

**TOWN OF THETFORD  
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES  
1/12/16 HEARING**

Sean Mullen called the Public hearing to order at 7:20 PM, read the agenda and moved directly to Agenda Item #1.

Members Present:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)	Mary Ellen Parkman (ZA)
X	X	X	X	X	X

Attendees: William Brown, Patrick Brown, Nate Stearns, Cathy Pratt, Elizabeth Vickers, Dale Edwards, Timothy Kmarto, Judy Biddle, Stephen Gordwood, Bill Huff, Seth Warren, Cam Brown, Richard Meyer, Melissa Meyer, Janet L. Saint Germain, Annette Kennedy, Michael Evans, Stuart Rogers, JoAnn Berns

**1. Continuation of Warned Hearing on Application (Permit #4117) for Conditional Use and Site Plan Review by American Baptist Church (Owner) and Confluence Behavior Health, LLC (Applicants) to use an existing facility for a therapeutic community residence program for young adult males with on-site agricultural programming and adventure-based activities both on and off site. This property is located at 1646 Gove Hill Road, Thetford Center, VT**

Mr. Mullen began the hearing by addressing a concern that had been brought to his attention by interested parties through correspondence since the prior hearing. There was some concern that the burden of proof is being misplaced and it should not fall on the interested parties but solely on the applicant. Mr. Mullen explained that this is a quasi-judicial process and the burden of proof does NOT fall on any party specifically but on all parties to sort out the issues.

He then asked the applicants if they had any additional information that they would like to present. Mr. Stearns spoke on the applicants behalf to say that there is some inconsistencies in the applicants documents in regards to parking spaces. They have measured the existing parking lot and as stated in the supplemental application materials, the total number of spaces should be 42.

William Brown addressed the interested parties and stated that Confluence Behavioral Health would like to find some ways to open the property to the public as this is something that the neighborhood has enjoyed and the company as well as he and Patrick as individuals support a healthy, active lifestyle. The details will have to be worked out but it could include a website that shows the facility's availability and some form of waiver system.

William also summarized the proposed change in participants based on season. The maximum number of participants in summer/fall/spring would be 48 while the maximum would be 36 during the winter.

Mr. Mullen then asked Chief Michael Evans if he had had a chance to follow up with Summit Achievement, a wilderness therapy program in Fryeburg, ME. Michael stated that the program was similar in some ways to that proposed but different in others. The Town that the facility is located in is Stow, ME which has no police force and has a population of maybe 400. Police protection is provided by the Oxford County Sheriff's Department. This facility now has adolescent girls and boys as well as adult males. (William Brown indicated that he believed that they started accepting adults around 2010). He then summarized the call outs as reported by the Oxford County Sheriff's Department. 2001 – 2006 as read by Mr. Evans included walkaway students, suicidal students, enrolling students taking parents car and things of this nature. In 2015 there was a suicidal student and an escort was provided for the trip to the hospital. Chief Evans indicated that he was not surprised by these types of callouts and the frequency. These are all things that he and all local law enforcement agencies already deal with.

Chief Evans also reported that he spoke to the program director at Summit, Anson McNulty who reported that he believes that they have a successful relationship with facility neighbors. He recognizes that it is important to be a good neighbor. His facility has a staff ratio of 1:3 and his program is an educational facility (school aged kids) with excursions. Students

sleep in a dormitory. There are alarms on the doors and windows but they are not locked in, just notified via alarm if someone leaves. They have vans and do follow anyone leaving the site trying to talk them into staying but also to make sure they don't bother neighbors.

Chief Evans also spoke to neighbors who indicated that they have seen 2 people walking and a van following them indicating that someone has walked out of the program. One neighbor on Deer Hill Rd built his house 5 or 6 years ago and he didn't know the program was there. His first encounter with the participants was assistance in standing up a heavy wall where he needed a large number of helpers. He lives with his wife and daughter and they have no safety concerns associated with living near the facility. Two other neighbors whom Chief Evans spoke to were neighbors back to the time the facility started and recognize that the population and program has changed substantially over the years but can't remember anyone entering a piece of property. In a couple of cases, there were visits to house with a request to use their phone.

Tim Taylor

There are definitely some differences when you have minors and have the role of guardian.

William Brown

There are programs out there that use an escort service to bring minors to a program so it is somewhat against their will. Guardianship gets transferred to the program for adolescents so it is very different from adults.

Sean Mullen

We will want to talk about a protocol for the facility to work with the Police Chief.

Chief Michael Evans

My takeaways from discussions centered around the Summit Achievement facility are that the profile of those that you are admitting as participants is critical. The staff ratio is also important. The organization/owner must accept the responsibility of being a good citizen and neighbor and must have a policy for a participant to exit a program.

Mr. Mullen thanked Chief Evans for his attendance and participation in this hearing process.

Rick Biddle

I really appreciate the Church trying to find an owner that wants to continue the work that the church does. I am really supportive of Patrick and William. The area is quiet at night and my wife and I sleep on a porch for 6 months of the year. I am concerned that the nighttime activity will be loud and we will lose our peaceful evenings. It doesn't appear that there is a curfew but that it will be quiet around 10 pm.

