

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

Monday – December 14, 2020 6:00 P.M

Join Zoom Meeting

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MEMBERS PRESENT:

Phil Carter, Chairman

Julie Bowyer

Doug Sheehan

John Boehrer

Julie Nicoll

STAFF PRESENT:

Rose Goings

Scott Murphy

Jeff Billings

OTHERS PRESENT:

Eric Alden

Jim Hoffman

Frank Provance

Scott Baitz

Carl Lisman

Alfred Ragozzine

Matt Boggs

Blakely Maggi

Darlene Ragozzine

Kathy Boyce

Brian Maggi

Jamison Scott

Elizabeth Brach

Jose Marcal

Jessie Steiner

Steve Burton

Kevin Massie

Roy Steiner

Troy Caruso

Greg Mauriello

Amber Taylor

Alan Couch

Ellen McArdle

Elizabeth Taylor

Carol Ann Della Penna

Lois McArdle

Kevin Theissen

Patricia Eisner

Conor McKenzie

Catherine Wynne

Becs Elrich

Otis Nelson

William –no last name

Amy Fazen

Amy O’Neil

Lisha Klaiber, Recorder

Curtis Fazen

Mike O’Neil

Eric Chattergee– Okemo Valley TV

Toni Girardi

Ron Parry

Melanie Gulden

Brad Pershing

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Phil Carter opened the meeting opened at 6:00 p.m. He advised that the Electronic Meeting Guidelines explained at the DRB meeting on June 8, 2020 are still in effect. Members of public bodies are allowed and encouraged to participate remotely. He explained that this meeting is on the record and asked people to “Mute” unless they are speaking. He advised Lisha Klaiber, that if needed for clarification, she may interrupt.

- B. 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 RECESSED PUBLIC HEARING FOR SUMMIT DISTRIBUTING, LLC**

1. Phil Carter advised that this hearing is an application to amend the Conditional Use permit and for Flood Hazard Review for the redevelopment of an existing retail motor fuel outlet, including the razing of the auto parts store/service garage and addition of a two (2) additional fuel dispenser island. The existing convenience store will be updated and the front entrance will be relocated. The proposed location of the dumpster and enclosure is located in the Special Flood Hazard Area. The property is located at 129 Main Street in the Village Residential Commercial District. This hearing was recessed from the meetings of March 9, June 8, July 13, 2020 and October 26, 2020. He asked Rose Goings if the applicants have submitted any new evidence.
2. Rose Goings said that they had not. She said that she has spoken with John Broker-Campbell and she does not think that the applicant is getting the changes he requested. They have requested to be placed on the agenda for the next meeting.
3. Phil Carter suggested that the motion be made for the February meeting
4. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until the February 2021 meeting. Motion passed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR KATHY BOYCE**

1. Phil Carter advised that this is an application for a Variance. The owner is requesting a variance from road setbacks for the front porch. The project is located at 479 Route 100 South in the Town Residential District.
2. Rose Goings advised that this is application 473-21-VA. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 20, 2020, advertised in THE VERMONT JOURNAL on November 25, 2020 and abutting property owners were notified on November 20, 2020. She advised that letters have been received from the Fire, Ambulance and Police Departments and also abutting neighbors. She advised that Kathy Boyce has responded to the five criteria for variances.
3. Phil Carter administered the oath to Kathy Boyce to speak at this hearing.
4. Kathy Boyce advised that she did not know that she needed to get a permit to put on a porch and apologized to the board. She said that ½ of the porch is in compliance with setbacks from the road, but the other section falls just under the setback by about 4 feet.
5. Phil Carter said that the 5 criteria are required by Ludlow Zoning Regulations and State statutes.
6. Kathy Boyce said this is an ongoing situation on Route 100. They lived without a front entry for many years. She said that she made the improvements for because of the situation and safety. She advised that there were never any steps to the porch to access the front door. So, they needed to build something to make the front door accessible. She said that 2 years ago, the state started to redo Route 100. They dug out a culvert on the opposite side of the road, which sends the water directly into her driveway. She has notified the state about this. She said that

- drainage pipe across Route 100 is damaged and needs to be replaced. The state also raised the crown. She said the water flows down Terrible Mountain, onto her driveway and into her basement. She said that she thought that the cement pad would improve the situation and decrease the amount of water getting into the basement. She said there is also a sinkhole on Route 100 and there are culvert issues on both sides of the road.
7. Phil Carter asked if they had poured the cement as a nice accessory or for the water in the basement.
 8. Kathy Boyce said both. She said it has helped, but there is an ongoing problem. She said she wants to the Agency of Transportation and they know about this. She said that there was a rock stuck in the pipe and the state opened the pipe up like a “tuna fish can” and the pipe across Route 100 is compromised. They never really fixed the situation.
 9. Phil Carter asked if putting in the porch the way it was done, was the only solution to the problem.
 10. Kathy Boyce said it is a temporary solution, but it has helped. They need the state to fix the road.
 11. Phil Carter asked if there was any other solution, such as sealing the foundation.
 12. Kathy Boyce said they have to get the culverts fixed.
 13. Phil Carter noted that she had responded to the 5 criteria.
 14. Kathy Boyce said she had submitted pictures of the house, road and water in the basement. She said she could have put in a wooden porch.
 15. Phil Carter asked if water enters in on the side.
 16. Kathy Boyce said no, just in the front. It comes in by the juttet out foyer. She said that she did the best that she could to help the situation. She said maybe this is a blessing and has brought the situation on Route 100 to light.
 17. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR COOL EDGE LAKE RESCUE HOMEOWNERS ASSOCIATION**

1. Phil Carter advised that this hearing is an application for an amendment to a subdivision. The subdivision created a lot on Lake Rescue for lake access to the benefit of the 9-lot subdivision on the opposite, west side of Route 100 North. The applicants wish to amend the subdivision to permit the use of the lake access lot by one additional parcel, currently owned by the Estate of Charlotte G. Sumner. The parcels are located in the Lakes District
2. Rose Goings advised this is application is SUB-18-006, Amendment #1. Posted on the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 20, 2020, advertised in THE VERMONT JOURNAL on November 25, 2020 and abutting property owners were notified on November 20, 2020. She advised that she has received responses from Police, Fire and Ambulance, along with abutters.
3. Phil Carter administered the oath to all (Greg Mauriello, Jeff Billings, Amy O’Neil and Mike O’Neil) wishing to speak at this hearing.
4. Greg Mauriello said that there are 9 Sumner lots across from the lake that have access to the lake access. He said that the applicants wish to add one more lot. He said that in the 2018 application, we called it the Sumner Subdivision and should have identified it as Sumner Lands. This one lot was left out.

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5. Amy O'Neil said that they purchased their house from the Sumner Estate and only 9 lots had access to the lake. We have a shared driveway. Motor boats are not allowed on the lake and we bought this parcel for privacy. We didn't expect another lot to be added to bring it to 10 lots.
 6. Phil Carter asked if there have been any issues there.
 7. Amy O'Neil said only one lot has been purchased and a dock went up last summer. Every homeowner may put up one dock. There have not been any issues and there is not much activity.
 8. Phil Carter said according to the association bylaws, building on the lots is prohibited except for docks and canoe/kayak holders.
 9. Greg Mauriello said that they never envisioned 9 docks. The lot is regulated by the association and he doesn't think the association would approve it. He said the lots are controlled by the by-laws, the state and DRB permits and wastewater permits. He said there are only 2 structures: the old antique shop which they want to convert into a single family home and a private home built in 2008.
 10. Phil Carter said that the regulation process is nebulous and who enforces it. The neighbors have concerns. It is a low-key area and how do we protect this. With 9 lots, you could possibly have 15 cars. What can we do to protect this.
 11. Greg Mauriello said what words would you like us to add. It is already addressed in the by-laws. You can't put more cars on the lot than the original permit depicted. He said the driveways and parking areas are also depicted. They have space for maybe 2 – 3 cars and must observe the limit. They must do drop-offs and not park. No motorized vehicles are allowed and cars must park in the designated parking areas. They are allowed a dock and canoe/kayak storage. There is no overnight occupancy and pets are not allowed.
 12. Phil Carter asked if this board can put the Lake Lot Coverage as condition in the permit and can it be enforced.
 13. Greg Mauriello said absolutely. It is memorialized in the covenants and is what the family wanted to create.
 14. Phil Carter noted that in his letter, Jeff Billings mentioned signage was in the original permit put it never happened. There was a second letter from Jeff Billings.
 15. Greg Mauriello said he understands Jeff Billings' concerns for safety, but that is state regulated.
 16. Phil Carter asked if they could just put the sign on the property.
 17. Jeff Billings said he is concerned about children crossing over to get to the lake. We need something to make North-South traffic aware.
 18. Greg Mauriello said the reason the signs are not there is because it is tricky as to where to place it. The State wanted us to do things with the shape, width and angles of the driveway for ingress and egress.
 19. Phil Carter asked Greg Mauriello to work with Jeff Billings to come up with a solution.
 20. Greg Mauriello said he would be happy to .
 21. Rose Goings asked if this would be a condition of the permit.
 22. Amy O'Neil said it sounds like you will allow the addition of the extra lot with conditions.
 23. Phil Carter said that this board has not made any decisions. There is an entire process. When a permit is re-opened, it is not just one issue.
 24. Amy O'Neil said that everything in the covenants and by-laws doesn't mean that it will happen. If it is loud or people are parked in our driveway, do we call the police. We are not in favor of this at all.
 25. Phil Carter said if we incorporate the covenants in to our permit, it will give the town enforcement ability. He said that as it stands now, there is no one for you to call . This puts "teeth" in the covenants. You will be able to call the Planning Office if there is a violation.
 26. Rose Goings said that one problem that she has is if there is a problem, it always happens on the weekend and we don't hear about it until Monday. Enforcement will not happen until Monday. If we send a 7-day letter, they have the right to appeal. It could take a month before the violation process begins. We don't issue municipal tickets.

27. Phil Carter they could go to the Homeowners' Association (HOA) for enforcement and if in violation, could lose their permit. They would have to call the Homeowners' Association if there are any problems. If something is in the covenants, it can't be violated. He said that right now, there is nothing that can be done. We would like to try to have a process that will work for everyone. If the covenants are in the permit, it may help.
28. Greg Mauriello said that the comments made by Amy and Mike O'Neil are legit. If there are other homes, we will need private enforcement. This is private ownership and people have to be responsible and not call Rose Goings 24/7. If there is a complaint, that should be addressed by the Homeowners' Association and the association can call the offenders.
29. Doug Sheehan asked if each owner can put up a shed.
30. Greg Mauriello said recreational equipment is incorporated into the design in the by-laws and must be approved by the HOA board. It refers to canoe/kayak storage and docks.
31. Doug Sheehan asked if each owner has a specific area to use.
32. Greg Mauriello said it is all the same area.
33. Mike O'Neil said that 3 years ago, he roughed out a trail and last year another owner put in a second trail.
34. Amy O'Neil said it doesn't appear that there is anything to stop each owner from putting in a trail or dock. There is nothing in the by-laws to stop it.
35. Phil Carter said the ANR will only allow one 6' path to the water. If there is a second path, it is in violation.
36. Amy O'Neil said she doesn't see how this board can approve another lot, if they are in violation.
37. Greg Mauriello said this is news to him that there is a second path. State regulations only permit one path and this needs to be corrected.
38. Rose Goings said this will be part of ACT250 and she suggested that Amy and Mike O'Neil may want to contact Stephanie Gile. She said that all lots will be combined at ACT250.
39. **MOTION by Doug Sheehan and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for J. Matthew Boggs for Ryker Douglas, LLC and asked the applicant if they could be addressed concurrently. The applicant's representative agreed.

V. **OPEN THE PUBLIC HEARING FOR J. MATTHEW BOGGS FOR RYKER DOUGLAS, LLC**
VI. **OPEN THE PUBLIC HEARING FOR J. MATTHEW BOGGS FOR RYKER DOUGLAS, LLC**

1. Phil Carter advised that the two applications will be addressed together. There is an application for a Conditional Use Permit and Local Act 250 Review. The applicant wishes is requesting a Conditional Use permit and Local Act 250 review for the change of use of the Green Mountain at Fox Run Weight Control Facility to a substance abuse disorder facility to treat 40 individuals through detoxification and residential treatment. The facility will employ 30 local, professional staff at full capacity. The property is located at 262 Fox Lane in the Town Residential Commercial I District (R-C1.)
2. Rose Goings advised that this is applications 474-21-CU and 475-21-ACT250. Both applications were posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 20, 2020, advertised in THE VERMONT JOURNAL on November 25, 2020 and abutting property owners were notified on November 20, 2020. Rose Goings advised that letters have been received from Schools, Police, Fire and Ambulance. We

have also received copies of letters from abutters. She said the application is also posted on the town website

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 this hearing will not be closed until everyone has had the opportunity to speak. The DRB will weigh all of the evidence. He said that not all of the evidence has been submitted. IF you are not an “interested party”, we will allow you to present evidence. However, if it does go to court, and the court determines that you are not an “interested party”, your evidence will be thrown out. Phil Carter administered the oath to all wishing to speak at this hearing:

Matt Boggs	Carl Lisman	Frank Provance
Elizabeth Brach	Blakely Maggi	Alfred Ragozzine
Steve Burton	Brian Maggi	Darlene Ragozzine
Troy Caruso	Jose Marcal	Jamison Scott
Carol Ann Della Penna	Kevin Massie	Jessie Steiner
Patricia Eisner	Ellen McArdle	Roy Steiner
Becs Elrich	Lois McArdle	Amber Taylor
Amy Fazen	Conor McKenzie	Elizabeth Taylor
Curtis Fazen	Otis Nelson	Kevin Theissen
Toni Girardi	Ron Parry	Catherine Wynne
Melanie Gulden	Brad Pershing	William –no last name
Jim Hoffman		

4. Matt Boggs explained that they wish to change the use of the property from Inn to Health Care Facility. According to Section 460 of your zoning regulations, this is a conditional use in the RC-1 District. We will be treating substance dependent patients.
5. Phil Carter asked if Ryker will be providing these services.
6. Matt Boggs said no. A different LLC will do that. Ryker is purchasing the property and the facility will be managed by Ascension Recovery. Ascension will manage the property for a Vermont non-profit that will provide the services.
7. Phil Carter asked if Ascension will go away at some time.
8. Matt Boggs said Divided Sky Fund will provide the services and Ascension wants to manage it long term.
9. Phil Carter asked what kind of services they will provide.
10. Matt Boggs said it will be an all-inclusive program for comprehensive recovery. All the services will be within normal health guidelines. The goal is reintegration in a safe, sober manner. He said that there are limited treatment providers in the state.
11. Phil Carter said that the letter to Green Mountain Care board is not dated. It says that you will provide drug and mental health services for substance abuse, mental health, justice system involuntary patients, residential treatment, individual and group therapy and assistance in re-integrating into life outside the facility. He said that he does not see anything that says they will provide services to the Ludlow community.
12. Matt Boggs said that SUD and mental health therapy go together. A person must have SUD primarily to be admitted into the program.
13. Phil Carter asked if it will be mental health treatment directly attributed to substance abuse disorders.

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14. Matt Boggs said it will not be a Psych Unit. It will be for people suffering from Substance Abuse who may have mental health issues. He said it will not be for severe mental health issues.
 15. Julie Bowyer said there are 6 types of health care facilities:
 - Urgent Care Clinic. ...
 - Nursing Home. ...
 - Orthopedic Rehabilitation Center. ...
 - Addiction and Mental Health Treatment Facilities -she said she thinks it would be this one
 - Hospice Homes. ...
 - Ambulatory Surgical Facility.
 16. Matt Boggs said yes
 17. Julie Bowyer asked about judicial system involvement.
 18. Matt Boggs said that often people may get on the wrong side of the law for things like driving while under the influence. He said that they have an assessment process to determine if the program and individual fit together. We will not be serving people who have committed violent crimes and crimes against children. The patients will be thoroughly vetted.
 19. Phil Carter asked about the vetting program.
 20. Matt Boggs said it will include a clinical assessment by trained individuals. It will include criminal, family and usage histories. This will also determine what kind of care they need. In some cases, we may not be able to admit the person. This is all based on an evidence based process and best practices for treatments.
 21. Phil Carter asked if the vetting process happens on-site or before.
 22. Matt Boggs said it can be both. Most of it now is digitalized.
 23. Phil Carter asked where they get their information.
 24. Matt Boggs said from the State. We will be serving the state. He said there were 20,000 persons who were not able to access treatment due to lack of providers.
 25. Phil Carter said that the letter to Green Mountain mentioned re-integration services. Where do the patients stay while this is taking place?
 26. Matt Boggs said that individuals receiving treatment will live in a controlled situation and will also learn job and life skills. We may refer them to an RCO and will engage with them to make sure they have the tools to succeed and rejoin the community.
 27. Phil Carter asked how long they will stay in your facility.
 28. Matt Boggs said yes, for a minimum of 90 days to be successful, during which we will begin the reintegration process and find a place back in the community.
 29. Phil Carter asked about individual and group counseling. Are they in your facility or do they come in?
 30. Matt Boggs said we are using tele-health to provide both.
 31. Julie Bowyer noted that Ryker is for profit as well as Ascension, who is the non-profit.
 32. Matt Boggs said Divided Sky Fund. He said that Melanie Gulden is here tonight.
 33. Phil Carter said that he will open this discussion for questions pertaining to the subject just covered.
 34. Roy Steiner said that he lives on upper Commonwealth Avenue and is concerned about safety.
 35. Phil Carter said that we are not at that discussion yet. We are only taking questions or comments on the subject just covered.
 36. Jim Hoffman noted that Ryker is a for profit company. Where do you get the financing? Why do you go to mostly rural areas?
 37. Matt Boggs said that he cannot discuss finances in public. He said there is bank financing.

