

**TOWN OF THETFORD
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES
1/5/16 HEARING**

Sean Mullen called the Public hearing to order at 7:09 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, William Wallace, Chad Whitcomb, Mariah Whitcomb, Autumn Judd, Cathy Pratt, Betsy Vickers, Tom Urgo, Carol Abbey, Barb Harrington, Fred Thomas, Rick Biddle, Jo Biddle, Jason Albert, Laurence Reeves, Deborah Albert, Janet L. Saint Germain, Melissa Meyer, Cam Brown, Pat Parenteau, Stephanie MacPhail, JoAnn Berns, Joy Gaine, Annie Coulter, John Bacon, Dale Edwards, Donna Panella

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 explained that this was a continuation hearing and since the first hearing the applicant had presented additional materials, many pieces of correspondence were also received by the DRB from interested parties.

He then asked the applicants to summarize their additional information which included responses to a list of DRB generated questions.

William Brown summarized the questions and read their response verbatim from the additional information that had been submitted.

Mr. Mullen then directed the hearing to the topic of public safety as it seemed to be the primary concern of interested parties. He indicated that the Town of Thetford's Police Chief, Michael Evans is in attendance tonight and he asked that Mr. Evans weigh in on the issue.

Chief Evans indicated that before this application came before the DRB and he was asked to weigh in he did not know much about wilderness therapy programs. Since that time he had done some online research and had reached out to the law enforcement community in town's with programs to find out how a facility like this fits into other communities. He contacted communities ranging from 1,600 to 70,000 people in size. He asked questions of the law enforcement agencies regarding the types of calls that come from these types of facilities and whether they were taxing on local resources. Generally, the response that he heard was that they never respond to issues at these types of facilities. The therapists and staff on-site are trained to deal with the types of issues that arise. In a few cases there were search and rescue efforts for remotely located facilities. He was given the advice that the most important thing is to have a relationship with the organization and understand what the facility's check out plan is for anyone in the program that may wish to leave.

Chief Evans indicated that he is willing to work with the applicants to put together a contingency plan that could be implemented if there is a participant who goes missing or another issue at the facility. He reminded the community that the Town of Thetford doesn't have full time police coverage and that they are supported by the State Police. Currently there is 80 hours of coverage.

Mr. Mullen asked if anyone in attendance had a question for Chief Evans.

Tom Uργο

Q. The applicant is asking to operate a Therapeutic Community Residence Program not a Wilderness Program. They are licensed in the State of Vermont by DAIL. DAIL has issued licenses to 35 facilities in this State. Have you called any of them? What about runaways?

William Brown

A. Our program is unlike any other in VT except for True North in Waitsfield but they do not have their own facility and are not licensed by DAIL. Vermont doesn't have a specific license for Wilderness Therapy Programs and they consider them under the general category of Therapeutic Community Residence Programs.

Patrick Brown

A. Similar programs do exist in this area. There is a Wilderness Therapy Program in Fryeburg Maine similar to that proposed except that it is for adolescents, 13-18 years old. We submitted a safety study by UNH that encompasses all aspects of safety and what isn't there is very telling. There just isn't an issue with runaways from these programs.

Bill Wallace

Q. Do the Vermont State Police patrol 24/7 or are they working from home after a certain hour?

Police Chief Michael Evans

A. State Police patrol until 2 or 3 AM and when the Town of Thetford has an officer on second shift they get done at 2 as well.

Laurence Reeves

Q. I want to talk about security. There is no barbed wire to keep people in. If there is going to be people at the pond or in the A frame, I live nearby and what is going to stop an individual from walking out of the facility? If someone leaves they have three needs; transportation, money and a cell phone. They will go to the closest place to get these things. People are concerned. You say there is a 1:3 staff ratio, is the one person going to know where all three are 24/7? Will you have any sort of notification when someone walks out the door and you find out two hours later? You could be getting a ticking time bomb. We are more concerned about those that walk away than those that are at the facility.

