

Town of Leyden, MA

Planning Board

Minutes of Meeting: 10/3/19

Continuation of Public Hearing for Angel's Rest (Application #19-01 dated 6/17/19)

Attendees: Rob Snedeker, Art Baker, Bob Snow, Warren Facey, David Curtis

Absent:

Call To Order: Meeting was called to order @ 7:00pm by Chairman Rob Snedeker.

Introduce all findings form period 8/14/19-present: Chairman Snedeker started the meeting with a letter from town attorney indicating that we need to institute the "Rule of Necessity" due to the conflict of interest from both David Curtis & Warren Facey. The Rule of Necessity will allow both David and Warren to vote to keep the supermajority vote intact and allow for a minimum of 4 votes. Both David and Warren read their letters with David's conflict coming from his son working for Angel's Rest and possibly for Odyssey and Warren's conflict as an abutter.

A ***motion*** was made by Art and seconded by David to accept the letter from Odyssey removing the 155 Mid County Road Property from the application. There was some interruption feedback from the audience that they object to the removal of the property. Chairman Snedeker said that they would be able to comment during the public comment period of the agenda but that the Board had to complete its business. The motion passed unanimously.

Chairman Snedeker also noted the email he received from David Vreeland indicating that the septic was designed for 20. He also let the audience know that the Board compiled a package of 34 documents that they received from the public and others and that they will be available from municipal assistant, Michelle once she makes the copies.

Correspondence Received: The following correspondence regarding this application were received and reviewed by the Planning Board -

1. Leyden Selectboard dated 8/7/19
2. Angels's Rest (to abutters) dated 6/15/19
3. James Brodeur, 198 Eden Trail not dated
4. Lisa Moore, 184 North County Road dated 7/20/19
5. Fred Feldman, 187 Mid County Road dated 8/11/19
6. Nannette Rolstad, no address given dated 8/12/19
7. Ellen & William Dickson, 756 Greenfield Road dated 8/12/19
8. Katherine DiMatteo, 90 George Lamb Road dated 8/9/19
9. Aaron Dulles, 756 Greenfield Road dated 8/14/19
10. Ginnie Gilson, 515 Brattleboro Road dated 8/14/19
11. Peggy Brown, Coates Road dated 8/14/19
12. Liz Kidder, 115 George Lamb Road dated 8/14/19
13. Lori Friedman, Infinity Healing Practice dated 8/12/19
14. Beth Kuzdeba & Ken Medvetz, 60 Simon Keets Road, Carol Kuzdeba, 40 Simon Keets Road dated 8/8/19
15. Paula Sayword & Karen Sims, 119 East Hill Road dated 7/18/19
16. Michele Giarusso, 162 Mid County Road not dated

17. Emily Yazwinski, 62 Mid County Road dated 7/23/19
18. Gaming Disorder Article by John M. Grohol dated 6/18/18
19. About Dr. Greenfield UCONN School of Medicine
20. Dr. Greenfield The Healing Center dated 7/19/19
21. Dr. David Greenfield Assistant Clinical Professor of Psychiatry dated 2017
22. Warren Facey letter declaring conflict dated 7/25/19
23. Jennifer Paris to Selectboard dated 8/27/19
24. Odyssey Behavioral Healthcare withdrawal of 155 Mid County Road dated 8/21/19
25. Emily Yazwinski, 62 Mid County Road, dated 8/27/19
26. Vicki Baker, 822 Greenfield Road, not dated
27. MacNichol & Tombs town counsel letter dated 8/23/19
28. Greenfield Recorder Article dated 8/6/19
29. Donna MacNichol email dated 9/18/19
30. Slides of 7/25/19 Odyssey Healthcare presentation at public hearing
31. Angels Rest building layouts
32. Randy Facey email dated 8/14/19
33. David Curtis letter declaring conflict dated 9/10/19
34. David Vreeland, 116 River Road, email dated 10/2 regarding septic system

Odyssey presentation: He then introduced Odyssey to give another presentation. Odyssey was represented by their attorney who accepted the introduction and then introduced Dr. Greenberg who then introduced Denise. Denise presented her story about her experience with Dr. Greenfield because of her 22 year old son Daniel who had a video game addiction that no one could help with until she met Dr. Greenfield who directed her to the only treatment center, Restart, in a residential neighborhood in Falls River, Washington. Daniel was in college playing baseball on a scholarship and somehow became addicted while at college. Denise met every young man in the Washington program and said every single one of them was a gentleman to talk to and not addicted to anything other than playing video games. Daniel spent 9 weeks in the program and is now a regular adult in society.

A video and slide show were then presented by Dr. Greenfield. Bill Parson pointed out that they will follow all health and building inspector codes which he understands may slow growth some due to compliance with regulations as the program grows beyond the current allowed capacities of the water and sewer systems. Dr. Greenfield stated over and over again that the screening system will not allow for bad eggs to enter the program. They do not want any bad press on their program and intend to operate accordingly.

Public Comment Period: Chairman Snedeker gave some guidelines that he wants public comments in the positive to go first and then the negative go after with follow up at the end. The meeting was attended by approximately 40 attendees.

