

**DEVELOPMENT REVIEW BOARD**

**PRELIMINARY MINUTES**

**ZOOM ELECTRONIC MEETING**

**Monday – April 12, 2021  
6:00 P.M**

Join Zoom Meeting:

<https://us02web.zoom.us/j/82633903304?pwd=OnlCemFKU2YwTEJUVVZ5QUUp6OTkxUT09>

Meeting ID: 826 3390 3304

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**MEMBERS PRESENT:**

Phil Carter, Chairman

John Boehrer

Julie Bowyer

Julie Nicoll

Doug Sheehan

**STAFF PRESENT:**

Scott Murphy

Terry Carter, Co-host

Rose Goings

Lisha Klaiber, Recorder

Chief Billings

Eric Chatterjee– Okemo

Valley TV

**OTHERS PRESENT:**

**Public Hearing for Michael Kalen:**

Michael Kalen

**Public Hearings for Divided Sky:**

Trey Anastasio

Jason Batten

Matt Boggs

Elizabeth Brach

Steve Burton

Troy Caruso

Abby Chaloux

David Cooper

Seth Dolensky

Jason Dolmetsch

Roger Eisner

Amy Fazen

Curtis Fazen

Jessica Frasca

Barbara Heidel

Bill Heidel

Morgan Henson

Christine Hoffman

Jim Hoffman

Doug Leech

Blakely Maggi

Brian Maggi

Jose Marcal

Ellen McArdle

Lois McArdle

Richard McArdle

Pam O'Neil

Melissa Perrino

Brad Pershing

Al Ragozzine

Darlene Ragozzine

Chris Roy

Bruce Schmidt

Jamison Scott

Sarah Scott

Patrick Smart

Michelle Stinson

Elizabeth Taylor

Dave Van Guilder

Toni Girardi  
Melanie Gulde

Kirk Moore  
Otis Nelson

Paula Van Guilder  
Brooke Willard

**I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES**

1. Phil Carter opened the meeting at 6:15 p.m. He advised that the Electronic Meeting Guidelines explained at the DRB meeting on June 8, 2020 are still in effect.
2. Roll Call:
  - i. Phil Carter – aye
  - ii. John Boehrer – aye
  - iii. Julie Bowyer - aye
  - iv. Julie Nicoll – aye
  - v. Doug Sheehan – aye

**II. OPEN THE PUBLIC HEARING FOR MICHAEL KALEN**

1. Phil Carter advised that this is an application requesting a Variance of the 50-foot setback from the lake to add a dormer to the garage and to expand a noncomplying structure in the front of the structure, by converting the deck into a porch
2. Rose Goings advised that this is application 482-21-VA. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, March 16, 2021 advertised in THE VERMONT JOURNAL on March 24, 2021 and abutting property owners were notified on March 19, 2021. She advised that letters have been received from the Fire, Ambulance and Police Departments. She added that the applicant has submitted the plot, building design, survey and response to the 5 criteria for a variance
3. Phil Carter administered the oath to all (Michael Kalen) wishing to speak at this hearing.
4. Michael Kalen said that they had recently purchased the house and then found out that the stairs up to the 2<sup>nd</sup> level did not meet code. When they replaced the stairs, the new stairs bisected 2 bedrooms. They want to make a bedroom over the garage and add a dormer above the existing garage. They would like to add a small dormer to the deck with an egress window. These changes will be as small as possible and will not exceed the current roof line of the house.
5. Phil Carter asked Mr. Kalen what codes he was referring to.
6. Michael Kalen said that a copy of them exists and the existing stairs did not meet standards; they were steep and skinny. He was told this by his home inspector.
7. Phil Carter advised that Michael Kalen had responded to the Vermont State statutes 5 criteria for a variance. He asked Michael Kalen if he would like to comment or read them.
8. Michael Kalen said he would read them or answer board questions.
9. Phil Carter asked the board for comments and there were none.
10. Phil Carter said that the drawing refers to Variance 1 and Variance 2. He asked Michael Kalen to explain
11. Michael Kalen said Variance #1 is the existing non-conforming structure and extension of the deck to the bedroom. Variance #2 is the dormer.
12. Phil Carter explained and asked if these changes would change the footprint of the house.
13. Michael Kalen said no.
14. Phil Carter asked where the dormer would open to.
15. Michael Kalen said the back deck, where it is the highest point of safety.

