



Ann Machado <amachado@portlandmaine.gov>

Zoning for 970 Forest

10 messages

Nathan Cermelj <nathan@libertybayrecovery.com>
To: Ann Machado <AMACHADO@portlandmaine.gov>

Wed, Aug 24, 2016 at 4:01 PM

Hello ann,

Thanks for meeting with me briefly yesterday. I was hoping to get ten minutes of your time to clarify the zoning at 970 Forest Ave. I am available when you are. Let me know when might be a good time. Or, if it can be resolved through emails I would be fine with that too.

Thank you very much

--

Nathan Cermelj - Program Director

835 Forest Avenue
Portland, Maine 04103
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Ann Machado <amachado@portlandmaine.gov>
To: Nathan Cermelj <nathan@libertybayrecovery.com>

Thu, Aug 25, 2016 at 11:47 AM

Nathan -

As we talked about the other day, 970 Forest Ave is in the Residence Professional (R-P) Zone. Looking at the permitted use is the R-P zone (section 14-147) a detox facility is not a permitted use. Subsection (b) under section 14-147.5 (Conditional Uses) permits any conditional use that is allowed in a residential zone that abutts the property. The R-5 Residential zone abutts the property. Section 14- 119 lists the conditional uses that are allowed in the R-5 zone. Subsection (a)(2) allows *sheltered care group homes* and subsection (b)(2)(b) allows *intermediate care facilities*. These are defined in section 14-47. I have included the definitions below. I suggest that you look at the two definitons and see if either fits what you are proposing to do as a detox facility. Once you have reviewed them, feel free to get back in touch with me.

Intermediate care facility: A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and

services above the level of room and board. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
[\(207\) 874-8709](tel:(207)874-8709)
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Nathan Cermelj <nathan@libertybayrecovery.com>
To: Ann Machado <amachado@portlandmaine.gov>
Cc: "Hyatt, Heather" <Heather.Hyatt@maine.gov>

Thu, Aug 25, 2016 at 12:12 PM

Hi Ann

Thank you very much for looking into this zoning mater. I have attached Heather Hyatt to this email as she is a licensing representative for the state. Heather and I will be talking about it later today. If it is in fact not the correct zoning, is there a process in place to change it?

Thanks Ann, you are great!

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Ann Machado <amachado@portlandmaine.gov>
To: Nathan Cermelj <nathan@libertybayrecovery.com>

Thu, Aug 25, 2016 at 1:03 PM

Nathan -

Why don't you see first if what you envision the detox facility to be fits one of those definitions. If it does not you could look into the process of a zone change through a map amendment, but it is a lengthy process working through the Planning Department. It would require approval by the Planning Board and ultimately the City Council. In reviewing the request, Planning looks at the surrounding properties and what zone they are in and looks at the impact of a zone change on the area.

Ann

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Nathan Cermelj <nathan@libertybayrecovery.com>
To: Ann Machado <amachado@portlandmaine.gov>

Thu, Aug 25, 2016 at 3:37 PM

Hello Ann,

After talking with Heather from the State she said that what we would be doing is a freestanding residential detox. I have listed the description and highlighted it in yellow. With this being said I don't believe that it would fall in one of the two descriptions.

If that is the case, I would like to pursue getting a conditional use permit or rezoning it to suit our needs. Can you please guide me in this? I will go to any lengths to make this happen. Any assistance will be greatly appreciated.

Thank you

19.2 Freestanding Residential Detoxification Programs

(ASAM Level III 7-D/medically monitored inpatient detoxification).

19.2.1 Definition. Freestanding residential detoxification programs provide care to persons whose withdrawal signs and symptoms indicate the need for 24-hour residential care. Services include a biopsychosocial evaluation, medical observation, monitoring, and treatment, counseling, and follow-up referral. However, the full resources of an acute care general hospital or a medically managed intensive inpatient treatment program are not necessary. Services must be conducted in a freestanding or other appropriately licensed/certified healthcare or addiction treatment facility.