Comments in Support of the Application –

Dan Hands, Alexander Road, never felt unsafe with the current Angel's Rest attendance which has been much greater in numbers than Odyssey will ever have. Doesn't see a downside.

Elwin Barton, Frizzell Hill, representing the Leyden rifle club, supports the application wholeheartedly but is concerned that the attendees understand that there will be shooting noises. Bill Parson said that will not be a problem

Carla Davis, North County Road, sorry that Angel's Rest is leaving and said that if there was any replacement it would be this group to help

Jerry Lund, Simon Keets Road, exciting opportunity for the town, supports in so many ways. Our community has aged and to have our young have a chance to work at this facility in town is a plus. Sees an offering of positive hope and contribution to a town that has lost a school, almost a fire department and this application will help with the sense of community we need. Jerry's daughter has a substance abuse disorder that she struggled with and almost died due to no available treatment so to have this center to help young men will make us a leader as this issue is not going away. Totally supports the efforts.

Steve Kramer, West Leyden Road, what makes life meaningful to him is being part of a solution and not a problem and sees this application as a complete solution to a troubled group. He sees Leyden as a perfect location and community to help these young men.

Bob Hansen?, Coates Road, has a child with a brain disorder and was helped from organizations just like Odyssey and would be very proud to be part of the solution to help these young men and asked people against to open their hearts as we can be a community to help young men for the rest of their lives.

Comments Against the application –

Beth Kuzeba, Simon Keets Road – a pharmacist not that we don't have compassion but concerned that there is no Standard Operation Manual. Doesn't believe enough information has been given by Odyssey. Comparing Home Healthcare where she called, and they don't come to Leyden that's reality. What is the reality of an emergency that happens in the program? Concerned water system, septic system and other things may fail and they don't seem prepared to deal with that. Concerned who is in charge. Wants to help people but needs necessary black and white to make a decision. We don't have city water.

Some woman, no address, what is ratio of patients to counselors, Bill Parson said 6-7 participants per 1 counselor. Open discussion, does 20 include employees? Chairman Snedeker asked David Vreeland to speak about the septic. For a residential program like this, State Code requires patients to be counted as full time septic user, staff is considered 1 for the 3 8-hour shifts in 24 hours. Septic can likely be expanded as part of the Title 5 code. Existing system meets current code. Future expansion would have to be evaluated by the Board of Health.

Aaron Dulles, Mid County Road – no dedicated staff beds? Correct, but may get snowed in so be prepared.

Bob Snow, mid county road – There are several others operating these video gaming addiction centers including "Rise" out of San Diego, "Bright Quest" out of San Diego, Bradford regional hospital, also AZ, FL, MD, WA (and many other I couldn't keep out of) successful ones are treating their people with former gamers much like AA has done for years so don't tell me "you are the only one" Odyssey.

Some man, said address but missed it, No school, no fire department to speak of, no police to speak of, very concerned that our emergency services will not be able to handle the issues coming out of the facility.

Questions/Comments:

Emily, no address, IF 155 Mid County Road is removed, where will counseling now occur? Bill Parson will be finding a place in Greenfield or other community to lease office space.

Could you describe what happens in the course of a day? Denise spoke about the activities that Daniel did including water Zumba & hikes off site and many other programs throughout the day. Bill Parsons, day starts at 7am with bathroom activities & breakfast. Clean rooms, community meetings including how each participant is feeling and adapting. Outdoor adventure activity, kayaking, skiing, snowboarding, laser tag, trampoline, etc. lunch, nerd fitness with light weights to build strength, waling, hiking, biking, dinner, games like monopoly, cards, puzzles, scrabble, books for readers, how to shake hands and look them in the eye, how to ask a girl for a date appropriately. Skill based training.

Will people come into the facility or will participants go offsite? Both! For example, already been in touch with the same yoga expert that Angel's Rest has used. Karate is being offered by a local resident. A lot of arts & cooking opportunities as well.

David Curtis, asked Jennifer about her program that started in 2004. Since 2004 how has her program grown. Operations manual – did you have one while in operation. Had an employee manual including handicap procedure, fire extinguishers, emergency exits. What did you do to restrict groups? Phone conversations only, no vetting process other than that. Did you turn anyone away? Balance between making a living and keeping employees working but did not turn too many away. Can you describe groups that have come. 2 weddings a year with between 80-125 people per day with outside campers. A variety of Buddhist in substance abuse recovery doing meditation. Exercise and recovery projects, children charities from Greenfield, Springfield College, Western New England College and other colleges. A very wide variety of groups. If you had a substance abuse group or gaming or alcohol or sex addiction. Would not turn any of them away but would ask a lot of questions to the sex addiction group. How about the NRA, probably not, Gambling addiction, no problem. Nothing was being vetted unless conflicting with her personal opinion. Now we are going to deal with a very small group of people that are controlled and supervised. Accordingly, David sees this as a positive.

Beth Kuzeba chimed in that this is a treatment facility NOT a retreat center. She says that everything needs to be in black and white. How held accountable for their census.