16. Phil Carter asked about the enclosed porch.
17. Michael Kalen said that is Variance 1 – the non-conforming structure.
18. Phil Carter said that the dormer is the most egregious change.
19. Rose Goings said that the entire house is in the setback and that she had asked him to get a survey. The dormer is for safety. The architect's plans show that because of the removal of spiral staircase, they have to create the dormer with a window of 5.7 square feet as per VT statutes. She said that 2 sides of the house do not meet setback requirements to the lake. She said that the porch is pre-existing and they are just enclosing it. She added that the drawing should not say 2 variances. The dormer is the variance and the non-conforming porch is pre-existing and he is just enclosing it.
20. Phil Carter noted that Fire Chief Kolenda's letter detailed conditions and asked Michael Kalen if he had any problems with them.
21. Michael Kalen said he would have no issues meeting those conditions. He said they had tried to work within the zoning regulations.
22. **MOTION by Doug Sheehan and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

III. **PUBLIC HEARINGS: – DIVIDED SKY FOUNDATION – Site Plan Review**  
**PUBLIC HEARINGS: – DIVIDED SKY FOUNDATION – Conditional Use Permit**  
**PUBLIC HEARINGS: – DIVIDED SKY FOUNDATION – Local Act 250 Review**

1. Phil Carter advised that these hearings are for a Conditional Use Permit to change the use of the Green Mountain at Fox Run Weight Control Facility to a substance use disorder facility to treat 40 individuals through detoxification and residential treatment. The facility will employ 30 local professional staff at full capacity. This project is located in the Residential Commercial District.
2. Rose Goings advised that these are applications 476-21-SP, 477-21-CU and 478-21-ACT250. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, March 16, 2021 advertised in THE VERMONT JOURNAL on March 24, 2021 and abutting property owners were notified on March 19, 2021. She advised that letters have been received from the Fire, Ambulance and Police Departments and abutters.
3. Phil Carter explained that the Ludlow DRB is on-the record. He said the DRB acts as the court and takes both written and verbal evidence. We do findings-of-fact and conclusions of law. If our decision is appealed to the Supreme Court, they will not take evidence, but only look at our process to see if we may have made a mistake. He said that this hearing will be recorded by minutes, on tape and there will also be a video. He said this hearing will not be closed until everyone has had the opportunity to speak. The DRB wants to get factual evidence. This hearing will be organized by subject. He does not want repetitious evidence. He asked everyone to mute themselves and to use the "raise hand" option. He said that on a phone, "\*6" will mute and "\*9" will raise hand.
4. Phil Carter administered the oath to all (Please see above attendance list for Divided Sky, also list of interested parties attached at end of minutes) wishing to speak at this hearing.
5. Phil Carter asked who would be the point person for Divided Sky.
6. Morgan Henson said she would.
7. Phil Carter asked what is Divided Sky and what is Ascension.
8. Morgan Henson said that Divided Sky is a Vermont 501(c)(3) company created to provide treatment for substance abuse disorders. They will work with Ascension Recovery to provide behavioral health care and substance abuse support. Ascension will manage the facility.