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38. Steve Burton said that he works for Ascension. They have many individuals in long term recovery, some with clinical licenses. He said that Divided Sky reached out, looking for experience in opening treatment facilities. We are more of a consultant. Phase 1 is the business plan or model, Phase 2 is licensure and approvals and Phase 3 is the management phase. We recruit professional talent to work for us and try to use local talent. We will recruit from Ludlow and Vermont for service providers. He said we decide on locations dependent on where the clients are. The Drug epidemic has affected rural areas and there is not enough help in those areas.
 39. Jim Hoffman said that you set up the facility and send it to the other organization to run the facility. Will you run it?
 40. Steve Burton said that Ascension has a management contract with Divided Sky for recruitment, assessment and management and will stay involved as long as Divided Sky wants us there.
 41. Phil Carter referred to the Green Mountain Care letter and asked about medical certification of need when adding health care. He asked if they have that yet.
 42. Matt Boggs said no, we sent a letter of intent to them. They will then give us the process. It will come later.
 43. Amy Fazen asked about assessment and intake and asked if they will go on the record and that there will be no sex offenders. She asked about reintegration and asked if patients will be driving in and out of the facility.
 44. Phil Carter said that traffic is another issue and we will hold off on that. They have not submitted their site plan, which would include traffic, parking, site layout and sewers.
 45. Rose Goings asked what their success rate is. Will they accept Medicaid, and state funds? How do people pay for the program?
 46. Matt Boggs said there are 4 ways for payment: self-pay, Medicaid, commercial insurance and state and federal block grants. We will provide service to people who are underinsured or have no insurance. We accept all and want to service the individual.
 47. Rose Goings asked about their success rate.
 48. Steve Burton said that he does have reports and will send them to Rose Goings.
 49. Phil Carter said that all documents should be sent to the Planning Office. They are public material and people may request copies from the Planning Office.
 50. Amy Fazen asked again, if they will go on record that there will be no sex offenders.
 51. Matt Boggs said, for the record, that there will be no sex offenders admitted to the facility.
 52. Steve Burton concurred with Matt Boggs and said that they are very strict with their assessment process. He understands their concerns and will absolutely commit to no sex offenders.
 53. Blakely Maggi asked how old is Divided Sky.
 54. Matt Boggs said it is newly established.
 55. Blakely Maggi asked if the people who are hired to run the day to day operations will have the ability to handle it if Ascension leaves.
 56. Matt Boggs said yes.
 57. Blakely Maggi asked if Divided Sky will then be running the facility and determining who is admitted.
 58. Matt Boggs said that Divided Sky will run the day to day operations under the supervision of Ascension.
 59. Blakely Maggi asked if Ascension steps away, can Divided Sky change the requirements for admission.
 60. Melanie Gulden said that they have stellar references and are not looking to change the format.
 61. Phil Carter said that in the permitting process, it will be clear what will be allowed and we will only allow what they are saying now.

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62. Steve Burton said that they will be held to standards both from the State, Ludlow and the Joint Commission. They will operate at the highest level of service.
 63. Phil Carter said that the 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.
 64. Darlene Ragozzine asked if they have filed a needs assessment.
 65. Matt Boggs said they are doing market research and analysis. Southern Vermont has published multiple needs reports on opioid use in the state. Money goes to the state for treatment of substance abusers. The information can be found on the state website.
 66. Darlene Ragozzine asked if the 20,000 who were not able to access treatment, how many fit your criteria for profit for Ryker, then for Ascension. She asked where they are based.
 67. Matt Boggs said in West Virginia and Divided Sky is based in Vermont.
 68. Darlene Ragozzine said she wants to see the needs assessment and wants to see numbers. She added that she is not opposed to Mental Health.
 69. Phil Carter asked how long the average patient stays and what are the conditions.
 70. Matt Boggs said there are a lot of factors. Insurance - we need to submit the reason for this being a medical necessity. We aim to treat them for as long as possible – on average a minimum of 90 days.
 71. Phil Carter asked about visitors.
 72. Toni Girardi said that insurance doesn't always allow 90 days. What is the average that a patient actually stays?
 73. Steve Burton said generally, for detox – 3 to 7 days. Then they switch to residential for 30 to 45 days on average. Then – partial hospitalization – outpatient. Evidence based shows that 90 days is the ultimate. Insurance companies will start to argue after 3 weeks. On average, with insurance, it's 30 days. Some programs will allow more. We are obligated to have referrals in place before we send someone to outpatient.
 74. Toni Girardi asked the minimum stay with insurance.
 75. Steve Burton said usually at least 3 weeks and most are 30 days.
 76. Phil Carter asked about the needs assessment. He said that Jeff Billings asked about screening.
 77. Jeff Billings said that his biggest question is, "Are these people there for mandatory stay at the facility by court order." He said that usually, people don't make it if they are court ordered and will try to escape. They need to hit rock bottom and want help to succeed.
 78. Matt Boggs said they have an assessment process and we absolutely stand by it. We assess people coming in and some are involved in the judicial system, for driving while under the influence or a myriad of other ways. We will not have sex offenders and no violent crimes.
 79. Toni Girardi noted that 10 beds will be dedicated to patients on the judicial system track. Is this court ordered or probationary – other than free will?
 80. Matt Boggs said it could be both. He said that 10 beds will be for detox and services will be available for people in the judicial system.
 81. Jeff Billings said that is where he has an issue. He has no issues with people who may have had run-ins with the law. The ones that are court ordered may be an issue. They make plea agreements. We need to address this. There has to be a good vetting process. They will need security personnel.
 82. Phil Carter said we will discuss staff and security later.
 83. Matt Boggs said that they want to be transparent and a community partner and to provide needed services in the state.
 84. Troy Caruso said that the success rate for people with 90 day stays is 63%. This facility will be near a restaurant in a residential area. How will you prevent theft?
 85. Phil Carter said we are not at that issue yet.

