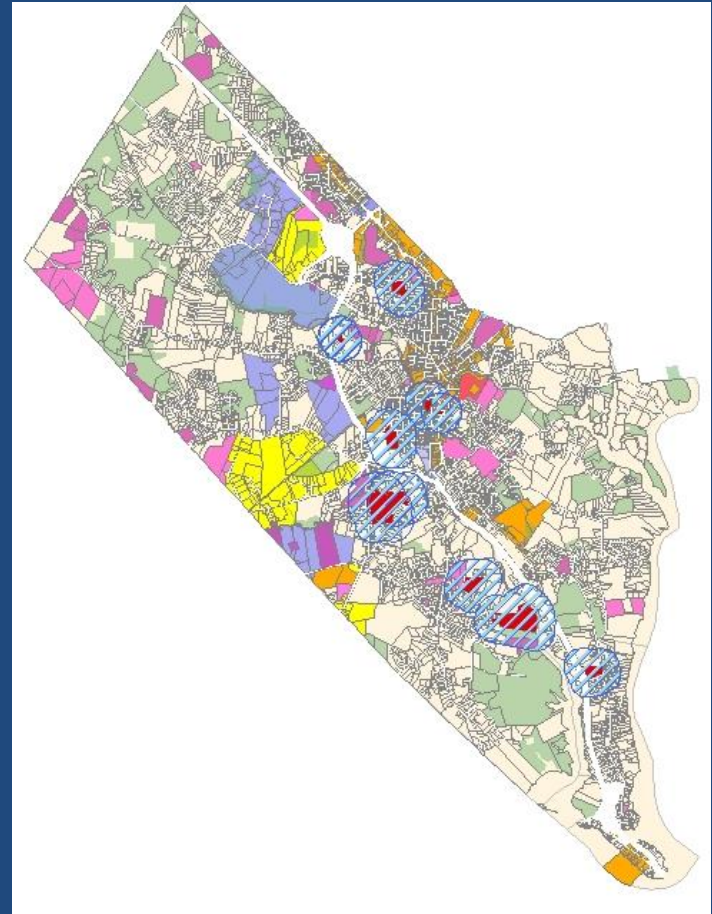


# Alternative Treatment Centers Draft Regulations - *Update*



March 10, 2015

# Minimum Statutory Criteria

- Statute includes two specific locational restrictions (RSA 126-X:8.II):
  - ATCs may not be located in any residential district and
  - may not be located within 1,000 feet of any school or drug free zone

# “Residential Districts”

- City staff interpret “residential districts” to mean any district in which residential uses are permitted
  - Staff is not aware of any contrary interpretation by the Department of Health and Human Services or otherwise