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9. Doug Leech said that Ascension is a consultant, managing treatment centers in 30 states. They want to expand care. They have small community-based facilities and larger, facilities in cities. They provide treatment to people who can't afford treatment, with no insurance and also Medicaid. Ascension has always been successful in getting programs open. They have invited the home owners to talk to them and we are mindful of their concerns. We will try to accommodate the neighbors.
  10. Phil Carter asked what is the relationship between Divided Sky and Ascension.
  11. Doug Leech said Ascension helps get programs off the ground and manages them. It is a partnership. Divided Sky owns the property. We will provide budgets, get licensure, and work with the state to get all accreditation (state and national), ensure compliance to all standards and implement best practices.
  12. Phil Carter asked who will provide the care.
  13. Doug Leech said we have staff and have received local applications. We will bring in a Clinical Director (if an appropriate local person is not available.) There will be a dedicated staff of nurses, counselors and psychiatrists.
  14. Phil Carter asked who will employ these people.
  15. Doug Leech said Divided Sky.
  16. Trey Anastasio said that he lives in and loves Vermont. He started Divided Sky to offer help to people and give them the opportunity to get treatment for substance abuse. He said that he is a recovering drug addict. Drug use is an epidemic. He said that Windsor County led the state in overdoses last year – 25 of them. He said that Vermont ranks 11<sup>th</sup> in the nation and there are only 4 certified treatment centers in Vermont. He wants to help Vermont - there are not enough beds available for recovery in Vermont. The program will be developed with Ascension, will be voluntary, structured and state regulated. It will be a quiet place to provide services to people who can't afford it. There will be no drugs or alcohol allowed. People in recovery maintain connections by service to others.
  17. Rose Goings asked if Ryker Douglas is still involved.
  18. Doug Leech said no. They were going to purchase the property. They are still helping to coordinate with the architect and design. They will not be involved long-term.
  19. Jim Hoffman asked who owns the property.
  20. Morgan Henson said Divided Sky.
  21. Jim Hoffman asked who holds the mortgage.
  22. Phil Carter asked why that is pertinent.
  23. Jim Hoffman said that Ryker Douglas and Ascension are on the work orders.
  24. Doug Leech said that they have answered the question.
  25. Jim Hoffman asked about their other properties.
  26. Phil Carter said that the DRB is here to take evidence of this project and not interested in who is paying and other properties. We are interested in why or why not this project should proceed.
  27. Jim Hoffman asked them to describe the facility at Jacobs Ladder, WV.
  28. Doug Leech said that he will not compare the properties.
  29. Jim Hoffman said that abutting properties are about 2,900 feet away in one direction and 1,500 feet away in the other.
  30. Phil Carter said the next topic will be purpose and why this is needed. He said that he has read every letter that has been submitted and some do provide evidence, but most are repetitious. He asked why this is needed.
  31. Morgan Henson said we chose Vermont because there is a need. Vermont ranks 11<sup>th</sup> in opioid ODs in the nation and there are only 4 certified treatment centers in Vermont. Also, there are organizations in the community that say residential treatment centers are needed. Windsor

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- County has the highest OD rate in the state. It is a beautiful property and would be the perfect place. There is a crisis in Vermont.
32. Phil Carter said that the board had received documents from Turning Point providing evidence of the need – these are all public domain.
  33. Otis Nelson said that 3 local kids passed away last year from ODs. There is a definite need.
  34. Phil Carter asked if the Brattleboro Retreat is residential.
  35. Paula Van Guilder said it is no longer in-patient. She said the need for more treatment facilities is huge. She works for Medicaid and treatment facilities should be very private, for the patient and the family. There is a stigma attached to treatment facilities that is not good. This facility is needed.
  36. Phil Carter said that Troy Caruso sent a letter that said that the two closest treatment centers are at 50% capacity, but there is no supporting evidence provided.
  37. Melanie Gulde said that due to COVID, the ones in New York are not accepting patients.
  38. Phil Carter asked if board members had any questions. He added that there are lots of letters in support of the project.
  39. Jessica Frasca said that she started a petition in favor of the project. She said that from age 17, she lived in Ludlow. Her daughter grew up here. She was an addict. She said that with COVID, it was almost impossible to get help for recovery. We couldn't get help and this center might have saved her daughter's life. She said that she had been contacted by 30 to 40 other locals in the same position as her family. We need help desperately in Vermont. When an addict is ready to get help that is the time to get help for them. She said that 180 full time Ludlow residents signed the petition and want the project to move forward.
  40. Pam O'Neil said that she is a school counselor and Guidance Director at Green Mountain High School. She said that the worst thing is when someone wants help and can't get it or has to wait 6 weeks. That is when tragedies happen. She said that she is also the president of BRACC (Black River Area Community Coalition.)
  41. Jessica Frasca said that the location also involves family support. It is very difficult for the families if they have to drive 2hours to visit. There have been 157 deaths from ODs this year. We need to step up.
  42. Brooke Willard said that she is the program coordinator for BRACC and a Ludlow resident. She said that 3 of her peers died from accidental ODs between November and March. She said the location is beautiful. She added that she is a certified recovery coach.
  43. Paula Van Guilder said that Brattleboro is still open for in-patient, but the beds are full and are sending people in need of treatment out of state.
  44. Michelle Stinson said that beds are not available when they are needed. She is the Youth Librarian in Springfield and 3 young people overdosed in the library and others come looking for help. The police take them to the hospital and there are no beds, so they are back in the community without support. She would welcome this facility to Ludlow.
  45. Melissa Perrino said she is a licensed Clinical and Mental Health Counselor and is a Master Licensed Alcohol and Drug Counselor. She said that we need a treatment center and this is an opportunity for Ludlow.
  46. Pam O'Neil said there are 15,000 people in Vermont who need treatment (information from the VT Department of Health.)
  47. Jim Hoffman said that nobody doesn't agree that there is a need for treatment for drug abuse. He said that his family has been touched by it. BUT this is not the proper use for that parcel.
  48. Darlene Ragozzine said her family has also been touched by this, but this is far from the perfect location.

