

MINUTES OF THE MEETING  
O F THE  
CANTERBURY PLANNING BOARD

AUGUST 11, 2020

BOARD MEMBERS PRESENT: Tyson Miller (Chairman), Kent Ruesswick (Vice Chairman), Hillary Nelson, Scott Doherty, Cheryl Gordon, (BOS Representative)

ABSENT: Joshua Gordon, Lucy Nichols, Brendan O'Donnell (Alternate)

OTHERS PRESENT: David Lefevre, Tom Burns, Eric Spofford, Persephanie Lesperance

**Review of 7/14/20 Minutes:** Kent Ruesswick moved the Minutes, second by Cheryl Gordon. Amendments or Discussion: None. Vote to approve Minutes: Unanimous – Minutes approved.

**Public hearing for Amended Site Plan Review of 367 Shaker Road, LLC, New Freedom Academy.**

Hillary Nelson recused herself as she is an abutter to this property.

David Lefevre, attorney for Eric Spofford, introduced the project to say there is no change to the Planning Board's prior approval. The only change results from a condition by the Zoning Board of Adjustment that allows occupancy for men from 18-28 years old. That condition was placed on the Planning Board's Site Plan at the time of approval with this Board. On March 16, 2020, the Zoning Board approved a Special Exception Modification removing age and gender restrictions. They are now allowed to have men and women, aged 18 or older at the facility.

Tom Burns stated this amendment is for item #3 in the "Notice of Decision – ZBA" section of the plan that states the age group for the residents is 18-28 males.

Tyson Miller opened the hearing up for Board comments. He asked why they were coming here after the fact since they already have women at the facility. Eric Spofford said it was an oversight. He was not aware it was a condition on the plan but made application for an amendment as soon as the Town brought it to his attention. He was not trying to deceive anyone. It was a restriction they put on themselves at that time and he just didn't connect the dots.

David Lefevre said when this center was approved there was a sense that the population needing these services was 18-28-year-old men. It became clear that the widespread nature of this problem is affecting all people, all ages, all genders.

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48 Tyson asked if any physical changes were made to the facility to accommodate the  
49 women. Eric said no structural changes were made. Men are on one side, women on  
50 the other, each has their own bathrooms and living rooms.

51  
52 Everyone discussed patients who walk away and how they handle that. Eric said  
53 everyone who wants to leave is offered transportation. There's not a lot of people who  
54 walk away, but occasionally people refuse a ride and do walk. The facility notifies the  
55 Canterbury Police Department to let them know. He doesn't believe they show up, but  
56 they appreciate the call. Eric said they have a van that follows the person to try and  
57 convince them to take a ride for their own safety.

58  
59 Tyson asked about the success rate of the facility. Eric said it's decent. The company  
60 as a whole has grown a lot. In 2014 they had one other facility and now they have 395  
61 beds across the State. There's an enormous demand for these services. The opioid  
62 epidemic as grown 10x over the years.

63  
64 Kent asked about the ratio of men versus women. Eric said probably 60/50. Most  
65 clients are highly motivated to change their lives and most have already completed  
66 detox elsewhere. Men and women are comfortable and very respectful of each other  
67 and understand that everyone is there for a condition. They see it as a life and death  
68 battle.

69  
70 Kent asked whether there's any violent people there. Eric said no. A lot of the stigma is  
71 that this problem is somehow attached to prison, or to sex offenders and violent  
72 criminals – both of which are not allowed at the facility. If there's any aggression toward  
73 staff, the person is gone immediately, they transport them out. Eric said they treat  
74 anyone from an 18-year-old who was hurt in a sports injury and addicted to opiate pain  
75 meds, to the 60-70 year old's where alcohol took them. They get about 5,000 calls per  
76 month throughout all facilities. A typical day in Canterbury has about 12 staff members.

77  
78 Tyson had a letter from Eric's attorney stating this was not a psych facility. Tyson  
79 pointed out that if it were, they would need to come back so we could bring in experts to  
80 be sure all points were being addressed. Eric understood.

81  
82 Tyson opened the floor to abutters.

83  
84 Hillary Nelson said she was there to speak neutrally. She's a direct neighbor and has  
85 dealt with a lot of walkaways. A few weeks ago, she spent about 20 minutes with a  
86 woman she found sobbing in her barn. She finally helped convince her to get into the  
87 van and go back. Hillary is concerned about staffing and the number of walkaways.  
88 Hillary and her husband, Greg Meeh, have a business on their property and are very  
89 concerned about this. She'd like to see a counselor in the van for each walkaway.  
90 She's not an amateur counselor. She also requested the Board review the site plan to  
91 be sure this current version is identical to the approved Site Plan.

Hillary was also speaking on behalf of neighbors who were ill and could not attend, Jill McCullough, Tim Meeh, and Tori Dodge. They were concerned that the change to allowing women happened without notice to the Town and the only reason the Town found out about the women was because of a tragic incident that was in the newspaper. They wondered if the Town would require certification that all conditions are being abided by annually. Nobody is interested in invading privacy, they just want to be sure conditions are being abided by.

David Lefevre spoke to say these are code enforcement concerns. The Code Enforcement Officer could easily call and make an appointment. Eric said they're already inspected annually by DHHS. If there is an infraction it is published on their website and available to the public.

Hillary would still like this Board to require an annual certification and doesn't see this as a big deal if they're abiding by them. The neighbors are having problems and compliance issues, this is a small thing to ask.

David Lefevre spoke up to say Mr. Spofford's business are in large part received well in many communities. They have a sense, a very genuine sense, that they get treated very differently in Canterbury. David asked how many site plans approved by this Board have that condition? Hillary said there's nothing in this Town like that facility. Eric pointed out that is the discrimination, that this is different.

David pointed out that Eric received a code enforcement letter and he immediately applied to make the change. David very much, professionally and personally takes an issue with this notion that these people are intentionally violating this site plan, because you don't treat anybody else like this. He felt it was quite frankly a little hateful. The Code Enforcement Officer and Selectmen can do their inspection, but this request is outrageous.

David Lefevre, Eric Spofford, and Hillary Nelson engaged in discussion about their views.

Eric said he's helped many residents in Canterbury. The reason he hasn't grown the business in this Town is because the experience is so negative. He's gone to other towns and not had near the issues. He feels he is very discriminated against in Canterbury.

Hillary clarified that she's not asking the applicant to certify to the conditions and meant a third party could be hired to do it, with the Town overseeing it.

Kent Ruesswick asked if we could get the discussion back to the change they're here asking for. He's sorry to hear the animosity and doesn't think it has to happen.

Scott Doherty felt enforcement can make an appointment. Administrative Boards are there to be used.

Tyson stated that in light earlier comments that the Town is against him, he reminded everyone this is a democracy and abutters have a right to be heard as well. Tyson is trying to be fair and hopes the facility is having success.

Greg Meeh is an abutter and encouraged the Board to take a close look at the new plan. The last time it came in, it was supposed to be one thing and there was a change to it.

Tom Burns testified that there has been no change other than the provision to #3. Tyson asked the secretary to compare the two copies to confirm and report back to the Board.

Kent made a motion to approve and change the original site plan as amended by the ZBA to allow both men and women to attend, and that the changes will be noted on the plat as submitted by the owner. Tyson amended to add over the age of 18. Second by Scott. Vote Unanimous. Eric thanked the Board.

#### **OTHER BUSINESS:**

Hillary rejoined the Board.

- Tyson informed the Board that Scott McKerley submitted a letter to increase the paving coverage on his lot but advised the impervious surface will be kept under the allowable 35%. The Board reviewed his drawing and discussed calculation. After review all agreed it looked fine. No action was required.
- Tyson advised the Board that Chance Anderson went to ZBA for a variance and special exception to have a building 900 feet away from the main house as an attached ADU. The ZBA determined there was no hardship and denied it. Chance left unhappy.
- Tyson also informed the Board there are 2 campgrounds operating in town. He's worried we don't have anything in Zoning to control campgrounds right now. The Board members discussed that they are currently allowed by special exception but RSA 216(i) outlines a lot of conditions that must be met. The Town can enforce those conditions. Cheryl will talk to the building inspector. The Board will recommend to the Selectmen that they shut them down until they get a special exception and Site Plan.

Motion to adjourn by Kent Ruesswick, second by Hillary Nelson. Vote: Unanimous.  
Submitted by Lori Gabriella, Secretary  
Canterbury Planning Board