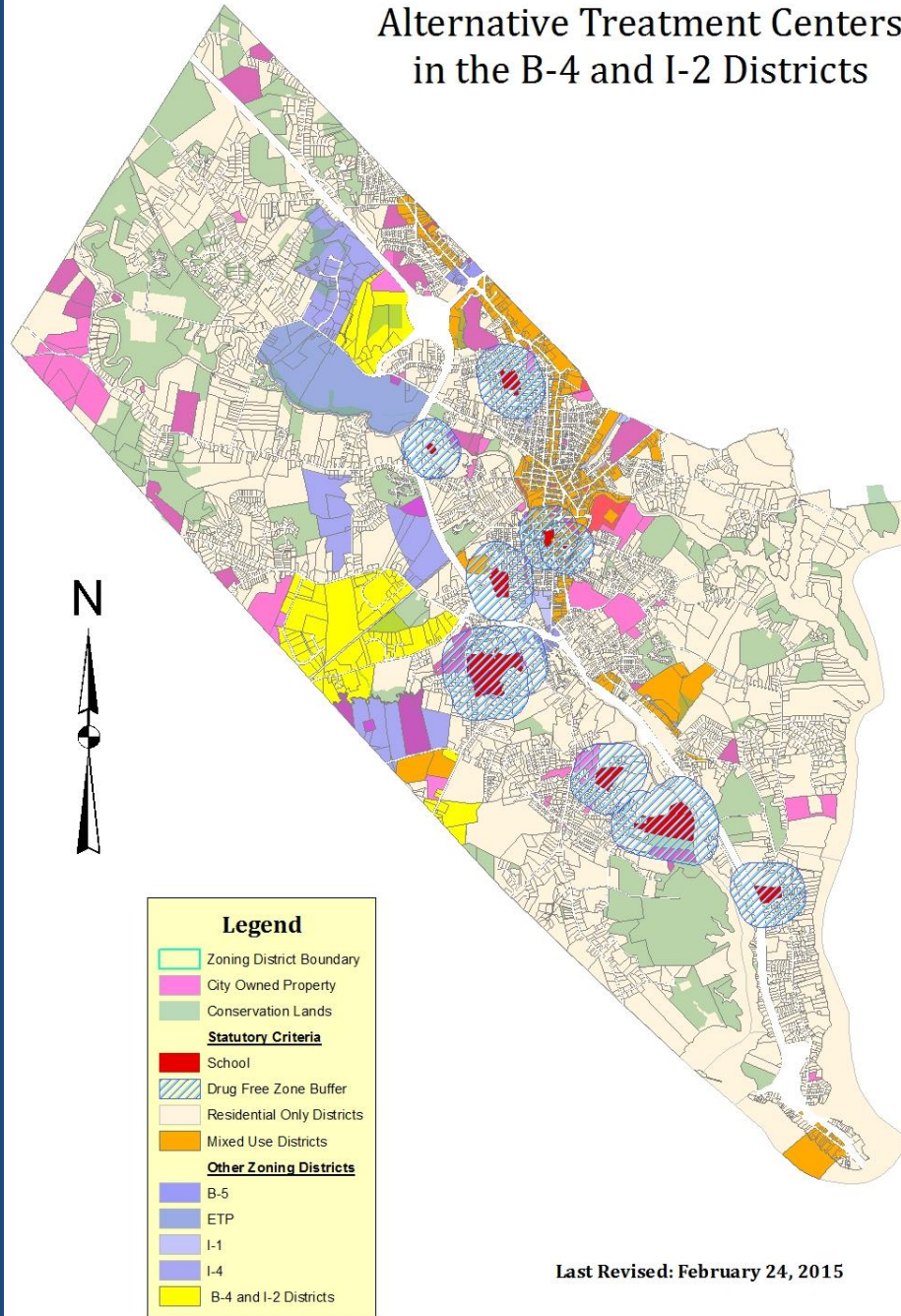
# “Drug Free Zones”

- NH RSA 193-b:1, II defines drug-free school zone as “...an area inclusive of any property used for school purposes by any school, whether or not owned by such school, within 1,000 feet of any such property[.]”
- NH Department of Education regulation 316 distinguishes between and provides definitions for “temporary” and “permanent” drug free zones.
- How these definitions apply to the ATC statute and where ATCs may be located *has not been fully clarified by the Department of Health and Human Services*. There remains a significant amount of uncertainty as to how to interpret and apply the “drug free zone” language.
- The Therapeutic Cannabis Program Steering Committee met on March 9, 2015. It is staff’s understanding that the drug free school zones issue was discussed.

# Map Changes

- School boundaries reduced from 2,000 ft to 1,000 ft
- McConnell Center property added – meets definition of “drug free zone”
- B-4 District properties along Knox Marsh Road no longer encumbered by what staff had interpreted as the radius of the drug free zone

# Property Available for Alternative Treatment Centers in the B-4 and I-2 Districts



Last Revised: February 24, 2015



# Staff Recommendations

- Staff recommends allowing ATCs in the B-4 and I-2 Districts
- Uncertainty in interpretation of statute and regulations reinforces importance of a proactive zoning approach
- Placement in B-4 and I-2 will avoid interpretation issues entirely – no schools or school uses are located in these zones

# Questions?

Department of Planning and Community Development

<http://www.dover.nh.gov/government/city-operations/planning>