

ATTACHMENTS:
Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

Recovery House: As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

Proposed Article III Table of Use Amendments for City Council approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- CB - Central Business
- LD - Lebanon Downtown
- GC - General Commercial
- RO- Residential Office
- MC- Medical Center
- MC2- Medical Center Two
- IND-L- Industrial Light

Proposed Article III Table of Use Amendments for voter approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- R-1- Residential One
- R-2- Residential Two
- R-3- Residential Three

Proposed amendment to Article VI of the Zoning Ordinance - new Section 614:

Section 614 Recovery Houses.

614.1 Purpose.

The purpose of this section is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery Houses and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

614.2 Certification Required.

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the ~~New Hampshire Coalition of Recovery Residences~~ New Hampshire Partnership of Recovery Residences (NHPRR) at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Partnership of Recovery Residences (NHPRR) confirming the recovery house certification process has commenced shall accompany all City permit applications for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official,

Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under any City approval until certification has been received and transmitted to the City as required by this section.

- B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

614.3 Special Exception Application Requirements.

An application for a Special Exception shall include the following documentation:

- A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.
- B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.
- C. A letter from the **New Hampshire Partnership of Recovery Residences (NHPRR)** confirming the recovery house certification process has begun.
- D. A proposed site plan depicting the following:
 - 1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.
 - 2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.
 - 3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

614.4 Special Exception Criteria.

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

- A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.
- B. The recovery house shall have walkable and bikeable access to and be located within 1/4 mile (1320 ft.) of a bus stop.
- C. Smoking areas are not permitted in the front yard of a recovery house.
- D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.
- E. All garbage receptacles shall be stored in a location on the side or rear of the house.

308 Residential One District (R-1)

308.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling 4. Accessory dwelling unit (ADU) per Section 610 5. Senior housing complex (see also Section 603) <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 6. Home-based agricultural business per Section 600B.2 (<i>lots</i> 5 acres or more) 7. Home business per Section 600 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612 	<p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Cemetery 2. Essential service 3. Funeral home 4. Group day care facility per Section 604 5. Group residence 6. Home-based agricultural business per Section 600B.2 (<i>lots</i> less than 5 acres) 7. Indoor recreational facility 8. Outdoor recreational facility 9. Lodging house 10. Nursing home 11. Tourist home (or bed and breakfast facility) 12. Recovery Houses
<p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 13. Manufactured housing park per Section 503 14. Manufactured housing PURD per Section 504 15. PURD per Section 501 	<p><u>Uses by Conditional Use Permit</u> (see Section 302.4)</p>
	<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Cottage development per Section 509

309 Residential Two District (R-2)

309.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling conversion (4 dwelling units or less) per Section 601 4. Accessory dwelling unit (ADU) per Section 610 5. Senior housing complex <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 6. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) 7. Home business per Section 600 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612 	<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Multi-family dwelling conversion per Section 601 (5 dwelling units or more) <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 2. Office conversion per Section 601 3. Cemetery 4. Essential service 5. Funeral home 6. Group day care facility per Section 604 7. Group residence 8. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) 9. Indoor/outdoor recreational facility 10. Lodging house 11. Nursing home 12. Tourist home (or bed and breakfast facility) 13. Recovery Houses
<p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 13. PURD per Section 501 	<p><u>Uses by Conditional Use Permit</u> (see Section 302.4)</p> <p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Cottage development per Section 509

310 Residential Three District (R-3)

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Home business per Section 600 4. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) 5. Home-based agricultural business per Section 600B.3.A (5–10 acre lots) 6. Home-based agricultural business per Section 600B.3.B (10+ acre lots) 7. Hospital 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612 <p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 13. PURD per Section 501 	<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Two-family dwelling by conversion of existing one-family dwelling 2. Senior housing complex <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Cemetery 4. Essential service 5. Group day care facility per Section 604 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) 7. Nursing home 8. Recovery Houses <p style="text-align: center;"><u>Uses by Conditional Use Permit</u> (see Section 302.4)</p> <p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Cottage development per Section 509

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
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Lebanon, NH 03766
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RE: Proposed Zoning Amendment – Recovery Houses

Mr. Reichert:

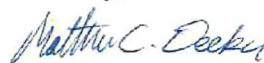
In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to regulate “Recovery Houses”. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a “Recovery House” document dated as of November 13, 2024, which provides a proposed definition for “Recovery House” for ZO Appendix A, a list of proposed Article III Table of Use amendments to allow recovery houses by Special Exception in various zoning districts, and a new Section 614 setting forth specific regulations for the establishment and operation of recovery houses.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker