

**TOWN OF THETFORD
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES
11/24/15 HEARING AND SITE VISIT**

Public Site Visit at 1646 Gove Hill Road, Thetford Center, VT – 5:00 PM

Members Present

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

Recorder: Mary Ellen Parkman

Attendees: Pat Pisano, John Bacon, L.E. Reeves, Ricahrd Meyer, Melissa Meyer, Nate Stearns, Fred Thomas, Bill Huff, Jody Biddle, Janet Saint Germain, David Cahill, Tom Urgo, Joy Gaine, Patrick Brown, William Brown, Jen Brown, Jen Mojo, Rich Warren, Jan McCleary, Brent Mellen, Jennifer Peters, Michael Kamphuis, Sarah Kamphuis

Members of the DRB, the Zoning Administrator, the applicant and interested parties met onsite at the Gove Hill Retreat at 5 PM. The group met inside the main building but was unable to view the site or outdoor facilities as it was dark out. The applicant gave a general description of their application and plans for the property. Some questions from the group were answered but all were reminded that to go on record the discussion would have to be repeated during the hearing. The group was afforded the opportunity to tour the main building.

The site visit was adjourned at 5:35 PM with Continuation of the Warned Hearing to be at 7 PM Public Hearing at the Town Offices.

Public Hearing, Thetford Town Offices – 7:00 PM

Sean Mullen called the Public hearing to order at 7:08 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, Jen Brown, Jen Mojo, Rev. Dale Edwards, Nate Stearns, Tom Urgo, Carol Abbey, Cathy Pratt, L.E. Reeves, Susan Gault, Barb Harrington, Melissa Meyer, Sharon Gouwens, Marjorie Cook, Russell Cook, Michael Harhen, Bill Wallace, Janet Wallace, Bill Huff, Henry Marcy, Deborah Marcy, Autumn Judd, Adam Coulter, Annie Coulter, Deborah Albert, David Cahill, Donna Panella, Randy Reeves, Mariah Whitcomb, Cam Brown, Kathy Williams, Chris Pellerin, Tracy Pellerin, Jan McCleary, Rich Warren, Brian Ganley, Mackenzie Ganley, Joy Gaine, Richard Biddle, Jody Biddle, Pat Parenteau, Marty Fruin, Stephanie MacPhail, Scott Slider, Jim Masland, Tamaran Goldensher, Charles Goldensher, JoAnn Berns, Janet Saint Germain, Jason Albert, Madeleine Thomson, Ken Sharpe, Stuart Rogers, Jessica Eaton

1. Warned Hearing on Application (Permit #4117) for Conditional Use and Site Plan Review by American Baptist Church (Owner) and Patrick and William Brown (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 asked Mr. Taylor to kick off the hearing by explaining the process. Mr. Taylor explained the proceedings as a hearing by which the DRB can only approve the application if the proposed conditional use meets the requirements of Section 6.06 of the Zoning Bylaw. He also explained that the DRB will afford interested party status to any party interested in the project, not just abutters as defined in the DRB's policies and procedures. He then explained that the hearing will begin with the applicant presenting their project, followed by questions by the DRB and then a time where interested parties can ask questions, make comments, or present testimony. He also explained that anything that happened at the site visit prior to the meeting has to be repeated to be entered into record.

The applicants, William and Patrick Brown first introduced themselves. Patrick graduated from Hanover and lives with his wife in Warren, VT. He graduated from UVM and has spent time in Thetford specifically. His career has been within the outdoor recreation field focused on economics and sales as well as Marketing. William moved to Vermont in 1997 and settled on a career in mental health with outdoor excursion experience. His experience has been varied with involvement in numerous similar facilities to that proposed.