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49. Chris Roy said this is a residential treatment facility and under the town regulations, the town has the obligation to accommodate under the Fair Housing Act. The building was a ski lodge and a weight loss center, now it is another use. He wants note of the Fair Housing Act on the record.
  50. Phil Carter said that the property is located in the Residential Commercial District and is Section 460 in the zoning Regulations. “The purpose of the Town R-C 1 District is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area should be protected and enhanced with the provision of shopping facilities.” He said this was referenced in many of the opposition letters.
  51. Toni Girardi said in addition to the definition, she wants to make it clear that the purpose of the district also mentions character. She quoted the District Standards “The clear purpose and the desired character of this district is to encourage small business, locally owned that blend in with the current small-town charm and preserve the vitality of Main Street businesses. Our town will not support businesses that draw away from the economy of our downtown. We want to maintain the character of this district. The character is rural, quiet, with private homes, with a quality-of-life people have come to appreciate and expect.” She said that the people who live close to the property think that it will change the character of the area.
  52. Otis Nelson said if it was in-patient before, nothing is changing much.
  53. Toni Girardi said it was originally an Inn and part of a 4-season property. It was part of a PUD and the lives of the people are intertwined in the area. They have to drive on Fox Lane. The property has been vacant for years.
  54. Jim Hoffman said it has been vacant for a couple of years, it wasn’t a weight loss clinic – it was an educational facility. This is a close-knit area and this would change it significantly. It is within 100 feet of our property and we would have to drive through it.
  55. Toni Girardi said that the Green Mountain Weight Control program did not receive a permit as a weight control center.
  56. Jim Hoffman said that in September 1980, Green Mountain Weight Loss moved in.
  57. Phil Carter said that the problem is that there is no definition in the zoning regulations for “limited commercial use.” The development serves the needs of the residents. He said if there no golf course and one wanted to come in, would that be serving the needs of the residents.
  58. Jim Hoffman said yes, if you are a golfer.
  59. Phil Carter said that you don’t really need a gold course. He said, if 2 residents were drug dependent, would this facility serve the needs of the residents. It’s hard to put a definition on this. It is subjective.
  60. Toni Girardi said the purpose is there. There is no definition of limited commercial use. The town plan encourages commercial activities to be clustered in the village and not other areas. She added that lack of affordable housing is a high priority.
  61. Darlene Ragozzine said that there are children who live in the buildings and play close to that building. That building was once part of the community. She asked the board to think how things would play out in the community if this were allowed. She does not think that saying it is a perfect location is accurate. She said she would love to have a

- facility in Ludlow, but not in this location. She asked the board not to change the zoning regulations.
62. Phil Carter said that the DRB is not changing the zoning regulations and not attempting to change them. He said that the DRB interprets the zoning regulations. We look for guidance if there is no definition.
  63. Chris Roy asked how do you get from sentence to purpose. How is this related. He said that there is a broad definition in the by-laws as what conditional uses are appropriate – B&B, Inn, and Tourist Home. He said that the RC District follows the Route 100 corridor and has mixed commercial uses. He said that other conditional uses in the RC District include: funeral homes, sand/gravel pits, wind turbines and transitional housing. They do not want big box stores. This is not virgin land and they are not going to build a new building. This is an existing building that will house: residential patients, administrative offices, a kitchen and meeting rooms. The capacity of the building will not change and it probably will be quieter. He said about a ski lodge – it is not a fair characterization. Federal Law requires reasonable housing for treatment. More important than that is the use of 10<sup>th</sup> hole of the golf course, people will not notice this as it will bring minimal change to the outside of the building and the inside changes will not impact the character of the area.
  64. Phil Carter asked for history of the location. He said it was developed in the 1970s as a lodge and condominiums.
  65. Jim Hoffman said it was opened in 1969 as a 4-season resort. It was a lodge and 2 sections of town houses integrated into the lodge. Owners of the town houses were investors into the project. The property has been sold several times. In 1980, the Inn was sold without notifying the town house owners that removed our privileges for use of the lodge. He said that all of the water and wastewater maintenance was done by the Fox Run Resort. There were law suits between the Inn and the town house owners. In 1984, they were separated. Fox Run cared for the building and road without water and waste water. This is all woven into the Fox Run property. This is not an appropriate parcel for the project because of the background. We were not told about Divided Sky before the sale.
  66. Phil Carter asked if by tied to the property, he means common land.
  67. Jim Hoffman said the town houses were granted a 10' perimeter outside the building, making each .17 acres.
  68. Phil Carter asked who owns the pool and recreation area.
  69. Jim Hoffman said Divided Sky.
  70. Toni Girardi quoted Section 2.3.3 of the Municipal Plan “Allot sufficient space in appropriate locations for residences, commercial businesses, recreation, and agriculture in order to meet the needs of the town.” She said that the town houses are completely embedded and the owners are concerned about the character of the area. She reserved the right to present a rebuttal witness. She asked what “limited commercial use” is and to what extent can the DRB enforce a nebulous definition.
  71. Phil Carter said that the DRB interprets the zoning regulations. He asked Jim Hoffman if the lodge had been open to the public.
  72. Jim Hoffman said yes.
  73. Rose Goings asked if the septic system that supports the lodge and condos is still shared and on the golf course.

