

**Emilie Cademartori**

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**From:** <btymann@tymannlaw.com>  
**To:** <JCoffey@brownrudnick.com>; <afeeherry@goodwinprocter.com>;  
 <shaun.hutchinson@merrillcorp.com>  
**Cc:** <ecademartori@wenhamma.gov>; "mark" <mark@bbmatlaw.com>  
**Sent:** Wednesday, March 25, 2015 5:04 PM  
**Subject:** RCA

Dear Board members:

I apologize for the closeness of this email to your hearing tonight (though I have just heard the news of RCA's continuance request), but Wenham resident Sandy Belock-Phippen has brought an important issue of law to my attention today that's relevant to the RCA application. I am not representing anyone on the RCA matter but as a concerned NDCC parent oppose the application.

The legal issue is a straightforward one: under the Wenham Zoning Bylaws, prior non-conforming uses lose grandfathering protection after two or more years of nonuse. Ms. Belock-Phippen raised this same issue in a letter to the Board dated March 13. Perhaps you already are focused on it and had planned to address it.

Chapter 40A, s. 6, para. 3 allows towns to "define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more." Wenham has opted to do so in Section 4.4.3.5 of its Zoning Bylaws, which states: "A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this By-Law."

Massachusetts courts have made clear that "not used" means exactly that. The term is "intended to authorize cities and towns to extinguish otherwise protected nonconforming uses of particular premises that are not in fact used for the protected purposes for a minimum of two years." *Bartlett v. Board of Appeals of Lakeville*, 23 Mass. App. Ct. 664, 669 (1987), cited with approval in *Ka-Hur Enterprises, Inc. v. Zoning Bd. of Appeals of Provincetown*, 424 Mass. 404, 406 (1997). See *Orange v. Shay*, 68 Mass. App. Ct. 358, 362-363 (2007); *Plainville Asphalt Corp. v. Town of Plainville*, 83 Mass. App. Ct. 710, 716 n.9 (2013).

The loss of grandfathering protection after two years is not a discretionary issue under the Wenham Zoning Bylaws. A use or structure "**shall** lose its protected status" after two years of nonuse. Section 4.4.3.5 (emphasis added). The Penguin Hall site has not been used as a non-conforming use since June 2009 when Mullen Advertising left. Therefore, the site's protected status as a prior non-conforming use was extinguished in June 2011. Accordingly, a special permit for the extension of a prior non-conforming use is inapplicable and could not be granted to RCA even if the applicant were able to meet its "not substantially more detrimental" burden, which it cannot.

Ben Tymann

**Benjamin B. Tymann, Esq.**  
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**Emilie Cademartori**

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**From:** "Asma Syed" <asmasyed80@gmail.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Wednesday, March 25, 2015 4:24 PM  
**Subject:** RCA development project

Dear Emilie,

I'm writing as a Wenham resident and parent at NDCC and would like my concerns to be considered as part of the process for deciding whether or not to approve the RCA special permit.

My primary concern is about the size of the rehab facility. With over 200 beds it a very large rehabilitation facility which will have numerous impacts that I am worried have not been fully examined with an environmental impact study. Typically a project of this size and change from the previous use would have a study on the impacts on town services, water quality from the discharges, and a robust traffic study.

This brings me to my second concern which is regarding the traffic study. After reviewing the brief traffic study and the peer review, there appear to be many unanswered questions. The traffic study doesn't look at any weekend traffic which, while the Mullen Center had limited weekend traffic, will be the heaviest for the RCA project since visiting hours will be on weekends. With sports games at the Iron Rail fields and the heavy pedestrian and bicycle traffic occurring on the weekends on Grapevine Road it would be reckless to approve the project without a clear picture of the weekend traffic impacts and accident analysis.

Lastly, it would behoove the ZBA to request a feasibility and needs assessment from RCA that would indicate that there is be a need for a facility of this size in Wenham, given that the proposed RCA facility in Danvers and the current Maplewood facility will be increasing supply. The RCA should supply this information so that we can informed neighbors and feel confident that this facility is in fact a true community need.

Thank you very much for your consideration. I feel confident that with the proper research and information the ZBA will make a sound decision.