The applicants gave a quick overview of the project, as follows:

- No major work on the existing structures is proposed, improvements will be cosmetic in nature.
- Location will house a small wilderness therapy program that focuses on outdoor experiences such as skiing, biking, canoeing, hiking, etc.
- The program will have therapeutic experiences built in
- There will be a farming component that would include gardening, chickens, sugaring and things of this type and scale
- The age range of program attendees will be adult males ages 18-28.
- Programming will be a group format with groups of 6, 8, or 10 people.
- Business is a niche business in the therapeutic services world intended to fill a very specific therapeutic need.
- Most referrals will be through Educational Consultants.
- Many States have a licensing program and rules around Wilderness Therapy Programs. Vermont does not, but has a general category called Therapeutic Community Residences which is licensed through the State agency DAIL (Department of Disabilities, Aging & Independent Living). The applicant is submitting an application for licensure through this department but it is unclear at this point whether or not Vermont will require a license for this program through DAIL.
- The applicants have not heard back from the Department of Environmental Conservation yet as to what volume of wastewater will be approved for use of the existing wastewater system by proposed facility.
- The applicant's current forecasts show 12 total clients in year 1. The previous facility was able to accommodate 52 persons so this might be an upper limit for approval of the wastewater system.

Mr. Taylor indicated that now that the general use has been described the DRB will ask questions of the applicants.

Mr. Taylor asked the following questions: How is the facility currently designed? What does your programming look like? Where attendees are onsite is important. What size will the groups be? Some activities are off site, will groups travel together?

The applicants responded that the program will be working with people referred to be educational consultants, not substance abuse programs. They do not intend to work with people that have primary substance abuse issues or severe mental health diagnoses. The groups will be 6, 8, or 10 people and will be a cohesive group that will travel together.

Mr. Mullen asked the applicant if they could provide documentation of their screening process and the steps involved to enter the program. He also asked what the age range would be, staff ratio? Will any residence have criminal records? Will participants be restricted to the site? Will there be medical staff on site?

The applicants responded that the age range is 18-28. The staff ratio will be 1:3 or 1:4. Some residents may have criminal records. Participants will be restricted to the site. It is a voluntary program so if someone wants to leave, staff will take them off property to meet family, to a bus station, etc. Medical staff will include a Registered Nurse to oversee medications and general health issues. There will be no medical doctor on staff, no psychiatrist, but there will be a licensed mental health counselor as well as staff that have a mental health background and extensive training.

Mr. Taylor asked how much freedom the program participants have.

The applicants responded that they will have very little freedom. Participation is by cohort with all activities conducted as a group. Their programming has protocols in place to build trust within the group so that privileges such as using tools like axes are earned.

Mr. Mullen then asked if the program will be year round.

The applicants responded that yes, it will be year round. Summertime will be the peak season with busy times coinciding with the end of college semesters.

The applicants expect 80% of their attendees to be college enrolled students. The expected categories of those enrolled includes students that are enrolled in college, young men that should be enrolled in college, and young men that have graduated from college but cannot get jobs.

Mr. Taylor indicated that he would like to make some headway in the Site Plan Review. Mr. Taylor reviewed the applicant's responses to the Site Plan Review criteria that were included with their application. See application.

Under Standard #1 - maximum safety of vehicular circulation, the applicant added that peak traffic days would occur with staff turnover. Staff will work 8 days on, 6 days off. 3 or 4 staff would leave and 3 or 4 staff would arrive. William, Patrick and the Clinician would commute to the property.

Under Standard #2 - Adequacy of circulation, parking and loading facilities, the applicant added that there is an existing parking lot that should park 20-24 vehicles which is more than they expect to need. There may be some box truck delivery trucks but no big trucks. There are no plans to receive large deliveries. There will be trash truck arriving and departing.

Mr. Taylor asked the applicants to address public use of the property. There were questions at the Site Visit regarding use of the facilities by neighbors as historically the property had been open for the neighbors to use it freely.

The applicants explained that they intend to post the property as private due to HIPPA requirements as well as contractual obligations to their clients and families to protect their identities.

Site Plan Standards #3, #4, #5 and #6 were reviewed and no additional information was provided by the applicant other than their initial written responses that are included with their application.

Site Plan Standard #7 is building design. Mr. Taylor asked the applicant to discuss the buildings onsite and their intended uses.

The applicant indicated that there is a 9200 sf main lodge, an ADA compliant Cabin, an 8-10 person cabin, fire ring and camp area, pavilion, CCC cabins (not sure how many, maybe 6), an A-frame that is in disrepair with no intended use, recreational fields. The participants may be in the main lodge in the winter between excursions or they may be tenting by the fire ring or sleeping in a cabin. There will be regular camp fires and the pavilion and recreation facilities will be used for activities.