Patrick Brown

A. Your question implies a whole lot of things I disagree with. First, I don't agree that anyone would want to leave the program in this manner. If they want to leave they will follow their agreement and arrangements will be made through the program. The program has a very thorough screening process and will not accept individuals that meet the description of a "ticking time bomb" or anyone that would commit crimes to meet their needs. The program will really know who individuals are as a result of the screening process. The UNH study shows that runaways are not a problem.

Betsy Vickers

Q. I live on Upper Bailey Road. We don't have cell service up here but there are many references in your materials to "constant contact" within your program. How will you achieve this?

Patrick Brown

A. We will have 2 way radios as well as satellite phones as needed, so yes we will be in constant contact.

Betsy Vickers

I just want to point out that this program is different from some that were described by Chief Evans in that they are not in the deserts of Utah but a residential area where the back door is near my residence on Upper Bailey Road.

Tim Taylor

I don't know if everyone has had a chance to read the supplemental information provided by the client prior to the hearing but I have and I wanted to understand who these young men were so I asked them for profiles and they provided 10 Vignettes describing the types of young men that will be at the location. I think it does help one to understand why the participants would not want to leave the program and if they do that it can easily be arranged.

Joy Gaine

You never know to whom or when a horrendous thing can happen. Recently it has been schools, movie theaters, etc. It seems like it would be more likely to happen within your group of participants than with the general public. I don't want to be NIMBY but I am concerned. Did anybody think Newtown would happen?

Annette Kennedy

I am a psychologist and have experience with Wilderness Therapy Programs through both my nephew and a former client. The difference is in Newtown the gunman was not receiving treatment or part of a program and clearly there were mental health issues. In a program like this where the participants are well screened there is probably less chance for a horrific event to occur than within the general population because they are receiving treatment. My Nephew's experience was successful and he is not the type to commit crimes.

Laurence Reeves

I have been a guardian et litem for Windsor County and have dealt with kids that are considered trouble. Some were involved with drugs, alcohol, etc. The State of VT takes these kids and sends them to a program to solve their problems. The program was not successful at least 50% of the time.

Sean Mullen

Q. William and Patrick, would you like to respond?

William Brown

A. We do not accept insurance, Medicaid, or the types of referrals you are speaking of. We do not accept those at risk for violence into our program.

Laurence Reeves

Q. Please take me through the screening process? Do you go through a counselor at school?

William Brown

A. We receive our referrals through Educational Consultants which serve families and helps identify potential programs that are a good fit for the individual. The consultants know the facilities and the families individually and make referrals that will be successful. Examples of how they work with families can range from a family hiring a consultant so their child gets into the correct preschool and schools throughout their education so that they will be accepted to Yale or Harvard to a family that had an athlete that was scholarship bound until injury and now seeks alternatives. They really do know the families.

Tim Taylor

Q. There are many conditions that can be put on this approval to limit the use. One suggestion by an interested party was to limit the program to a "private pay behavioral health services" facility. Mr. Stearns is here and maybe he can assist?

Nate Stearns

A. I can absolutely put together some proposed findings and conditions that represent the intended use.

Annette Kennedy

It sounds like a program for just the very wealthy but it isn't really. My sister and husband went into great debt to pay for my nephew's experience.

Kathy Pratt

Q. Will there be a therapist there 24/7?

William Brown

A. No, but on call 24/7. When there are groups on campus there will be a therapist on the property.

Mr. Mullen asked the interested parties if anybody had any questions for the fire chief or regarding emergency services before Chad and Mariah Whitcomb leave?

Tom Urgo

Q. There is a 2 year drought in Washington State, how would you fight a brush fire on site if we had a drought?

Chad Whitcomb (Fire Chief)

We would treat it as we would any other. We fought a 137 acre fire in Norwich and can use our forestry truck and ATVs. There is always mutual aid if the fire was big enough to require it. I am also the Fire Warden and monitor the weather every day. I will establish a relationship with this facility to communicate times when there are State Bans on fires. I have no jurisdiction over campfires. Fire Permits would be required for larger fires. I will be a part of the State Department of

Public Safety inspection and Permit process so I will have the opportunity to do an inspection and address any of my concerns through that permit process if this project moves forward.