Regards,  
Asma Syed and Stephen Sylvester  
30 Monument St., Wenham

Sent from my iPad

**Emilie Cademartori**

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**From:** "Carolyn Campot" <ccampot@gmail.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Wednesday, March 25, 2015 3:16 PM  
**Subject:** ZBA - Penguin Hall

Good afternoon:

I write to you today as a parent of two children currently enrolled at Notre Dame Children's Class (NDCC) on Grapevine Road, and as an opponent of the development of the former Mullen Advertising Site to a Drug and Alcohol Rehabilitation Center. As parents, living in this day and age, we worry every single day that we send our children out our doors. Horrible things happen every day, even in our local towns (i.e. Danvers and the murder of teacher Colleen Ritzer) and the Newtown Shootings.

While I understand there is a need for the above mentioned types of facilities in our communities, is the location, that next to a school that has been in operation for nearly 50 years, the right place? NDCC has been a good neighbor, a good educator and an all around supporter of the communities in and around Wenham. I agree, that in its day, Mullen advertising was also a good neighbor. Today, Mr. Mullen has absolutely no ties to the community, other than financial. He does not live in the community, nor does he work. When he was involved in the daily on-goings, there were reasons the community should help him by granting zoning approvals for various uses. Tying those extensions and benefits to a site that in no way operates similarly to his previous business.

The town of Wenham has previously granted a variance to the CrossKey facility on Topsfield Road, and it would be unfair to continue to set precedence for the community. This is a matter of safety for our children and our teachers and those that live in the community. Within a five mile radius there are multiple schools in operation as well as the sports fields at Iron Rail directly across the street. How can we ever risk the safety of these students when we cannot guarantee that an unproven entity such as RCA Development will implement the proper and necessary precautions.

I urge you and your colleagues to take a stand on this issue and preserve all that we as a community have built. I was a former resident of Hamilton and feel that I have ties to this wonderful community. Please, consider this and all the opposition that you receive from parents and community members alike.

I stand with the members of NDCC, the Wenham residents and school children of all ages in the area who will be adversely affected by the development of this site. Please, do the right thing and protect those that need it.

With my best regards,  
Carolyn Miller Campot  
NDCC Parent  
E: [ccampot@gmail.com](mailto:ccampot@gmail.com)

Sent from my iPad

**Emilie Cademartori**

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**From:** "Marcille M Holden" <mholden1@umassd.edu>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Wednesday, March 25, 2015 3:17 PM  
**Subject:** Penguin Hall

Please note that while I understand that there are people fighting addiction that require medical help, I am very concerned of how the facility, if approved, would be operated. I am concerned that the developer who is proposing the project has never opened or operated this type of facility before. While the developer has assembled a management team that is experienced in the field of treating addiction, it is my understanding that none of the team has worked together before in opening and/or operating a brand new facility. In addition I have concerns on the strains a facility the size of Beverly hospital would place on the town services (both Hamilton/Wenham police and fire) and the town's infrastructure (roads/public water supply).

For these reasons I wish the ZBA to deny the project.

Joshua and Marcille Holden  
48 Chestnut Street  
Hamilton, MA 01982

**Emilie Cademartori**

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**From:** "Douglas A. D'Agata, Jr." <DDagata@nat-pro.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Wednesday, March 25, 2015 2:49 PM  
**Subject:** Jim Mullen

Emilie,

In his recent attacks on the concerns of Wenham residents and NDCC parents in the press, Jim Mullen urged Wenham residents to write to you voicing their support or opposition to the proposed rehab center at Penguin Hall. Let this email serve as my official OPPOSITION.

Thank you.

Douglas A. D'Agata, Jr.  
President & CEO  
National Protective Systems, Inc.  
1 Meridian Rd.  
Eatontown, NJ 07724  
978-998-4756 (o)  
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**Emilie Cademartori**

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**From:** "Karen O'Keefe" <karenokeefe7@gmail.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Tuesday, March 24, 2015 1:24 PM  
**Subject:** The future of Pilgrim Hall

To the ZBA.

I am writing to protest the proposed substance abuse facility at 36 Essex St. I am an abutter living at Grapevine Rd. I do not deny that facilities for recovery from substance abuse are needed, but the placement of such a facility next to Notre Dame children's school, and across the street from the area's soccer fields, is ill advised. The proposed size, over 200 beds, run by an organization with no experience in substance abuse recovery, is troubling. And because it is not a lock down facility there is no way of stopping any patient from leaving at any time and possibly creating a disturbance at the school, at the soccer fields, or in the neighborhood.

I understand that the same organization is in the process of purchasing the former Hunt Hospital in Danvers. As a former hospital, that facility is much more suited to being transformed into a substance abuse facility. That makes sense to me, whereas trying to run such a program in Wenham, next to a school and soccer fields, does not. I get the feeling that Mr. Mullen is just trying to get out from under what has turned into a white elephant at all costs.