Site Plan Standard #8 is lighting. The written submission was required. The applicant added that they might add outdoor lighting as the paths and parking lot is very dark. Any new lighting fixtures will meet our Zoning Bylaw and be dark sky compliant.

Site Plan Standard #9 is noise. The applicants reviewed their written testimony. No additional information was provided.

Site Plan Standard #10 – Odors, smoke, dust, noxious gases, or other forms of pollution. Mr. Taylor mentioned that they applicant actually indicated that there would be some. The applicants confirmed that they did intend to have regular camp fires.

Site Plan Standard #11 – Vibration. The applicants reviewed their written testimony. No additional information was provided.

Site Plan Standard #12 – Stormwater. The applicants reviewed their written testimony. No additional information was provided.

Site Plan Standard #13 – Historic Structures. The applicants reviewed their written testimony. No additional information was provided.

Site Plan Standard #14 – Fire and Public Safety. The applicants reviewed their written testimony and added that the main lodge has a sprinkler system and exit signs as well as a first floor that is ADA accessible.

Site Plan Standard #15 – Waste Storage. The applicants reviewed their written testimony. No additional information was provided.

Site Plan Standard # 16 – District Standards. The applicants reviewed their written testimony. No additional information was provided.

Mr. Taylor then opened up the hearing to questions/comments/concerns by interested parties.

Q. – Questions, A. – Answer

Tom Urgo –

Q. Is this your LLC filing with the Secretary of State's Office? I cannot find any evidence that William Brown lives at 567 Brownsville Hartland Rd in Brownsville, VT or that Patrick Brown lives at 109 Maisonettes, Warren, VT.

Submitted into evidence, A) Copy of Articles of Organization files with the Vermont Secretary of State, B) Open Letter to the Community by the applicants, C) Site Plan Review responses by the applicant, D) West Windsor property list excerpt.

Applicant

I, William Brown have an address of 567 Brownsville Hartland Rd, Brownsville, VT. I, Patrick Brown live in a condo at 109 Maisonettes, Warren, VT.

Cathy Pratt -

Q. Have you personally done this before? What is the screening process? Is there a therapy component? What are the qualifications of the employees?

Applicant

William indicated that he worked at Second Nature Wilderness Program in Utah as field staff and then eventually management. He has also written staff plans, developed programming for many programs for which he worked but has not been the owner of a program previously. He has a master's degree in Mental Health Counseling.

The screening process starts with Educational Professionals that are certified by IECA. Their job is to match programs to the needs of their clients. They would review the young man's records and conduct interviews. There are many types of programs out there in the intent is for this facility to be a niche program that provides therapeutic services for an individual with a specific set of needs.

Before enrolling individuals to the program, the staff will consult with these educational consultants when a referral is made, conduct their own application process which includes an assessment tools, and lastly meet with the individual and their families.

There is a therapy component to the programming. Each group will have a counselor that is a licensed mental health provider and direct staff members will be overseen by a licensed clinician. Direct staff will have backgrounds in mental health but will not be required to be licensed. They may have an undergraduate degree in psychology or similar. There will be an initial 7 day training for all staff.

Donna Panella –

Q. How can you allow this use in a residential area? Why would you give them permission in an area that is for rural use only, this is commercial and it is not allowed?

DRB

A. The district name is Rural Residential but there is a table in the Zoning Bylaw that allows some permitted uses as well as conditional uses. This is a new permit that requires Conditional Use and Site Plan review by the DRB. This application is in alignment with our process.

Donna Panella –

Q. This use has strangers passing through a residential area. Strangers that have no connections to the area will just be passing through? These strangers are males that have issues? Is this safe? How is there any benefit to the neighbors?