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86. Al Ragozzine asked when Divided Sky was established.
 87. Melanie Gulden said this past August.
 88. Al Ragozzine said they have no experience running a facility like this.
 89. Phil Carter said that he doesn't want to rehash previously presented evidence.
 90. Al Ragozzine said if they have no experience running a facility like this, what will they do if they have to start a lock-down.
 91. Phil Carter said we will have that information, but are not there yet. We need to keep focused.
 92. Matt Boggs said we have covered the assessment process and assure you that we can provide appropriate services or refer a patient to another facility.
 93. Doug Sheehan asked if that would be considered discrimination.
 94. Matt Boggs said not if we refer them to another facility.
 95. Doug Sheehan asked where they get their background information.
 96. Matt Boggs said data bases, bio/socio history and we hope to forge relationships with local police.
 97. Carol Ann Della Penna asked how they plan to market to their patients.
 98. Matt Boggs said it will take a while to develop the property. We want to make it aesthetically pleasing and conserve the character of the area. We have a company marketing strategy across the state. We market to health care providers.
 99. Carol Ann Della Penna said she needs to know. She rents out her property and if listed as a drug rehabilitation facility, she will have to change her marketing. This is not the right location for this facility. It is in the middle of a vacation destination.
 100. Steve Burton said it is for substance abuse. We have a grass roots marketing effort, not TV commercials. We will have an outreach coordinator. We reach out to physicians, emergency room personnel and social workers. We will work within the community.
 101. Jim Hoffman said that Ryker is just the source of the money and will not run the place. Will they provide the vetting information to the police?
 102. Steve Burton said that they can't provide patient information to outside people because of HIPAA regulations. We can't release names.
 103. Frank Provance asked about the septic system.
 104. Phil Carter said that we are not there yet.
 105. Otis Nelson asked how many other similar facilities are there in the state.
 106. Steve Burton said he doesn't have that information, but will get it and send it to Rose Goings.
 107. Phil Carter said at this point, we need the needs assessment, success statistics and the number of other treatment facilities in the state.
 108. Amy Fazen noted that Divided Sky was established in August. Were Ryker and Ascension involved in the creation of Divided Sky?
 109. Steve Burton said the founders of Divided Sky came to Ascension and wanted to open a residential treatment facility. The process started in September. Then Ascension proposed the idea to consulting companies that write grants for 501c3 companies.
 110. Melanie Gulden said that Divided Sky has been working together with Ascension for over a year.
 111. Jamison Scott asked for more clarification on Divided Sky and Water Wheel. Who is the Divided Sky Foundation and who is on the board.
 112. Steve Burton said Divided Sky is in the application process with the IRS and we don't have that information. The person who does have that information recently had a baby. We will get back to you with that information.
 113. Phil Carter said that the town plan supports and fosters growth; we want to maintain the rural, quiet character of the area. We have received many letters referring to our Zoning Regulations

“Residential-Commercial The purpose of this area is to provide for limited commercial uses in concentrated areas in order to allow for future commercial growth while also avoiding strip commercial development. These areas are shown on the Future Land Use Map and are generally limited to historic hamlet locations or where existing clusters of commercial uses are present, including Smithville, Tyson and Grahamville. Development in these areas is encouraged to cluster in order to maximize development potential in these limited geographic areas. Access management techniques, such as shared driveways and parking lots, are encouraged in order to minimize construction and maintenance costs, as well as to preserve highway safety and capacity on adjacent state highways.” There is very specific language in letters.