William Brown

As individuals we are very community minded and Confluence Behavior Health will also be. We plan to have an open dialogue with neighbors and the community at large regarding noise and any other issues real or perceived. We do expect that groups will be asleep by 10 PM or 10:30 PM. Our ethic is leave no trace and this includes noise.

Elizabeth Vickers

Elizabeth read a letter that expressed her concerns and frustration with the process. One concern that she has is that the demographic of 18-28 year old males can vary widely. A young 18 year old can behave very differently than a mature 28 year old. She worries that the screening process and admission into the program maybe be lenient to start to fill the program and meet the financial goals while the types of individuals are compromised regarding their risk to neighbors. She worries that she is supposed to just believe the applicants; most answers have been "because we say so". If participants go walkabout what happens? She wonders where she is supposed to go with her concerns if the DRB only reviews Land Use and who will check up on these guys to make sure they do what they say they are going to do.

Tim Taylor

I understand your concerns and the issue of public safety is interesting. I checked in with the Town's Attorney and he indicated that undue adverse effect does NOT extend into public safety. It is not something that should be considered by the DRB because their task is really to review Land Use and to make sure use of the Land is as intended by the Planning Commission when they prepared the Town Plan and then Zoning Bylaw.

Sean Mullen

The Zoning Bylaw has a list of uses and definitions as prepared by the Planning Commission. They really set the allowed uses. In the past Tim and I were involved in Planning as we were one board and we had an elaborate plan that was presented to the town that looked at the rural residential district and made distinctions between what uses should happen

where. It was overwhelmingly rejected by the townspeople who thought that we were taking away their rights and placing too many restrictions on the use of their property.

Cathy Pratt

You are a board full of men and I don't know who you even are and you are making decisions about my safety. I think there should be a woman on the board.

The board introduced themselves as did the ZA.

Richard Meyer

Pat Parenteau sent an email and I find it very pertinent. He questions your decision not to determine that this is a commercial use which is not allowed in the rural residential district. Why did the board chose this category.

Bill Bridge

If you look at the table in the Zoning Bylaw there is a description and examples of uses within these commercial categories and this use clearly doesn't fit in with the others.

Nate Stearns

This facility will be licensed by DAIL as a healthcare facility so I believe that the category of use as a Health Care Facility is correct.

Mary Ellen Parkman

I made the initial determination of use category based on the fact that this will be licensed health care facility. I also gave it a secondary use of outdoor recreation which is an important component.

Ms. Parkman showed Richard Meyer the table and explained the categories of use within the Zoning Bylaw and how the process works.

Elizabeth Vickers

How do we make sure that the facility is operated as stated?

Mary Ellen Parkman

If the DRB approves the application they will put conditions on the approval that help define the use it is my job to make sure they are in compliance.

Patrick Brown

We will operate the facility as stated. This is not a bait and switch.

Dale Edwards

The church has a 28 person Board of Directors and we are unanimously in favor of this sale because the primary values of the applicant match that of the church and fulfill their goal of keep the property intact as one parcel.

Mr. Mullen made the motion to close the public hearing and move to deliberations.

The vote passed unanimously.

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
X	X	X	X	X

Ms. Parkman indicated that because this application was complicated with lots of findings and considerations for conditions she actually prepared the draft decision review based on review of town records, evidence presented and testimony. The decision is a draft only and can be edited in any way. She did incorporate input from the applicants

Don Longwell

I think the use is a perfect property for the use and it pretty much already exists. This property set the character of the neighborhood and predates most interested parties. The existing use is similar to the proposed.

Tim Taylor

You can make an argument that the proposed use is not any more intense than past uses.

Don Longwell

I would make the argument that it is actually less intense.

Bill Bridge

This was a good application and the use is consistent with past uses. It is a good use of this property.

Jesse Anderson

A lot of what we have been discussing is outside of the purview of this board. There are no proposed alterations that alter the character of the property. I have no concerns with traffic or intensity of use. I do not believe we have the authority to regulate beyond this.

Sean Mullen

We need to decide what conditions we can propose that are enforceable.

Tim Taylor

I always have thin inkling to compromise, like reduce the participants, but my motivation would be due to public safety concerns and I am being told that that is outside of our scope of review.

The DRB reviewed the draft decision, and a copy was circulated to those in attendance.

Janet L Saint Germain

I am looking at your draft decision. Is there a reason that you didn't include the full description from the findings with Condition #3?

Mr. Mullen

No, we can add that.

Mr. Mullen requested that a finding be added regarding the facility in ME and Chief Evans findings.

Mr. Taylor asked that a finding be added that states that there will be times where the facility will have no participants and there will be some opportunity for public use.

Mr. Taylor also asked that the conditions include a restriction on routine use of Upper Bailey and Road and a finding include the fact that the A-frame parcel is not included in this application.

Jesse Anderson made a motion that the application by Confluence Behavioral Health be approved with the conditions as proposed in the draft decision with the revisions discussed and documented by Ms. Parkman.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
X	X	X	X	X

Mr. Mullen adjourned the meeting at 9:45 pm.

Respectfully submitted,  
Mary Ellen Parkman

Approved on the \_\_\_\_ day of \_\_\_\_\_, 2016.

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Sean Mullen, Chair