Dale Edwards

A. The Baptist Retreat has a long history of running programs for individuals that are trying to navigate life circumstances. In the past they ran a program for urban youth having difficulties, many retreats were offered for 12 step programs. In some cases there were 50-55 people at the retreat that were freely entering the community. For 49 years there was an influx of individuals with difficulties. There is a 28 person board of trustees that were determined to not break up the 120 acre property but to transfer it to a new owner as 1 property. The facility investors want to see the facility used for the common good. They are prepared to take a loss for the common good of those that use it.

Tim Taylor

A. We have to consider whether this project will have an undue adverse effect on the neighborhood. The Vermont Supreme Court says that it cannot be just any effect but a substantial and material one.

Unknown Lady in Doorway

Q. If we need to argue material effects then will property values go down? The proposed company is for profit? Isn't that commercial? Will there be 24/7 staff coverage? This is not going to be safe. There is no fence or containment and there will be criminals on the property in groups of 8-10 people!

Tim Taylor

Q. Nate, can you address the issue of property values?

Nate Stearns

A. I am an attorney that has been retained by the applicant. I can speak generally to the issue. The subject of property taxes is often raised with a new use and people don't understand. There needs to be more than a fear that property values will do down. There needs to be evidence. There are very few studies that show values going down. If you review the intent/definition of the Rural Residential district it includes proposed uses that are commercial that keep the density low and are dependent on natural resources. This application meets that definition. Dale Edwards has testified that this use isn't all that different than past uses and there was no adverse impact from prior uses. There is no hard evidence that the proposed use will have an undue adverse impact on the neighborhood.

Bill Craig

This hearing is a great opportunity for us to get informed. Just a moment's googling reveals that this practice is well known. There are programs of this nature everywhere even locally. He named local programs with no public knowledge of high crime. He noted that the many years of AA participants on Gove Hill did not result in any break ins so why would this? I hear lots of fear so ask questions! Get informed. This proposed use is not a training ground for little ax murderers.

Bill Wallace

Q. I live on New Boston Rd and walk my dog along the road and I would like to keep doing that without worrying about people unexpectedly showing up to pet my alpacas. Will people be showing up at my house unexpectedly? How long will the groups be at your facility? Do the groups come and go on the same schedule?

Applicants

A. The facility will have rolling admissions and once enrolled will stay in cohorts. An 8-12 week stay will be typical. There will not be set turn over days.

Tom Urgo

Q. Did you review the documents I entered into evidence? The registration that was submitted with the State of Vermont is not accurate? How do we know they are telling us the truth?

Bill Bridge

A. The DRB is not interested in this discussion. The form is a State of Vermont form not under our purview. Contact them.

Jim Masland

Q. I have some staffing questions. What do you get from DAIL? Will there be a mental health counselor on site? Can you elaborate on the curriculum and provide documentation?

Applicants

A. It is not clear at this point whether we will require a license from DAIL or not. They have not exercised jurisdiction at this point. There will be a full time mental health counselor on site. There may be more than one depending on the numbers enrolled. The curriculum will be adventure based counseling and a full description can be provided.

Tamarin Goldensher

Q. Who decides when they are ready to leave? Will you have check and balances in place? There should be at least 2 clinicians so there is back up.

Applicants

A. The educational consultant will help make the decision as to program completion.

Annie Colter

Q. I live on Upper Bailey Road and have enjoyed use of the property but loss of that use is not my primary concern. Is entering this program really voluntary? You have never said they enter on their own volition? Most are probably not doing this 100% voluntarily. You said men need to earn the right to use a sharp? This will unduly affect the community!

Applicants

A. If someone needs therapy but is refusing help they will not be referred to our program. We want those that are safe to take on a canoe trip for 5 days. We carefully screen applicants. Any time you have a program like this there are protocols in place for safety and trust building. We are always gaging safety and we do not take safety for granted. The property is great for an outdoor education.

David Cahill

Q. I live directly across from the property. What is the use proposed?

Mary Ellen Parkman (Zoning Administrator)

A. I have made the determination that the primary use is as a Healthcare Facility with Outdoor Recreation as an accessory use. The DRB has not determined yet if they are in agreement with my determination.

David Cahill

Q. What about commercial service? Isn't that what this is? Who is the applicant? What are the investor's expectations? What is Plan B if this plan fails?

