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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 10, 2008

Members Present: Gary Nolan, Theresa Breault, Ron Stancliff, Karyn Allen, Jean Wickart, Paul Trudell

Members Absent: David Silverman

Guests: see attached list

Recorder: Mark Leonard, Zoning Administrator (ZA)

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Jean, minutes of the June 26, 2008 meeting were accepted as presented.

WARNED HEARING: LAMOILLE COUNTY MENTAL HEALTH SERVICES, INC, CONDITIONAL USE APPROVAL, CHANGE OF USE (NURSING HOME TO OFFICES & OUTPATIENT TREATMENT SERVICES), 72 HARREL STREET

Gary introduced the application, to be reviewed under sections 223 and 632-636 of the zoning bylaws. He then recused himself from this hearing as he is an adjoining property owner. Paul Trudell assumed the chairmanship. Theresa administered the sworn oath to William Alexander, representing the applicant, and all present for this hearing.

William "Butch" Alexander, Administrative Chief Executive Officer of Lamoille County Mental Health Services Inc. (LCMH), detailed the proposal to purchase the former Genesis nursing home at 72 Harrel Street and consolidate LCMH's services at this location. Presently, LCMH's administrative offices and client services are located in four different locations in Morrisville. Consolidating in a single facility, owned by LCMH would be more cost effective and provide better service to LCMH's clients.

Butch reviewed LCMH operating hours (weekdays only, between 8am-4:30pm) and stressed that there would be no residential or overnight care or substance abuse treatment on the premises. He added that LCMH had been serving the community's needs for 42 years and has beena good neighbor to those near its facilities. He acknowleged that in the future there might be pressures from state government or the local community to provide additional services beyond those outlined in the application narrative, but that LCMH understood anything beyond the current proposal would necessitate a new review and public hearing.

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Responding to a question from Theresa, Butch said LCMH expects to fully occupy the existing 30,000-square foot facility. It will primarily serve as a 'base of operations' for staff members who typically meet and work with clients at their homes, school, or workplace. It will house LCMH's administrative offices and its Community Rehabilitation & Treatment (CRT), Developmental Services (DS), Children, Youth & Family Services (CYFS), and Emergency Services (ES) programs. Each program would have its own wing in the existing facility. The existing kitchen would provide lunch to 30-40 clients daily. No physical expansion of the building or exterior changes are planned; numerous interior renovations are planned.

Paul asked how clients would come and go from the facility. Butch said those who visit the facility, as opposed to being seen elsewhere, mostly arrive and depart by vans provided by LCMH. A few drive in by car and a handful walk. He reviewed the existing parking areas and said additional parking could be accommodated at the back of the building.

Theresa inquired about activities that would occur outdoors. Butch noted there is a fenced area which would likely be used as a play area for children, as well as a patio that would likely be used as a staff break area. He said the facility would be smoke-free, but acknowledged that staff and clients might go outside to smoke.

Ron asked what emergency services were provided and if those would be available on a 24-hour basis. Butch said after regular hours, staff members are on call via cell phone or pager to respond to emergencies from home. If circumstances required meeting clients after hours in an emergency situation, they would use the Copley Hospital emergency room.

Bill Moulton asked if the facility be exempt from local property taxes. Butch said he had not looked into that, but would discuss it with the appropriate town officials should they proceed with the purchase of the property.

Bill asked about outdoor activities. Jim MacDonald, of LCMH's Children, Youth & Family Services program, said on some occasions a therapist or staff member might interact with clients, especially children, outside if it was conducive to their situation, but there would be no organized outdoor activity or camp. Jim added that there had been no complaints about noise or other problems at their present location next to Copley Hospital, bordering a residential neighborhood. Butch reiterated their desire to serve the community and to be good neighbors.

Bill asked how this proposal fit with the zoning in the Neighborhood Commercial (NC) district. The ZA explained that the nursing home, which was built in 1973 or 1974 and closed in April 2007, was a pre-existing non-conforming (i.e. 'grandfathered') use. Health care facilities are not among the uses allowed in the NC district. The grandfathered status expired one year after the non-conforming use was discontinued. He said the proposed use could be considered as offices, which are allowed in the NC district.

Bill asked if LCMH might convert the facility heating plant to a wood chip furnace, expressing concern about possible smoke impacts. Butch said there was no intention to do so.

Bill asked whether the Board could impose conditions restricting or prohibiting expanded uses of the facility. Paul said the Board would certainly require additional review and approval of any expanded uses. Bill asked when they planned to open at the site; Butch said they hoped to be in by January 2009.

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Dale Spaulding asked if there would be a fire lane at the rear of the building, where Butch indicated some parking might be allowed. Paul said the project will require full compliance with state fire safety codes for public buildings, which would address this question together with the local Fire Chief. Dale said making the facility smoke-free was a good idea, but it is unrealistic to think that people won't go outside to smoke.