I implore you to turn down the application for such a facility at Penguin Hall. It is ill advised and the RCA group is not equipped to manage a facility of this size and in this location. Thank you for considering my objections, and the objections of many thoughtful people in this area.

Karen O'Keefe

Sent from my iPad, please excuse mistakes caused by clumsy fingers and a small keyboard.

**Emilie Cademartori**

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**From:** "S Pinto" <suzanne.pinto@gmail.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Wednesday, March 25, 2015 1:28 PM  
**Subject:** Fwd: Penguin Hall

In response to Jim Mullen's letter in the paper today, I wanted to voice strong opposition to the plan to sell Penguin Hall to the Recovery Center of America. I am unable to attend tonight's zoning meeting but as a current parent of 4 year olds at NDCC, the proximity of the proposed rehab center to a children's preschool is clearly not the ideal choice. This is not a "personal agenda" as Mr. Mullen states but just pure common sense.

I have attended several meetings on the issue and read all of the information - I am not "misinformed" but rather pragmatic that there are many locations for a rehab center and directly next to a school is problematic for the children's safety and a small community. I have family members in recovery and I understand the issues involved as well as being a supporter of increased resources. But for all I have learned, it does seem there are other facilities close by that could offer similar help without jeopardizing the safety of school children.

Just speaking as a parent without any outside agendas, I would urge the zoning committee to do the right thing.

Thanks very much,  
Suzanne Pinto

March 25, 2015

Dear Members of the Wenham Zoning Board,

I am compelled to write this letter today after reading Jim Mullen's letters to local newspapers. I am dismayed by Mr. Mullen's attempt to publicly discredit the objectivity and opinions of parents of NDCC.

I am a parent of two children at NDCC, a small community school trying to better the community and provide a quiet learning and development opportunity for children of the community. I am not an individual with significant sums of money at risk. I admit that my children and my family are currently receiving significant benefit from attending NDCC and as a part of the NDCC community. However, I believe that I am an educated and sympathetic individual.

Out of respect to RCA, Mr. Mullen and the NDCC community, I attended a meeting that RCA executives held at NDCC one evening in February. I walked in that evening with an indifferent attitude towards RCA's development of Penguin Hall, fully expecting to find RCA's plans satisfactory and not impactful to our community. I cannot speak for others, but I expect that the other educated parents of NDCC students also entered the meeting with the same open mindedness as they were verbally sympathetic to those with drug abuse and treatment needs. One mother even had a brother who died of a heroin overdose and was clear as to her overall support for rehab of drug addicts. I suspect that Sister Barbara and Sister Susan, in their lifelong quests to help others, maintained that same openness towards RCA's plans in the beginning.

At the meeting, I personally was shocked and dismayed with the lack of respect and credibility most of the RCA executives displayed to this group that they would likely try to impress. After objectively listening to the presentation RCA provided and their answers to questions asked, I found myself highly opposed to RCA's development proposal and suspicious of their viability. RCA executives seem to have an "answer for all questions" and are very quick to say that any concerns are unfounded. In fact I found the RCA executives to be quite demeaning and their lack of sincerity was upsetting. It is very clear that the RCA group is driven by the potential opportunity to make big money in the rehab business. RCA is not a local company with knowledge of or ties to the local community. RCA executives were forthcoming about the significant changes to health benefits under "Obama Care" that will mandate treatments like never before, allowing rehab centers a significant financial opportunity. The fact is that RCA and in particular, its current funding source, Brian O'Neil of Pennsylvania, has no track record of operating such facilities. As I am sure you are aware, Mr. O'Neil's experience is in developing residential and retail properties. In my opinion, RCA's "start up" status in the rehab business cannot be overlooked and should be considered disturbing, lending to a very risky "leap of faith" by the Town of Wenham as to their viability and the long-term impact of this company's proposal to the Town of Wenham.

I respectfully request that the following be considered by the zoning board in making a decision on the issuance of a special permit:

- There is little evidence provided by RCA that this business will prosper. There has been no specific evidence of financial commitments or specific evidence of RCA's success in this business provided.