Nate Stearns

A. Commercial service as defined is a very different category of use than that proposed. We cannot predict the future and as far as Plan B is concerned, that is not part of any application and is not for review by the DRB. Whether or not the application is by an individual or an entity, they both have the same legal rights in Vermont.

Sean Mullen

A. Zoning and the DRB look at use but not the people involved. Our focus needs to remain on the use.

Jason Albert

Q. This filing is specific but the category of conditional use is broad. If things don't work out it seems like the applicant would have the authority to expand their use?

Applicant

A. We used broad terminology in our application of a Therapeutic Community Residence Program because it is typical for Vermont not because we want the authority to expand our use.

Autumn Judd

Q. What is the success rate for this type of facility?

Applicant

A. I don't have that information with me. Our facility will use Outcome Tools and those enrolled will be enrolled in the assessment process. This will track participants and have success rates.

Unknown

Q. Will you take people taking heroin?

Applicant

A. Our program is designed for those with life stage issues not use disorders. We may have a college kid that smokes pot and that may be something that they deal with. We would not likely take someone on heroin because that is a use disorder but also they would not physically be able to take part in the programming. Attendees have to be able to hike or engage in outdoor activity for sometimes 5 days at a time.

Brian Ganley

What does the business model look like? Seems like this is a program for the 1 percenters.

Carol Abbey

Q. Will I have to disclose that this business exists nearby when I am filling out a property disclosure form?

Nate Stearns

A. I am not acting on your behalf or as your attorney but based on my knowledge, no. You could but you would not have to.

Janet Saint Germain

Q. What type of licensing or certifications will be involved with your facility and your staff?

Applicant

A. NATSAP – National Association of Therapeutic Schools and Programs is an industry association. National Association of School Psychologists certifies Education Consultants. Joint Commission offers Accreditation programs for healthcare facilities. AEE – Association for experiential education offers professional development, training and accreditation

Dr. Jennifer Peters

Q. You said that there will be a nurse onsite. How do you manage medicine while on excursions? Will new medications be prescribed while they are in your program? Will you communicate with physicians? Will you have a smoking policy? Other than music anything loud? When staying in cabins what will they use for toilets? Will there be a curfew?

Applicant

A. We have a very specific protocol that will be the same onsite as offsite in terms of medication. It will be a bubble wrap system with super specific guidelines. The focus of the program is on health and healthy life patterns. There will be a focus while onsite involving playing, working and resting with resting being critical. There will be no electronics allowed on site and no smoking while enrolled. It is unlikely that medications will change while enrolled but there be clear lines of communications with doctors.

Fred Thomas

Thanks for this session. I want to enter into evidence a property value study title “Not in my Backyard”; the effect of substance abuse treatment centers on property values.” Our property values will be affected.

Tim Taylor

That study also said that you cannot zone out treatment centers.

Janet Saint Germain

The Town Plan says that residential facilities should be located near downtown areas. This location is not near a downtown.

Charles Goldensher

Q. Are there any studies that show that there is a decline in property values resulting from a program similar to yours?

Applicant

A. There are no specific studies but general information on APA website that shows that community residence programs have no impact on property values.

Randy Reeves

This sounds like a glorified adult Boy Scout camp. I am worried about people protecting themselves.

JoAnn Burnes

It sounds like people are concerned that the participants will have no ties to the community. As part of becoming healthier and developing a concept of community maybe you can build community into your program.

Mike Hearn

It seems like we can't prove impact on property values. If we can't prove a material impact then we must prove a decline in safety but we cannot do this until something happens?

Tim Taylor

I agree with Annie, I need a lot more information on the program and how it will keep the neighborhood safe.

Dick Meyer

Q. Can the board study the proposed use to determine if it is a commercial activity?

Sean Mullen

A. The DRB will have to make a determination as to whether they agree with Mary Ellen as to the use or whether they find that this is some other use.

Mr. Taylor announced that it is after 9:30 and he is tired so let's continue the hearing to another site visit during the daylight hours and a continuation hearing. After much discussion, Mr. Mullen made a motion to continue the hearing to a site visit on Saturday December 5th at 11 AM followed by a continuation hearing on January 5th at 7 pm. 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