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74. Jim Hoffman said yes.
  75. Rose Goings said if this was a PUD at one time and not separated, how is the septic maintained.
  76. Jim Hoffman said the 1980 owners of the lodge were unaware of their responsibility to maintain the water and septic for the town houses. It was never changed and is in the warranty deeds.
  77. Rose Goings said that in 1989, the septic failed and was replaced. Did you upgrade to include expansions to the condos?
  78. Jim Hoffman said that all of the condos have 4 bedrooms and 4 bathrooms.
  79. Rose Goings said that the site plan presented by Divided Sky show it all on one property.
  80. Matt Boggs said the drawing shows drinking water and waste water.
  81. Rose Goings said the site plan shows it all on the same property.
  82. Pat Smart said they prepared a site plan, but did not do a boundary survey, they went off available surveys.
  83. Rose Goings asked them to get the property surveyed.
  84. Pat Smart said he can look into clarifying the boundaries. He said that the septic and drinking water are for the Inn and town houses are the same service.
  85. Rose Goings said it had not been increased for the new use.
  86. Pat Smart said that is correct.
  87. Brian Maggi said it is nebulous. He said that only one health care facility is allowed in town and is operated 8 hours per day. This will be a 24-hour operation. This may set a precedent.
  88. Darlene Ragozzine said the board should drive up there to see the relationship in the area. She said they were digging up sewers over the weekend and dug up sections by the lodge to the 10<sup>th</sup> hole.
  89. Pat Smart said in late March, we observed what appeared to be waste water surfacing on the fairway. As per permit requirements, we notified the state. We did a site investigation as to the cause and did remote cameras. We excavated test pits and found broken waste water lines leaching. We repaired it.
  90. Phil Carter asked if the septic system also serves the condos.
  91. Pat Smart said yes. He said the water and waste water are all tied in.
  92. Ellen McArdle said she has a 40-year history with Fox Run and this is an egregious violation of our warranty deeds. We have rights to use the pool and tennis courts. The previous owner robbed us of those rights. They ripped up the tennis courts and the pool were degraded to a swamp. It was supposed to stay clean and full in case of a fire. The relationships are bound by deeds. The golf course is a visual contributor. She said with the weight loss center we were not looking at a rigid slice out of our general property. This will be a 24-hour facility and not just residential. It is proximate into our recreational and familial enclave. She suggested that the board look at the warranty deeds and declarations.
  93. Phil Carter asked for a copy of the warranty deed.
  94. Ellen McArdle said the attorney has the deed and it should have been shared.
  95. Toni Girardi said she will share it with the board.
  96. John Boehrer asked when was the last time the pool was used.
  97. Jim Hoffman said about 6 years ago. He added that he used to take care of it and the tennis court, but the owner refused to take care of it.
  98. John Boehrer asked if they had taken any legal action.
  99. Jose Marcal said he is a doctor and is concerned about this being a medical facility. He listed ambulances, people crashing. He said there will be abuse and people will end up in need of greater medical care.



