

**TOWN OF CHARLESTOWN
ZONING BOARD OF ADJUSTMENT
OCTOBER 16, 2018**

Members Present: Terri Fisk (Chair); Andy Jellie (Vice-Chair); Harold Ames,
Nancy Houghton

Alternates Present: Mathew Baran, Doug Neill

Staff Present: Travis Royce – Planning and Zoning Administrator

CALL TO ORDER: Ms. Fisk called the meeting to order at 6:00 PM. She noted this Zoning Board has five members however regular member, Stephanie Franco, is not present. Alternate member, Mr. Baran, was asked to sit in for Ms. Franco. This meeting is being recorded. Ms. Fisk asked that anyone wishing to speak identify themselves for the record.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

ZBA MEETING – July 5, 2018: Mrs. Houghton moved to accept the Minutes of the ZBA meeting of July 5, 2018, as submitted. Mr. Baran seconded. With five (5) members in favor, the Minutes were approved.

Mr. Ames recused himself from this application as he is an abutter. Mr. Neill was asked to sit in his place.

ZBA 03 (SE)-2018 – Petition of Developmental Services of Sullivan County for property located at 164 Old Springfield Road wherein a Special Exception pursuant to Section 8.5.1(c) of the Zoning Ordinance is requested to permit property use for a **12 Bed Convalescent Care / Rest Home for Elderly Persons – 164 Old Springfield Road, Tax Map 116, Lot 33, Located in Zone A-1 (Rural Residential):**

Attorney James Shannon was representing the applicant, Campbell House LLC . With him are four Campbell family members. He introduced Ann Campbell, Elaine Fagg and Packy Campbell, Sharon Gamache, their sister, is not in attendance. This Convalescent Home/Assisted Living facility will be used for clients who cannot live on their own. The existing building was built in 1983; total lot size is 2.8 acres.

The existing building was designed and built as a group home for development disabled persons for the current owner, Development Services of Sullivan County (DSSC). Campbell House entered into a Purchase and Sale Agreement (DSSC) contingent on their ability to procure land use approvals from the Town of Charlestown for their proposed use. As with that organization, they propose to be a 24/7/365 staffed facility. They will have elderly residential assisted living clients. This will be a group home. DSSC operated this facility for many years. The building is 4600 square feet. They propose ten beds of regular occupancy and two respite beds utilizing the existing building design. There is a community kitchen and dining area. They do not anticipate any growth in space needs at this time. Staffing will include 3 full time employees, each covering an eight hour shift, and 1 or 2 supplemental part time personnel for weekends and as

needed. There are three and one half bathrooms, each handicapped equipped. The property is connected to the Town of Charlestown water and sewer services, and has existing 200 amp Eversource electrical service. They request a waiver from the applicant checklist for the exact location of the various utilities, all exist in place, and no changes to any are contemplated. The building is fully sprinklered. They believe there will be no detrimental change in values of properties in the area. All set-backs are fully complied with as this is an existing building. The parking was designed for staff and visitors. A copy of the Site Plan was presented to the ZBA members to view. Ms. Fisk advised abutters were welcome to look at it. Attorney Shannon mentioned they feel this is an appropriate use of the building.

Mrs. Houghton asked if the applicant has ever run a nursing home before. Attorney Shannon said they have been involved in social services in the past and have years of experience but not as a group home. Elaine Fagg had a licensed home for children in her home and has assisted living experience for the last 25 years. Anne Campbell has a Master's Degree and has been involved in social services for many years. She will be the Administrator. Sharon Campbell has 29 years of experience and is an RN.

Mr. Jellie asked how many parking spaces are there. Ms. Campbell replied twelve. Attorney Shannon mentioned they did not actually measure the spaces for accurate square-foot calculations. There are four parking spaces in front of the building and 10-or-11 spaces in the back. Mr. Patrick Campbell who works with Attorney Shannon came into the meeting. The parking spaces comply with whatever was approved for the group home. Elaine Campbell said there could be room for more parking spaces but it would have to be along the drive as it is wide enough but they did not consider that. Attorney Shannon noted that not many or no residents would have vehicles. If a doctor came they would probably park in the back. There is approximately over 5,000 square feet of space for parking.

Mr. Jellie questioned what the difference is between the prior facility and the proposed care for the elderly. Attorney Shannon said there would have been a lot more people coming and going in the previous facility. This facility will have some of the same activities but the patients are less mobile. Elaine Campbell noted as an assisted living facility they would be one step down from the previous one that Pathways was operating. An assisted living facility would not require nurses on site but rather they be on-call. If the nurse felt additional care was required she would call the doctor in.

Mr. Jellie asked if there would be any renovations. Ann Campbell replied one temporary wall had been put up but they plan to take that down as it is blocking the hallway. Other than this there are no plans to make changes.

Ms. Fisk questioned if they have to provide over-night beds for the staff. Elaine Campbell said they chose to have an awake night staff there. Ms. Fisk noted this will be a 12 bed facility.

Elaine Campbell said there are ten single bedrooms with square footage based on state regulations. Two could be double but reserved for lower income individuals or a couple.