Michelle Sullivan-DuBois, president of the LCMH Board of Directors, outlined how LCMH has simply outgrown its current dispersed facilities and how consolidating at this location will save taxpayer dollars and serve their clients more effectively. It is a good central location in the county and it is affordable.

Bill M asked if the Board might require annual reviews to revisit any issues that arise after LCMH starts operating there. Paul said they could. Bill asked who would own the facility. Butch said Lamoille County Mental Health Services, a private non-profit corporation, would be the owner. He added that over 80% of their funding comes from state & federal agencies. He encouraged a resident of the neighborhood to consider serving on the LCMH Board to represent the neighbors' interests.

Kurt Barbour said he was glad to see the facility being used for a useful purpose, but noted the potential for exacerbating the existing traffic problem at the nearby intersection of Harrel and Brooklyn Streets. He also noted the lack of a sidewalk from Brooklyn Street to the property entrance on Harrel Street. He asked if there were any plans to pave over some portion of the grassy meadow bordering the Brooklyn Street properties; Butch said no, they wanted to retain that as open land. Kurt also said he would not want to see a fence put up along those properties, which he and his children have enjoyed using. Butch said there would be no problem with neighbors continuing to use that area as they had in the past.

Kurt said while he's OK with the proposed services to be provided at the facility, he was concerned about the prospect of other, less desirable services being offered at some time in the future. He felt a Crisis Center or drug & alcohol rehab facility would devalue the surrounding residential properties. Butch said that there is no intention to add such services, but mentioned them in the application narrative to leave open the possibility in case there was a great demand for them. He said such expansion would of course require additional review and approval by the DRB. He stated that substance abuse treatment is not part of LCMH's mission.

Marjorie Alexander said she was OK with offices on the site, but not residential treatment services.

Sandy Gillen expressed concern about parking, noting that LCMH has over 100 employees and estimates it will see 30-40 clients on the site daily. Butch said they do not expect to have all or even most of their staff on the premises at any one time and noted again that most clients come in by van, reducing the parking requirement. The ZA reviewed the parking requirements in the zoning bylaws. Paul noted there was ample room to expand parking on site should it be necessary.

Sandy asked about security of medications stored at the facility. Butch said they were locked up and monitored as they are at other medical facilities. The ZA asked if the facility would be alarmed; Butch said they are planning to install new alarms to comply with state & federal requirements.

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Shelley Miller said she thought this was a wonderful proposal. Her only reservation was over the prospect for any on-site drug treatment programs. Butch repeated his previous assurances that they had no desire to include these programs.

Dale Spaulding asked how clients get their meds after regular business hours. Butch said in these case, a staff member would typically arrange to bring the meds to the client, while acknowledging that on occasion a client might meet a staff member at the site outside of business hours to obtain their meds. He noted that most of their clients are not on medication.

Dale said he was still concerned about the potential for future expansion of services provided at the site. He said once LCMH was established there, it would be hard to turn down requests for additional services.

Theresa moved to recess the hearing to a deliberative session following the remaining agenda items. Jean seconded the motion and it passed unanimously.

OTHER BUSINESS:

Gary Nolan, representing HA Manosh Corp, presented a revised site plan of the previously approved Planned Unit Development (PUD) at Jersey Heights. He explained that due to revised wetlands delineation by the Army Corps of Engineers, the area of Lot 18 where 14 duplex units were planned had been adjusted. The cul-de-sac at the end of the planned duplex development was narrowed and an adjacent stormwater detention pond was eliminated. Gary noted that the revised plan inadvertently deleted one of the planned units, but that the developer still intended to have a total of 14 duplexes on the lot.

Gary asked the Board whether the revisions were significant enough to require a new public hearing of if they could be accepted by the Board as a minor adjustment without further hearing. Without a motion, Board members agreed that the changes constituted a minor adjustment, not requiring further public hearings. A new site plan, with revised locations for the 14 duplex units, will be filed with the original application.

A letter from Roy Marble requesting re-consideration of the Board's condition that firewood processing and sales as a home business on his property must be no closer than 300 feet from adjoining residential structures was reviewed. The Board declined to revisit the condition, letting its previous decision stand without change.

The Board moved into deliberative session to consider the LCMH application. On a motion by Theresa, seconded by Jean the Board voted unanimously to approve the application with the following conditions: 1) applicant will submit a detailed site plan depicting existing structures, ingress/egress point(s) to the property, and all designated parking spaces; 2) only the services identified in the applicant's narrative description are authorized by this approval; inpatient or residential treatment services and drug or other substance abuse rehabilitation or treatment services are explicitly prohibited; 3) Any future enlargement, alteration, expansion of services, or change of use will require a full review by the Development Review Board to obtain approval; 4) 1 year, 3 year, and 5 year permit reviews which may result in additional conditions being imposed to mitigate any adverse impacts under Conditional Use standards that are identified during the reviews.

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The meeting adjourned at 9:15 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 8/14/08