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100. Toni Girardi said she will submit the warranty deed and agreements to the board to clarify the relationship. It will also confirm the 10' boundary around the town houses.
  101. Phil Carter said to email it to the planning office.
  102. Morgan Henson said that all evidence was due by April 2,2021.
  103. Chris Roy asked if it is the board's intent to continue or to close this hearing, if it is closed, how can they submit more evidence. He said it is clear that the formers owners and the condominium owners have had run-ins. Those are not the issue before this board now. They should look at the conditional uses. This board should not be interested in the deed language – that would be for a civil court. To that extent, the deed would be a supplemental record.
  104. Phil Carter said the DRB has no intention of interpreting the deed language when we review the site plan. We will accept the deed as evidence to help the DRB. We will not interpret, change, debate or analyze the deed, but it may have pertinent information.
  105. Toni Girardi said the DRB is allowed to accept the deeds as character of the area.
  106. Phil Carter said we will not go through all of this tonight. If we recess this hearing tonight, all new evidence must be submitted before the next hearing.
  107. Troy Caruso said that the septic was not completely fixed. They repaired one leak and found another section that needs to be repaired on 2 holes.
  108. Jose Marcal said that he put in a propane tank for heating that matches code. He said that A & B units have buried their tanks not within the 10' perimeter. The tanks are owned by Suburban, but are on the Inn's property.
  109. Phil Carter said that at the next hearing, they will discuss the site plan, including the survey, traffic, safety and security. At this point, we will discuss the treatment center and how people are admitted, vetting process, who are the patients and the criteria for screening.
  110. Steve Burton said they look at assessments for residential and detox. This will be done by licensed councilors or behavioral professionals. They will comply with the Joint Commission standards - Joint Commission is an accreditation service for health care and allows hospitals and nursing homes to operate. They set very high standards and it is a very difficult process to go through. They will also comply with the ASAM – American Society of Addictive Medicine standards.
  111. Jason Batten said interested people will come to the facility and will be screened. What are they seeking help for? We will do a comprehensive Bio/Sociological assessment and make sure the person is a suitable fit for the program. They will also provide psychiatric care.
  112. Jeff Billings said that he does have concerns. This is a needed facility and will be great for the people who want to be there. He is concerned about the court mandated people who really don't want to be there and they may cause trouble.
  113. Chris Roy asked the relevance and said he is not sure this is pertinent. In response to Local ACT250 criteria, how will it generate more traffic or affect public service needs. The Vermont State Regulatory departments will make sure that this facility is properly set up and secure. They have the expertise to determine. Pursuant to court ordered patients, some may want to be there and it may voluntary. It is outside of the purview of the zoning. He again reminded the board of the Fair Housing Act. He said if Divided Sky were putting in a ski lodge, these questions would not be asked. What about rowdy skiers outside the lodge? This is about traffic and municipal services
  114. Toni Girardi said it is of relevance because court ordered admittees who don't want to be there are more likely to relapse and bring in drugs and commit crimes.
  115. Chris Roy objected to counsel using stereotypes and suggesting that they will bring in drugs.

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116. Toni Girardi said it is relevant because of the potential impact on the character of the area. She said that a health care facility of more than 8, per 9VSA4501(3)(C) - An individual with a disability does not include any individual with a substance use disorder who, by reason of current alcohol or drug use, constitutes a direct threat to property or safety of others. She said that the neighbors want to make sure that the patients are properly vetted and that primary psychiatric disorder is not their primary disability.
  117. Phil Carter said that impact on our municipal services is under the purview of the DRB. He said that the question about how clients are vetted was not answered. He said that Chief Billings is concerned about that.
  118. Doug Leech said it is voluntary.
  119. Phil Carter said what about court-mandated.
  120. Doug Leech said there may be someone with legal issues who wants help.
  121. Melanie Gulde said that she works with the felony treatment court and assesses the criminality level. If the level is high or there is a history of violence, they will not be admitted. She said that if the crimes are fueled by substance abuse and there are no drugs, it may reduce crimes. She said that people who want help should be able to get it. We determine if they want help, even if they are court mandated.
  122. Chris Roy said this board is dealing with the issues. If you live next to this type of facility (or any new use for the property) there are concerns. The DRB needs to keep this on the zoning issue – conditional use. The other regulatory agencies involved will make sure this operation will do right by Ludlow. Some of the characterizations have been totally unfair.
  123. Toni Girardi said this is on the record and we want the DRB to hear from the people at Fox Run. They know the history, the character of the area and the relationships. They support the type of work and service, but are concerned that this is not an appropriate for the location and may adversely impact the character of the area. The Chief of Police voiced his concerns about the impact. The owners don't want to seem discriminatory against this use. They are concerned that people will think they are discriminating against people who need help. This is a quiet, rural area. This is within the purview of the DRB.
  124. Otis Nelson said this is a slippery slope.
  125. Jessica Fracas said she does not think this facility will have any more effect on the police department than Okemo. They have had Okemo employees OD in the parking lot. She does not think the police will receive more phone calls. She said that the patients will be vetted and they want help.
  126. Julie Bowyer asked if they will be able to admit people from other states. She said that they have not started the site plan. She would like to make a motion to recess this hearing.
  127. Phil Carter agreed. The next hearing will encompass the site plan and they will zero in on parking, staff, security and deliveries. He would like warranty deeds to be submitted into evidence. He said this will give everyone a chance to submit new evidence. Evidence should be submitted before the meeting on May 10, 2021.
  128. **MOTION by Julie Bowyer and seconded by John Boehrer to recess this hearing until May 10, 2021.**
  129. Toni Girardi requested that the DRB members conduct a site visit.
  130. Phil Carter said he has been up there 4 times.
  131. Julie Bowyer said she has visited the property.
  132. Julie Nicoll said she has also been up there.
  133. Phil Carter asked if there is something she would like to point out.
  134. Toni Girardi said to get a feel for the area and to appreciate the woven fabric relative to the site plan.