Bill Wallace

Q. Are there any dry hydrants on the property?

Chad Whitcomb

A. I do not believe there are any dry hydrants on the property.

Mr. Mullen thanked Michael Evans, Thetford Chief of Police, Chad Whitcomb, Fire Chief and Mariah Whitcomb, Director of Emergency Services, for attending. He asked that Chief Evans look into the facilities in Waitsfield and Fryeburg that were discussed during this hearing as they seemed to be in closer proximity to residential areas than some of the others mentioned. He agreed to do so and will report back.

Sean Mullen

We have received correspondence from interested parties and I just wanted to say I really appreciated what Maryann had to say in that something will be lost in isolating this facility from the neighbors and I would like to find a way to see some down time so that it isn't business 365 days a year 24/7.

Richard Myer

We have heard that there will be 73 to 85 people onsite, I estimated that this translates to a \$1.5-2 Million dollar business based on discussions with my son who managed a home. I suggest that this is a commercial activity.

Mary Ellen Parkman (Zoning Administrator)

There are many definitions of Commercial out there and for many different purposes. For example, the Thetford Listers view any property that is Not for Profit and non-residential that contains a business to be a "commercial property". The Zoning office and DRB follow the Thetford Zoning Bylaws and it's set of rules and definitions. The Town has different categories of use and some use the term commercial. To categorize an application, the ZA and DRB need to review the application and use and establish which use category is appropriate. In this case my preliminary determination is that this is a Health Care Facility with a secondary use of Outdoor Recreation.

Dale Edwards

To give you a little legal history, the Church has gone in front of the VT Supreme Court on two occasions seeking non-profit status for tax exemption. The legal process indicated that the church was commercial in nature because we charged for meals.

In regards to use, all of the use of this facility combined resulted in use for 250-275 days out of the year. The AA retreats were of the size of 55/60 people in a weekend. They did skeet shooting at the pond. The Church rented out RV spaces, held teen retreats, staff meetings for DHMC staff, all sorts of groups and ages. This site has been very active with a broad constituency. Some participation was court mandated. Some of the prior uses did access the site through Upper Bailey Road.

Nate Stearns

The approval can come with restrictions to limit future use.

Laurence Reeves

Q. Can you limit the use to existing structures? No expansion?

Jason Albert

With a limitation of new facilities you could effectively limit the population. I am totally against the project but if it is approved I would like as many limitations as possible.

Tim Taylor

We would limit the use by conditions, not through a ban on new construction. We have in the past put in a limitation on the numbers of those that could be onsite at one time or a limit on the number of program participants which would set the scale.

Fred Thomas

I have some comments about scale. Gove Hill is characterized by many properties with frontage on Gove Hill Rd. Total acreage dominated by 30 acres plus. Density of residents is light, the parcels are large. The injection of enterprise with a

permanent population of up to 73 individuals for 365 days/year is uncharacteristic. We already had to watch the erection of a cell tower. Now on the adjacent property we are looking at a commercial property. I ask, is the scale appropriate? Zoning minimums were reduced from 5 acres down to 80,000 sf, but not many have subdivided. Many have enjoyed public use on this property and this loss is a serious one for neighbors. I am not sure if this can be remedied?

Sean Mullen

I am also concerned about scale and use 365 days per year.

President of American Baptist Church of VT and NH

The Gove Hill Property was operating year round. There was not an extended time period when not in use. The facility went a week at a time at most without use so I would not call it a facility that operated for a period of 275 days/year. It was a year round facility.

Patrick Brown

50% of the time our participants will not be onsite at all so the proposed use may be less intensive than what has occurred on this site in the past.

Sean Mullen

There has been a lot of discussion about whether this is considered a commercial property that would not be allowed in the rural residential district according to our bylaws. The DRB has not confirmed or denied the Zoning Administrator's determination as to the category of use for this application. Let's vote right now to settle that issue.

Jesse Anderson made a motion that the application by Confluence Behavioral Health be considered a Health Care Facility with a secondary use of Outdoor Recreation for the purposes of Zoning.

The vote carried unanimously:

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

Sean Mullen

The use category has now been established.