19.2.2 Services provided. The freestanding residential detoxification program will provide immediate medical evaluation and continued medical management, including:

19.2.2.1 group therapies, and withdrawal support;

19.2.2.2 Availability of hourly or more frequent nurse monitoring;

19.2.2.3 A range of cognitive, behavioral, medical, mental health, and other therapies, designed to enhance the client's understanding of addiction, the completion of the detoxification process, and referral for continuing treatment and support;

19.2.2.4 Health education services;

19.2.2.5 Services to families and significant others;

19.2.2.6 Availability of specialized clinical consultation and supervision for biomedical, emotional, and behavioral and cognitive problems. Providers of detoxification services shall make and maintain arrangements with external clinicians and facilities for referral of the member for specialized services beyond the capability of the program;

19.2.2.7 Direct affiliation with other levels of care;

19.2.2.8 Ability to conduct or arrange for appropriate laboratory and toxicology tests;

19.2.2.9 Nutritional services, including special diets, as needed.

19.2.3 Staff.

19.2.3.1 Freestanding residential detoxification programs shall be staffed by physicians or physician extenders who are available 24 hours a day by telephone.

19.2.3.2 A registered nurse or other licensed and credentialed nurse shall be available to conduct a nursing assessment on admission.

19.2.3.3 A nurse shall be on site at all times, and shall be responsible for overseeing the monitoring of the client's progress and medication administration on an hourly basis, as needed.

19.2.3.4 Appropriately licensed and credentialed staff shall be available to administer medications in accordance with physician orders. The level of nursing care must be appropriate to the severity of client need.

19.2.3.5 Appropriately credentialed alcohol and drug counselors shall provide evaluation and treatment services for clients, and family support as needed.

19.2.3.6 An interdisciplinary team of appropriately trained clinicians shall be available to assess and treat the client and to obtain and interpret information regarding the client's needs. The number and disciplines of team members are appropriate to the range and severity of the client's problems.

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Ann Machado <amachado@portlandmaine.gov>
To: Christina Stacey <cstacey@portlandmaine.gov>

Fri, Aug 26, 2016 at 11:13 AM

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

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Ann Machado <amachado@portlandmaine.gov>
To: Nathan Cermelj <nathan@libertybayrecovery.com>

Fri, Aug 26, 2016 at 11:27 AM

Nathan -

I'm sorry that I did not get back to you yesterday. I'm taking the rest of the day off. I need to talk with other people witing the department now that I have all the informaiton from you to see if the use fits one of the definitions or what the next step would be. Hopefully I will be able to get back to you on Monday, but it might be Tuesday.

Ann

Ann Machado
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Nathan Cermelj <nathan@libertybayrecovery.com>
To: Ann Machado <amachado@portlandmaine.gov>

Fri, Aug 26, 2016 at 11:44 AM

Hello Ann,

I'm glad to hear you get the rest of the day off, lucky! I look forward to hearing from you then.

Thanks for your time thus far, I really do appreciate it.

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Christina Stacey <cstacey@portlandmaine.gov>
To: Ann Machado <amachado@portlandmaine.gov>

Fri, Aug 26, 2016 at 3:34 PM

My initial thought is that what he is proposing fits the intermediate care facility definition pretty well. The detox facility definition specifically says "the full resources of an acute care general hospital or a medically managed intensive inpatient treatment program are not necessary", which is very similar language as that in the intermediate care facility definition. Essentially, it is a place that provides medical services above that of a group home (which would probably just have therapy sessions) but less than that of a nursing home. The intermediate care facility also talks about being licensed as a "board care, residential care facility, or equivalent pursuant to regs promulgated by DHHS." People are going to be boarding here, correct? Maybe he should ask DHHS if they would consider a detox facility equivalent to a board care or residential care facility?

Just my \$0.02...

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--
Chris Stacey - Zoning Specialist
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Ann Machado <amachado@portlandmaine.gov>
To: "Barhydt, Barbara" <bab@portlandmaine.gov>

Mon, Aug 29, 2016 at 8:10 AM

Barbara -

Natahn Cermelj has bbeen emailing me about a establishing a detox facility at 970 forest Ave which is in the R-P zone. An intermediate care facility is a conditional use in the zone. I'm looking for your thoughts on whether what is described above meets the definiton of an intermediate care facility..

Thanks.

Ann

Ann Machado
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----- Forwarded message -----

From: **Nathan Cermelj** <nathan@libertybayrecovery.com>
Date: Thu, Aug 25, 2016 at 3:37 PM
Subject: Re: Zoning for 970 Forest
To: Ann Machado <amachado@portlandmaine.gov>

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