- There is little or no evidence that there is sufficient or stable funding. I respectfully ask the board to consider whether the poorly written and vague letter provided by a consulting firm is sufficient evidence to determine that a stable source of funding for this proposed business operation exists. It should be noted that this letter states that RCA budgeted certain salaries significantly below market. This seems to be a reasonable indication of RCA's lack of expertise in the rehab business. In my business, I am very aware of the market rates of employees, a basic and vital component of running a successful team.
- RCA has a very aggressive plan to open a large number of facilities in a very short period of time. This should raise significant concern not only regarding the financial commitments of RCA but also regarding the stress this timeline will put on their management team. Short cuts are likely to be a temptation.
- Their proposed plans of installing cameras and fences for security, while reassuring, will certainly change the landscape from the road. RCA states in their draft Safety Concerns/Security 911 Response that RCA will endeavor to hide all fencing with appropriate landscaping. I hope that if the zoning board approves RCA's plans, that the town will ensure that they uphold this statement.
- In RCA's "draft" Safety Concerns/Security 911 Response plan posted on the Town of Wenham's website, they state that they will ensure that RCA security personnel and systems do not adversely impact local Police and Fire Department Operations. They state that they will prepare proactive protocols and procedures developed in conjunction with the Chiefs, seeking to eliminate any need for a 911 response from the Town of Wenham. They also state that they anticipate that in house security staff will adequately address and handle any situation. I respectfully ask that you consider the implications of these drafted plans and the likelihood that they may not notify the Wenham police in an effort to preserve their reputation. There will be significant pressure on RCA to preserve their reputation in the community. RCA may be so concerned about their reputation that they may avoid notifying local authorities of unlawful activities.
- RCA's executive team has not provided sufficient evidence to determine whether or not they can effectively screen incoming residents lawfully. I have attended meetings where RCA executives have stated that they cannot screen for sex offenders lawfully. After hearing the community's opposition to this, RCA executives subsequently said they could screen incoming patients but provided no explanation for their ability to change plans. In my opinion, this is an example of RCA making promises that they will unlikely be able to keep and the change in RCA's response I suspect is driven by the pressure on the management team to obtain approval for development of penguin hall.
- Do any POTENTIAL benefits to the town outweigh the potential negative consequences to the town and surrounding neighbors?

- In an ABC news report dated July 4, 2013 titled "Malibu residents frustrated by impact of rehab facilities", officials of Malibu state that some rehabs have a disruptive effect on the community. "There is traffic from the staff, and patients occasionally escape." Christi Hogin, Malibu city attorney, "They're watching their residential neighborhood turn into, basically, hospital zones." She continued to state that "Drug and alcohol rehab has become big business. And, there's a lot of money at stake." According the article, officials stated that one facility in Malibu even assigned a postal address to a guest house in order to bypass the six-bed-per-residence rule. What rules might RCA break? Especially given the pressures management is under for success. How might this impact the neighborhood character, safety, town services, among other things?
- One frequently asked question on the REHABS.com website is "Where should I Attend Rehab? Should I choose something local or travel to a facility?" The answer provided is that "Many addicts travel to a rehab facility outside their home area. This is beneficial as it takes that addict out of their home environment where they are used to abusing drugs or alcohol." This suggests that most patients of the RCA facility will be from out of town, not local residents, reducing the benefits to the community.
- At the meetings I have attended and in the newspaper publications I have read, RCA and Mr. Mullen have repeatedly claimed that residents of the RCA center will be reputable citizens; doctors, nurses, pilots, etc. I question their ability to dictate the make-up of the residents and additionally, it is an unavoidable fact that all residents are detoxing off of hard drugs and there is no covering up or softening the hardships of these individuals no matter their background or financial or social status.
- My understanding is that this property will likely always be a hospital-like facility if RCA's requested use is approved. This is a significant change to the character of the neighborhood. I refer to the ABC news report I reference in the bullet point above that demonstrates the impact such facilities have had on Malibu.
- In regards to the specific impact that RCA's development of Penguin Hall would have on NDCC, a direct neighbor, it would be naïve to suggest that there is not at the very least, a resulting negative perception to prospective families of NDCC due to the location of a secured drug rehab facility with its fences and cameras and guard house and its unknown residents and unproven management just yards from a preschool. NDCC is a preschool that does not even lock its main door, with the idea that it is very community and family oriented. NDCC has proven to be a direct benefit to the community for generations with many children and families are directly impacted in a positive way. The reality is that there are other schools in the area for parents to send their children and spend their money and it is likely that many would not choose NDCC given the close proximity of RCA's rehab center. Whether this is right or wrong, may be arguable, but regardless, it is a likely outcome, particularly given all of the concerns surrounding school safety. I have additional reason to believe that the enrollments of the school would be jeopardized in that every impartial parent

that I mention the proposal to, the first question they ask me is "will you still send your kids there?" with a strong tone of concern. I believe there is a perceived negative influence of such a facility on a preschool whether or not warranted. There is a likelihood that this will play a direct role on the future of NDCC.