135. Phil Carter said that he will make sure that everyone gets up there.
136. Julie Bowyer asked again if they would be able to take people from out of state or if it will be exclusively Vermont residents.
137. Phil Carter said he will table that question for a bigger discussion.
138. Doug Leech said he will provide more information about other programs and will provide references. He referred to a NETFLIX movie "Recovery Boy" about this. He said we will meet the requirements for licensure in this state. There is ample space and land and they will implement best practices.
139. Julie Bowyer asked him to send the information to Rose Goings and she will send it to board members.
140. Doug Leech said yes.
141. Trey Anastasio thanked everyone for the opportunity to discuss this and for participating. He told Chief Billings that he has spent 14 months in a felony drug program.
142. Otis Nelson asked what is the deadline for submitting new evidence.
143. Rose Goings said she would send out an email. She said it is usually 2 weeks before the hearing to allow the DRB members to read all of the information provided.
144. **MOTION passed unanimously.**

#### IV. ADJOURN

1. Phil Carter said they will not look at the minutes of the last meeting tonight. He asked the board if they would like to meet again before the next meeting.
2. Consensus was yes.
3. The board will meet on Thursday April 15<sup>th</sup>.
4. **MOTION by Phil Carter and seconded by John Boehrer to adjourn. Motion passed unanimously.**
5. Meeting adjourned at 8:58 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Doug Sheehan

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Julie Bowyer

**(b)** For the purposes of this chapter, an interested person means any one of the following:

- (1)** A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2)** The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3)** A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- (4)** Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5)** Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

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## DIVIDED SKY ZOOM MEETING INTERESTED PERSONS LIST – April 12, 2021

### **Divided Sky Zoom Invites**

Morgan Henson, Divided Sky  
Melanie Gulde, Divided Sky  
Trey Anastasio, Divided Sky  
Doug Leech, Ascension Recovery  
Steve Burton, Ascension Recovery  
Brad Pershing, Ascension Recovery  
Seth Dolinsky, Ascension Recovery  
Jason Batten, Ascension Recovery  
Matt Boggs, Ryker Douglas, LLC  
Chris Roy, Legal  
Patrick Smart, Engineer  
Abby Chaloux, Engineer  
Jason Dolmetsch, Engineer  
Michelle Stinson  
Kirk Moore  
Otis Nelson  
Brooke Willard  
Melissa Perrino  
Pam O'Neil  
Dave & Paula Van Guilder

Jessica Frasca via Petition  
(In Favor)

Town Staff & Board Members may be present, other than the DRB.

### **Abutters Invites**

Jim & Christine Hoffman  
Roger Eisner  
Carol Anne Della Penna  
Caleb Lentchner  
Jamison & Sarah Scott  
Bill & Barbara Heidel  
Elizabeth Brach  
Jose Marcal  
Lyle Hawes  
Elizabeth Taylor  
Al & Darlene Ragozzine  
Lois, Dick, & Ellen McArdle  
Curtis & Amy Fazen  
Brian & Blakely Maggi

Toni Girardi, Esq.  
David Cooper, Esq.

Troy Caruso Via Petition  
(Opposed)