Tim Taylor

I would like to now continue our Site Plan Review and the additional materials that have been provided. He then reviewed the responses in the packet where additional site plan review information was reviewed, the following responses were reviewed in more detail.

Waste Storage (Standard #15) – There will be a dumpster.

Betsy Vickers

We are concerned about wastewater.

Patrick Brown

We are concerned about wastewater too and are working with the Department of Environmental Conservation (DEC) to make sure we are meeting the State of Vermont water and wastewater rules. In terms of human waste at camp sites, there will be no holes in the ground used but portable potties as allowed by the DEC.

Laurence Reeves

There is a valley on the other side of the A-frame property and it contains my water supply. There is a narrow band to put a septic system in there and if you need to upgrade the A-frame septic system I am very concerned that it will contaminate my water supply.

William Brown

The A-Frame is not included in this application. We will purchase it if we purchase the main property but it will not be subject to this proposed use.

Laurence Reeves

Thank you. I did not know that.

Betsy Vickers

Q. Will Upper Baily Road be used for access?

William Brown

A. There is no reason to move a group or receive deliveries through Upper Bailey Road. It will not be used for any routine use.

Tom Urgo

The Board asked for a business plan and didn't get one. Under 6.05(C)(1)a you are required to disclose your interest? Do you have a contract?

Nate Stearns

We will disclose that yes, we have a contract.

Tom Urgo

I have looked at the biographies of these gentlemen. They are completely vague and there is no detail. I would never hire based on this level of detail. They are not complete.

Tim Taylor

We have been doing this a long time and we have never seen a resume or an application so detailed. I am telling you that this is far beyond what we typically see in terms of detail. It is sufficient.

Donna Panella

Everyone that supports this project or has a positive comment doesn't live in the neighborhood. Gove Hill is one of the diamonds of Thetford. Ask the listers. On paper this application is fine, but would you be happy if you lived there? I want to make sure you take into account the fact that we love our neighborhood and have attended these meetings because we don't want this.

Bill Huff

I live on the corner of Upper Baily Road and Gove Hill Road. I live in the neighborhood and I am not against this. Your statement isn't true. I am very thankful that the church is trying to consider the neighborhood when they didn't sell the property to a developer or for commercial use. I am thankful that the building will not be left empty to deteriorate and that the proposed use would continue to help people that need help. I am also thankful that the Brown brothers are willing to put up their own money for this private facility and that they are not looking for a handout. I do not agree that safety is a concern. These are misfits, not criminals. I think the applicants have done a great job preparing and submitting their materials and I wish the applicants well.

Betsy Vickers

Q. Is the Church keeping a small portion of the property or selling all of it?

Dale Edwards

A. The Church Board of Directors was firm that they wanted to keep the property whole. This was the number one issue. They do not want to divide it up.

Jason Albert

Q. Going back to scale, the business plan was not submitted. Some of the information could be sensitive but can we get a detoxed version?

Tim Taylor

A. I do not understand the relevance.

Jason Albert

I would like to explain. The rural residential definition limits the size of commercial activity.

Tim Taylor

The packet of additional information contains all of the information required for us to determine size and scale.

Jason Albert

Q. Is there any monitoring or compliance?

Sean Mullen

A. The Zoning Administrator is responsible for compliance based on the conditions that are place on an approval.

Fred Thomas

There are documents that have been discussed that we don't have access to.

Mary Ellen Parkman

All of the documents associated with this application are in the application file in the Zoning Office and are public information. The Zoning office is open Tuesdays and Thursdays from 9-1 and you may view the files during that time.

Tim Taylor

I think we have heard all of the evidence that we need to hear. We will have another hearing next week when we will likely make a decision. If we approve the application we will set conditions to the approval. I encourage any interested parties to review all materials and come with any final questions or comments and to give thought to any conditions that would alleviate their fears. Any proposed conditions can be sent to the Zoning Administrator prior to the next hearing,

Mr. Anderson made a motion to continue the hearing to January 12, 2016 at 7 pm at the Thetford Town Offices. The vote passed 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 _____, 2015.

Sean Mullen, Chair