I appreciate you taking the time to read my lengthy letter. There is significant opportunity for financial profit by RCA and Mr. Mullen and therefore a continued fight for approval of the proposal seems likely given there is a lot of money at stake for both RCA and Mr. Mullen. On the other hand, the community of NDCC is a small community with little financial resources to assist with opposing this development. I think the harsh and accusatory letters that Mr. Mullen has written to the local papers in an attempt to publicly dismantle the opinions of others, only support his greed. Hopefully the clear negative implications of RCA as "start-up" developers and operators and the implications of a hospital facility will be strongly considered in relation to the current character of the town of Wenham, and the significant change such development will have on a long-standing contributor to the community, NDCC.

Sincerely,

Katharine Walker

Hamilton Resident

rcd 3/23

J. Martin Benchoff  
4 Charles Davis Dr.  
Wenham MA 01984  
(978) 853-6673  
[jmbenchoff@comcast.net](mailto:jmbenchoff@comcast.net)

March 18, 2015

Wenham Town Hall  
Zoning Board of Appeals  
138 Main St.  
Wenham, MA 01984

Re: Proposed Drug Rehabilitation Facility

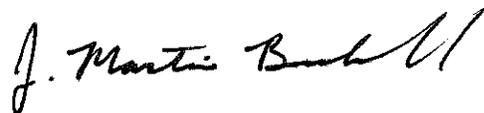
Dear Planning Board:

I'm writing on behalf of my family, which resides in Wenham less than a mile from Penguin Hall, to say we are opposed to the proposed use of the property as a drug rehabilitation facility. Our first concern is this business by its very nature would bring upwards to 2,400 troubled, addicted individuals into our small community of 5,000 people over the course of a year. With the Notre Dame School, the town soccer fields and Iron Rail in such close proximity, it is completely inappropriate to insert a facility like this so close to so many children and a residential neighborhood. No community need is served by this business coming to Wenham. Traffic will be increased. In addition to the potential danger to the families living nearby, property values will be depressed.

Given all these likely negatives outcomes, we as residents of Wenham strongly discourage the board from allowing the requested use of the Penguin Hall property as a drug rehabilitation center.

Please read and make this letter a part of the formal minutes of your meeting on March 25, 2015.

Sincerely,



J. Martin Benchoff

led 3/20

Wenham Zoning Board of Appeals  
Town Hall  
Wenham, MA 01984

March 15, 2015

To the Members of the Board:

My name is Dr. Lawrence Baker, and my granddaughter is a pre-school student at Notre Dame Children's Class (NDCC). I have extensive experience treating addiction as Medical Director for a detoxification unit on the north shore, as a Primary Care Physician in Maine, as Chief of Medicine for two Army evacuation hospitals in South Vietnam, and as Medical Director for local correctional facilities.

With regard to the current proposal by Mullen for the construction of a 158-219 bed inpatient facility for the treatment of drug addiction and mental illness in Wenham, Mass, for the purpose of discussing the impact of the facility on preschool and early elementary children, ages three to eight, attending a school neighboring the facility:

The size of the facility is that of a medium-size community hospital. Local use, or limiting access to self pay patients would be insufficient to support the facility's activities. Inpatient care would be provided to patients arriving from most of the communities on the North Shore. There would be no effective way to prevent clients struggling with the challenges of drug detoxification from utilizing public streets and walkways. It is difficult to imagine that even a fence bordering the facility's property would ensure containment of the facility's more troubled patients.

The following description of substance abuse is taken from a standard, popular Textbook of Medicine, the contents of which are not in dispute by medical practitioners.

Nature of Drug Addiction: The acts of a drug addict in obtaining and using drugs involve a series of voluntary behaviors that the patient seems unwilling or unable to control. Craving leads to compulsive substance use despite serious negative consequences. The addict cannot control substance use despite powerful reasons to do so: job loss, child and spousal abuse, loss of respectability. Life focus narrows to seeking and using drugs.

Drug addiction is frustrating to treat. After considerable effort exerted to get a patient into treatment, relapse is all too common, even months and years after apparently successful detoxification and rehabilitation. The potential for death from drug overdose influenced the Federal Government to promote Methadone and Suboxone programs which substitute these drugs for heroin and other opioids. This has reduced the mortality rate from drug overdose, but simply replaces one addicting substance with another. Methadone and Suboxone have become "street drugs" and are used in the same manner by addicts as heroin.