This is a change of use issue. This is a long term stay residential treatment center NOT a temporary stay retreat center.

Aaron Dulles, appreciates structure it has helped. 2 recused members of the 5 member board. Not recused but have conflict of interest. Rule of Necessity allows a 2/3 vote of a 3 member board. Chairman Snedeker responded that because we are a 5 member board and need 4 to establish a super majority. If we go down to 3, we can not vote. Attorney Donna MacNihol responded as well that this is a 5 member board not a 3 member board.

Cliff Carleson, West Leyden Road – what if they want to increase population to 40? Bill Parson responded that they do not want to increase to 40. However, if by chance that was to occur they would have to come back to this Board as well as Board of Health & Building Inspector. Has concerns with change after getting permit. Attorney Donna MacNichol, responded that any future sale of property or change of use would start another special permit similar to this application.

Jeff Kneipp, before the Board takes the vote, will the residents have the opportunity to review and/or challenge the conditions of approval should it get to that? Chairman Snedeker responded that there will most likely be public input but that the conditions are the Boards. Chairman Snedeker can open a meeting to public comment when we are discussing order of conditions but doesn't have to however due to the past character of the Board he foresees getting input.

Jerry Lund stated that generally Chapter 40A the Planning Board closes the public hearing and then alone discusses and votes to approve, approve with conditions or deny. The conditions are the parameter by which the Board has made it's decision and will be communicated and there is a 20 day appeal period. Once public hearing is closed no further public comment can be taken.

Liz, George lamb road, if anybody has a special condition they want to be considered they should state that now.

Jill, Leyden Road, if program is not getting number of clients they want, can they change their focus to another issue. Dr. Greenfield went to Boston and it is not being classified as a treatment center, it is being called and operating as a retreat center. Which means any treatment done by a certified professional will be done OFF site.

Beth asked that an order of condition be that the applicant must contact and follow the rules of "all the Boards"

Jeff responded that after 3 consecutive alarms there is a charge.

Emily, so this is a retreat center, if it changes to a treatment center classification by the State what happens? In terms of operation, there wouldn't be any significant changes however there would be much stricter room configuration rules as well as insurance premiums.

Cliff, how much time will he have to read the info in the packet before the Board votes? He asks that they be given enough time to review prior to the vote. Art commented that there is nothing new in the packet from what has been presented at this and previous meetings. Cliff said he missed a meeting and would still like the opportunity to review them. Chairman Snedeker responded that the documents have been with Michelle except for the few documents recently received and reviewed tonight.

For Dr. Greenfield, it's a retreat center but have been talking about it being a residence because they are living there.

Motion was made by David Curtis and seconded by Bob Snow to close the public hearing and accept written comments prior to 7pm on 10/9 which is the Board's next meeting . A unanimous vote in the affirmative followed.

Deliberation on how to proceed –

Chairman Snedeker asked Attorney MacNichol to stay and give input to make sure the Board correctly follows the Mass General Laws. He wants to take a straw vote to get where everyone stands so that he doesn't draft an approval letter if there aren't 4 votes to support it. David, Art, Warren & Rob voted to approve with conditions, Bob Snow voted to deny.

Several draft orders of conditions were discussed. Chairman Snedeker will send these draft conditions to Attorney MacNichol for review and comment prior to our next meeting.

Draft Order of conditions discussed that is conceptual in nature and may be altered, added to, or subtracted from in the future:

1. At the applicant's request, the property at 155 Mid County Road has been removed from this application and all conditions of approval shown below apply to the property located at 63 North County Road currently known as Angel's Rest. The property at 155 Mid County Road shall not contain any activities associated with this application.
2. As per legal counsel finding, number of occupants shall not exceed 16 at a time.
3. Participants will have no history of law-breaking, disruptive or anti-social behavior.
4. Participants will not be mentally ill or be addicted to drugs, alcohol or sexual behaviors including the use of pornography.
5. All participants will be supervised by competent, certified on-site Odyssey Healthcare supervisors.
6. On site security with cameras and audible alarms will be installed on all possible exterior entry/exit points including windows & doors.
7. If requested by the Planning Board, applicant will meet annually with the Planning Board to evaluate compliance with these orders of conditions and overall compliance with other Town Department concerns including Fire, Police & Public Works. Excessive incidents requiring emergency town resources may initiate meeting request from Town Officials.
8. On-street parking is prohibited except under special short-term occasions where permission shall be obtained from Town Officials.
9. If, during the implementation of this program, emergency personnel services are exhausted by the number of calls for service, the applicant may be required to hire or participate in the costs of additional emergency service personnel.
10. Participants shall be properly supervised for all off site programs and activities.
11. Participants will only be addicted to video gaming and have no other addictions.
12. Special Permit is granted to Odyssey Behavioral Healthcare only and is non-transferrable.
13. Odyssey Behavioral Healthcare must follow all local and state laws.

Next Regular Meeting: Wednesday, October 9, 2019 @ 7:00pm.

Adjournment: A motion was made by Bob and seconded by David to adjourn the public hearing at 9:54pm and a unanimous affirmative vote followed.

Respectively Submitted, Art Baker, Clerk