114. Jim Hoffman said that several years ago, there was a lawsuit between Fox Run and the Green Mountain Weight Loss Center that prohibited their guests from walking between Fox Run buildings A and B.
115. Phil Carter asked if that judgment still stands.
116. Jim Hoffman said he thinks it still stands. They also may not use our tennis courts or pool.
117. Phil Carter asked if the HOA would have a copy of the decision.
118. Jim Hoffman said he would get a copy to the Planning Office.
119. Phil Carter noted that in her letter, Elizabeth Brach referred to an article in the January 2016 issue of *THE JOURNAL OF STUDIES ON ALCOHOL AND DRUGS* that concluded that there is an increase in crime in neighborhoods that hosted Drug Treatment Centers. He said that he pulled that article and there is also an increase around liquor stores.
120. Phil Carter said that in his letter, Roger Eisner said it would be dangerous. He is worried about illegal use of drugs and drug paraphernalia. He is concerned about parking and resale value of their properties. He would like to see them hire security.
121. Toni Girardi asked if the board will continue to accept letters into the record.
122. Phil Carter said yes.
123. Matt Boggs said that he has peer articles for research on rural and urban communities.
124. Phil Carter asked him to provide copies to the Planning Office.
125. Matt Boggs said he will. He said that they plan to improve the site. It has been vacant for a while. They will improve the building and preserve the character of the area. We will keep to the district standards and keep its quietness. That is exactly what we, and the patients desire. We will not detract from local businesses and will be good community partners.
126. Phil Carter said that people are afraid for their safety, property values and children. This is a huge unknown. They asked about the walking trails.
127. Matt Boggs said we will be transparent. We will have ZERO tolerance for illegal use. It will be a drug-free facility. We don't house users and they will be discharged from the program. He doesn't see the trails being impeded by us operating in the area.
128. Rose Goings said what about patients who break protocols and are found doing something they should not be doing.
129. Steve Burton said we have very strict policies and programs. If someone is doing something illegal, we have no alternative than to contact the police. We will have licensed individuals. There is client/therapist privilege, but if they break the laws or ordinances, the police will be contacted. It is hard to discharge them with the treatment being provided, and it affects the other patients. They will be immediately discharged. We will have plans in place for referrals.
130. Phil Carter asked if patients are searched upon entry.
131. Steve Burton said yes, there are strict regulations. We go through their belongings and rooms and it is done regularly.

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132. Phil Carter asked what happens if they are in violation and become combative. Is there a lockdown room. How do you prevent them from leaving the facility?
 133. Steve Burton said that he cannot say 100% that it wouldn't happen, but it hasn't happened so far. We will have security if needed. We like to be quiet and not disturb the neighbors. We treat without harm or issues in the community. We can't provide names, but can provide the number of patients.
 134. Phil Carter asked if they would be willing to get together with the area people to discuss their concerns.
 135. Steve Burton said yes. We enjoy truthful conversations. We have many facilities in place. Morgantown is a university town and they didn't want us. Now, the City and Police will vouch for us.
 136. Phil Carter asked to have someone from Ascension present at the next meeting. How did other communities deal with this?
 137. Julie Bowyer said that the homeowners at Fox Run are 100 yards away. She said that Divided Sky, Ascension and Ryker should get together with the local residents. The residents are worried about having an addiction facility 100 yards from their children.
 138. Jim Hoffman said it is 100 feet, not yards. He asked if they allow cell phones.
 139. Steve Burton said cell phones are taken away when they come in. If they are required for an emergency, we must allow them to use their phones, but they can't keep them.
 140. Jim Hoffman asked if, when a patient reaches Phase 2 or 3, can they get their phone back.
 141. Steve Burton said when they are in outpatient care and have had recovery time in residential care; we allow them to have their phones. They will be living life, not necessarily in Ludlow. We have referrals and discharge plans. We will not be providing outpatient care.
 142. Jim Hoffman noted that Ludlow is much smaller than Morgantown. We will have 3 shifts and 24/7 operations.
 143. Steve Burton said we will have staffing.
 144. Phil Carter said we will have an in depth discussion about this when we discuss the site plan.
 145. Doug Sheehan asked who will run the place.
 146. Melanie Gulden said that Divided Sky will run it with Ascension as manager for 1 to 2 years.
 147. Doug Sheehan asked why Ryker.
 148. Matt Boggs said we are the applicant because we are purchasing the property.
 149. Brian Maggi said that the Morgantown Court is the neighbor there.
 150. Steve Burton said about 2 blocks away.
 151. Brian Maggi said this will be 150 feet from our back door. How would you like it?
 152. Phil Carter said the DRB is not on trial here.
 153. Matt Boggs said he wouldn't have an issue with it. He is in long term recovery and recovery made a difference in his life.
 154. Al Ragozzine said there is a 40 – 60% relapse rate and some even while in treatment. How do you prevent people from bringing drugs in?
 155. Steve Burton said we have strict policies and check the facility. We have a time intensive, structured program and there is not a lot of idle time.
 156. Rose Goings asked about security at the facility. Will there be 24/7 security. What kind of security, will they walk the perimeter, will there be drug sniffing dogs. Will patients be allowed to walk outside or will there be group walks. Will they be able to walk outside with visitors?
 157. Matt Boggs said we can propose a security guard to help monitor the facility. We will install high quality security cameras to insure and mitigate safety 24/7.
 158. Darlene Ragozzine asked how many beds.
 159. Matt Boggs said 40.

