 2015**

**ALTERNATIVE TREATMENT CENTERS (ATC)**

**DRAFT MINUTES**

**PLANNING BOARD MEMBERS:** W. Hutchins, Chair; J. Tivnan, L. Guild, G. Denio, D. Bownes, H. McLean, J. Mailloux, B. Loughlin, S. Saunders, Planning Chair

**ZTF MEMBERS:** S. Perley, **Chair;** M. Foote, K. Geraci, L. Guild, W. Hutchins, John Moriarity,

W. Hutchins welcomed all to the public hearing for the Alternative Treatment Centers. He let everyone know that the notice was published in the Citizen on January 27 and had also been posted at the Library, Community Center and in City Hall itself.

He let the public know who the members of the Zoning Task Force (ZTF) are and thanked them for all of their hard work on this ordinance.

W. Hutchins went over the rules for the evening. We will first hear a presentation by Shanna Saunders, head of the Planning Department, then take any comments from Laconia residents, then the members of the general public.

**Motion:** W. Hutchins made a motion that we should set a time limit for speakers, limiting each to 5 minutes the first time and then, if they wanted to speak again, 2 minutes.

The motion was seconded by L. Guild.

**Discussion** was instituted by D. Bownes on why we would put any kind of time limit on comments. W. Hutchins said we are adopting the rules of the City Council. We were afraid there would be a large turnout and wanted the time limits so all could be heard. D. Bownes said the rules of the City Council are that the chair, W. Hutchins, can cut a speaker off at any time. He said there are not a large number of people were this evening so he feels we should let them go ahead and make comments.

W. Hutchins said the concern was that people might not have a clear understanding of what is going on, due to what had been written, and that they would interject their personal comments. D. Bownes said the Chair can cut off any comments if they go too long.

S. Saunders said that the Planning Department received a lot of e-mails and calls on this subject and we wanted everyone to have their chance to speak. She agreed that there are not a lot of people in attendance so we can do this either way. D. Bownes said he is not opposed to set the limit if the Chair agrees to let us do further comments.

**The vote was 5 for setting the time limit and 2 against.**

W. Hutchins said that they had been thinking that there would be a large crowd due to the advance interest, so he was going to suggest a 10 pm cut off but he doesn't think that is necessary in this case.

Input Only, PB and ZTF will determine if any changes are needed. Minor won't need second meeting, major changes would have 2<sup>nd</sup>. PB would make recommendation on final language to the CC. Then the CC can propose a change, back to PB at that point. Tonight will determine what will happen.

SBS will give overview and history. In July 2013, state leg approved state statute for therapeutic purposes. In 11/14 health dept came up with rules under state statutes. State charged with approving 4 ATC in the state, 4 separate geography areas. Belknap, Strafford, Rockingham our area, one in that area. We have no say where they will pick or licensing required. We knew it did not fit into our use chart so need an ordinance to capture this and manage where they would be located and how they would operate if we did get one.

Retail food production, and growing operation. Think broadly on this for all areas. If this gets approved and Laconia gets one, the business has to get site plan approval from PB.

Took state rules, reiterated for local use. Requirements, production, waste, advertising, etc. made changes or added to their rules.

ZTF decided that due to the 3 uses was best in industrial zones. Gray areas on the map. Public health and safety, no effect on other properties, neighborhood, can't negatively impact natural resources, no undue burden (SE).

Also changed operations: prohibited under home occupation, not going to be allowed. Under advertising, state had no references to municipal so must meet sign ordinance. Security requirements: perimeter alarm need to be tied into police or alarm monitoring company. Other than those changes, just reiterating state regulations.

Member questions: JT: who pays for the monitoring company? SBS said applicant's responsibility. Require them to give contact info to LPD, maybe monthly reports, part of the site plan approval. JM said LPD ok with monitoring company? Yes, passed it by them first.

Ham: level of detail in how they don't cut business hours, level etc, typical of zoning classification? If a gas station do we have the same level of detail or is this unique? Unique to the city, but we do have some uses that have strict requirements. Not sure what the state would require.

DB: confused on the map. Where? By Gilford block, lakes region business park, o'shay area, small area by Bouliar-Gorrell. dB by Beacon St W? No, and a very small area. Airport industrial is behind work. Accessed through Lily Pond and Artisan Court.

JT: fire in long bay requires fire alarm panel in basement and monitoring company so this is not uncommon to be required. SBS said ran by fire also happy with the proposal.

WH, SP want to add anything? No, SBS did excellent job in explaining.

Laconia resident:

General Public: Debra Fraser, Gilford, NH. Isn't Lily Pond in Gilford? Yes per SBS but very end is Laconia. Would this facility with cultivation have to happen there or elsewhere? Food portion be somewhere else if they have a contract with the ATC? Defer to the state interpretation, unsure. She asked about fencing or security and alarm, KS gave copy of ordinance. SBS told her where to look. She said she had contacted the state and got a response but had not had a chance to read what was sent yet.

No other comments.

Closed hearing. WH, no changes.

Ham: under security: shall remain operational during a power outage? If long period, what do they do? SBS said generator backup. Ham said could be 2 weeks, SBS said didn't take that into account. Ham said video and security must operate so maybe put that time in. WH said could keep operating, most alarm companies will handle that. Not insurmountable. Ham said could have emergency backup as growing there.

DB: first draft is what he reviewed, what are the changes from 1 to 2. From Permitted use to CUP. What was reason for the change? What other changes?

SBS discussed, the CUP criteria is what the applicant would answer re public health, safety, natural resources, etc. important criteria. Not fully done in site plan so felt CUP better way to have this handled. DB, comfortable that we can make this a CUP? Only permitted in industrial zones and get the CUP. SBS said not unusual, day cares and nurseries require CUPs. Equestrian center as well. could be a high impact use, a bit more scrutiny involved. It could be changed in the future if it becomes a more.....frequent use? Perimeter alarm, small wording change, sign ord, just small tweaks here and there to the other portions of the ordinance.

WH: could make motion to adopt and send along to CC.

Motion: LG, recommendation to move this along to CC, JT, seconded, all in favor, 7-0.

No other business.

Adjournment, DB, Ham, all in favor. 7-0.