Ms. Fisk asked what kind of licensing will they have and will there be inspections. Ann Campbell said ATP804 which is under the Health and Human Services. They do get inspected by two different State agencies. Life Safety comes in annually. All of this is a significant process and she has been working on it for months just to get to this point. They will also have to meet with the Fire Chief, Health Officer, Planning Board, etc. Ms. Fisk asked if there are annual inspections. Elaine Campbell said their alarm automatically goes right into the Fire Department. Mr. Campbell noted that Life Safety was kept current on the property. Pathways maintained that property, kept the services up-and-running and kept the inspections current.

Mr. Baran said there is a hidden drive that is posted on both sides but it would be a good idea to get rid of all the brush. Ann Campbell replied they will have their own maintenance man take care of it plus a few trees will be removed. Mr. Baran wants to be sure there is good visibility.

Mr. Neill asked what they are expecting for deliveries. Ann Campbell mentioned they would get food deliveries but expect deliveries would be minimal. They would shop locally for fresh food.

Ms. Fisk opened the discussion to abutters.

Mr. Harold Ames lives across the street. He does not have any complaints.

Mr. Kevin Chamberlain is the closest abutter. He asked about the mobility of clients. Ann Campbell advised the clients have to be able to respond to an alarm. It is regulated by the State. They hope to begin between January and April depending on the approval time. Mr. Chamberlain asked if clients would be outside. Ann Campbell replied they will set up tables and chairs on the front of the facility. Mr. Chamberlain said there was a fence back by the shed. He would like to have a privacy fence along the back boundary as the property goes right near their back yard. He does not remember lighting being a problem. Ms. Fisk pointed out that in the narrative the applicant mentions plans to add a rail fence to protect the ravine on the south east side from accidental intrusion.

Ms. Fisk recommended the members go through the Criteria. She read the regulations and standards. The applicant is proposing something similar to a convalescent home. The members have no objections to this characterization.

Application for a Special Exception:

Description of proposed use showing justification for a special exception as specified in Section 8.5.1-C of the Zoning Ordinance.

Applicant: "We plan to open an assisted living community. This use comes under the definition of convalescent home. We plan for a 12 bed facility on Town water and sewer. Nothing shall be offensive to the area."

Explain how the proposal meets the special exception criteria as specified in Section 8.10.1 of the Zoning Ordinance: (list all criteria from ordinance).

Criteria 8.10.1 – No use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, dust, particular matter, radiation, excessive traffic, unsanitary conditions, noxious odor, smoke or other similar reasons.

Applicant: “No undue hazard, etc. shall be caused by an assisted living facility on Old Springfield Road. We shall be good neighbors and not cause any undue hazard as listed including excessive traffic which shall be limited to 2 staff per 8 hr shift and visitors. Deliveries will be minimal.”

Replying to a question from Mr. Chamberlain, Ann Campbell replied that Respite Care is when a care giver needs a few days off the client could stay at this facility for those days.

Mrs. Houghton moved that Criteria 8.10.1 is acceptable as written. Mr. Baran seconded. With five members in favor, the motion was approved.

Criteria 8.10.2 – Sufficient off-street parking shall be provided to allow 300 square feet for each two anticipated patrons or employees on the premises at the same time.

Applicant: “Most assisted living patrons will not have vehicles. There is staff parking in the rear that is more than double what is needed per shift and visitors spots out front X 4.”

Mrs. Houghton moved that Criteria 8.10.2 is acceptable as written. Mr. Baran seconded. With five members in favor, the motion was approved.

Criteria 8.10.3 – All setback regulations shall be complied with. All known abutters of any proposed special exception site shall be notified by the Board of Adjustment by certified mail at least one week prior to any public hearing regarding the special exception. The names and addresses of the known abutters shall be supplied by the applicant on a plat plan to be submitted to the Board of Adjustment.

Applicant: “This section is complied with in full measure.”

Mrs. Houghton moved that Criteria 8.10.3 is accepted as written. Mr. Baran seconded. With five members in favor, the motion was approved.

Ms. Fisk stated there was the suggestion for a privacy fence being provided by the Chamberlain boundary. The applicant will be going to the Planning Board later this evening. The fence can be a part of the PB Site Plan.

Mr. Jellie moved to accept this Special Exception for the Developmental Services of Sullivan County as it meets the Criteria. Mrs. Houghton seconded. With five members in favor, the motion was approved.

ADMINISTRATION & CORRESPONDENCE:

Absentee Member: Ms. Fisk advised they have a member who has not been here for the last two meetings. She asked Mr. Royce to contact Stephanie Franco to see if it is her intent to attend

meetings in the future. Otherwise an alternate could be considered to take that place. She thanked the alternate members for participating at this meeting.

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Patch Park: Mr. Jellie mentioned when the new building was approved there were supposed to be speed bumps installed. Mr. Royce said the building is not yet completed but he will give the committee a reminder. It is about 85% done but is dependent on the volunteers.

ADJOURNMENT:

Mrs. Houghton moved to adjourn this meeting. Mr. Jellie seconded. With five (5) members in favor, the meeting was adjourned at 7:00.

Respectfully submitted,
Regina Borden, Recording Secretary

(**Note:** These are unapproved Minutes. Corrections will be found in the Minutes of the next ZBA meeting.)