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160. Darlene Ragozzine asked if the security cameras will be aimed at our property also. Will you see where patients go? There is a hill and children play there. She said that a facility like this would never have been allowed where children play. It's inappropriate and against town regulations and counter intuitive. Will the policies and procedures be written down?
161. Phil Carter said that evidence is taken under oath and must be truthful. The permit will contain conditions, such as cameras in trees. It will be part of the process. This will be discussed under the site plan discussion at the next meeting.
162. Otis Nelson said there are already elements in our community that bring crime and fear. This will be a place where they can be treated. We need a place where people can be treated.
163. Carol Ann Della Penna said the location is wrong. There are cross country trails and golf. It is in the middle of a resort area. Ludlow is not the location for a rehab center. Only one emergency could bring negative PR to Ludlow and could be detrimental. You can't predict violence. Divided Sky doesn't have the experience or track record. It is a bad idea.
164. Jamison Scott asked about the cameras. If the town approves this permit, with conditions, who would get that permit.
165. Rose Goings explained that permits run with the land, not with the applicants. The land would get the permit for the change of use for a Drug Rehabilitation Facility based on the evidence presented at this hearing. We still need more information. If granted, the permit runs with the land until new owner may want a change of use. In this case, from Green Mountain Weight Loss to drug rehabilitation.
166. Phil Carter said if the use changes, the permit changes.
167. Rose Goings said if this application is denied, the use would still be Green Mountain Weight Loss.
168. Jim Hoffman said the whole area is outdoor recreation. It is RC-1 on map with limited commercial uses and primarily residential. The character is quiet and small. If the town looks at this, the use is not appropriate for the area. It doesn't fit. This is not an appropriate property.
169. Toni Girardi said that she reserves the right to finish addressing the character of the area issue.
170. Amy Fazen said she is not against treatment, but this will change the character of the area.
171. Phil Carter said that for the next meeting, he asked Steve Burton to have a representative present from Ascension and a site plan that meets Ludlow's criteria. He added that all of this is public information and available from the Planning Office.
172. Roger Eisner asked if they may submit more letters.
173. Phil Carter said yes. Evidence will continue to be accepted, both verbal and written until the hearing is closed. He asked people not to contact board members as that would be considered ex parte communication and the board member would no longer be allowed to participate in this hearing.
174. Rose Goings said people may submit letters to her office and call her with any questions
175. Phil Carter added that he would like a copy of the wording in the judgment from the lawsuit.
176. Rose Goings told Toni Girardi that she may call her with any questions or evidence and she will distribute it to board members. She told Matt Boggs that he also may send her evidence or call her.
177. **MOTION by John Boehrer and seconded by Doug Sheehan to recess this hearing until January 11, 2021. Motion passed unanimously.**

VII. **OTHER BUSINESS**

1. There was no other business.

VIII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from October 26, 2020.
2. Julie Nicoll noted that on page 2, item III-2 should read, “She said that the ad was placed in THE RUTLAND HERALD in order to allow the hearing to be heard at this meeting.”
3. Julie Nicoll noted that on page 3, item IV-4 should read, “Tim Knapp said that the project is on property owned by Okemo...”
4. Julie Nicoll noted that on page 4, item IV-14 should read, “Rose Goings said she just wanted to check.”
5. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from October 26, 2020 as corrected. Motion passed unanimously.**

IX. **ADJOURN**

1. **MOTION by Julie Nicoll and seconded by John Boehrer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:28 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Julie Bowyer