To avoid acute withdrawal symptoms, a heroin user needs to take two to four doses per day. Acute withdrawal produces fast heart beat, elevation of blood pressure, fever, nausea and vomiting, sweating, abdominal cramps and occasionally seizures.

After six months or more off drugs, the addict may note sluggishness, malaise, sleep disturbances. Craving can recur for years after cessation of drug use.

Associated medical conditions include resistant bacterial infections at injection sites, right heart valve infections, AIDS, Hepatitis C, alcoholism, depression, phobias, and antisocial personality disorder.

Psychiatric disorders are "exceedingly common" among alcoholics, affective disorders are seen in 30% of addicts, anxiety disorders are noted in 40%; domestic abuse, involvement in motor vehicle accidents, and criminal activity are significantly more frequently noted in the addicted population.

I do not recommend locating people struggling with the challenges of addiction next to a preschool/ early elementary school.

My experience in Addiction Medicine:

Major and Chief of Medicine, 71<sup>st</sup> Evacuation Hospital, Plei Ku, and 91<sup>st</sup> Evacuation Hospital, Chu Lai, South Vietnam.

Primary Care Physician, St. Mary's Medical Center, Lewiston, Maine

Medical Director, Preventive Medicine Associates: North Shore outpatient detoxification

MCI Framingham: Site Medical Director of the Massachusetts Women's Prison:  
Evaluated 15 to 18 new inmates per day, majority with addiction issues.

Correctional Psychiatric Services: Medical Director for Norfolk, Suffolk, Middlesex,  
and Bristol County Houses of Correction

Sincerely,  
Dr. Lawrence Baker MD, FACP, FACC



7 Long Ridge Road  
Ipswich, MA 01938

March 15, 2015

Town of Wenham Zoning Board of Appeals

Dear Mr. Chairman and Board Members,

The enclosed package is being submitted to you on behalf of the Notre Dame Children's Class PACE Board (Parents Actively Concerned with Education). The Pace Board represents the parent leadership at NDCC and we are very passionate about our school. For nearly 50 years Notre Dame Children's Class has educated thousands of children from not only Wenham, but throughout the North Shore. As board members, we felt it was of the utmost importance to share with you the personal impact the school has had on the lives of our children and our families, as well as its significance within the greater community.

Sincerely yours,

The PACE Board

Notre Dame Children's Class

Wenham, MA

Notre Dame Children's Class, Sr. Barbara and Sr. Susan, together with their Faculty, have been a constant part of our family's life for the past six years. These wonderful teachers have given all of themselves each and every day to help nurture and educate our children. Their guidance and support has been constant and true. We can't thank them enough for all they do for our children, for the time they spend with each and every one of them and for the care they give to them. We see the Sisters and staff care about life, education and family values every day in the school and in our community.

Even though we have only been actively involved with the Sisters and the school for the past six years, NDCC's value to this and other communities has been well known to our family for much longer. For many years, Sr. Barbara and Sr. Susan and Notre Dame Children's Class have been a constant part of our community with their supporting impact and outreach, stretching far beyond the borders of Wenham and Hamilton, in many ways.

John and Katja Maestranzi

Wenham, MA

I've always believed that a child's first school experience can have a powerful impact on their attitude toward school going forward. I wanted our children to love going to school. How fortunate we were to have all four of our children attend Notre Dame Children's Class.

The environment that NDCC, the Sisters and teachers, have created is truly remarkable. On our first tour of the school, many years ago, I was so impressed with the facility; just the sheer size of the sand and water table told me this was a place where learning and the child were valued. Beyond the physical environment there is the learning environment. Students learn to interact with others respectfully, to take responsibility for their actions and belongings, and to be creative and inquisitive. Most importantly, we have been so fortunate to have the teachers at NDCC teach and care for our four children. They have helped shape them into the people they are becoming today. Not only have our four children learned to read and write (we have a shelf full of journals at home) but they have learned respect for learning, respect and caring for others, and respect for themselves as students. The solid foundation which Notre Dame Children's Class has provided them will be with them the rest of their lives. Our family is very thankful for NDCC.

Ben and Jen Tymann

Wenham, MA



Notre Dame Children Class holds a very special place in my heart. Sister Susan, Sister Barbara and all the staff of NDCC have made a big difference in our three children's lives. Thanks to the Sisters and teachers, two of my children easily transitioned into the public school with their learned confidence, respect for others and hunger for further knowledge. The uniqueness of the Sisters' teaching principles is irreplaceable.

When teaching our children, the focus is not only on key development milestones but also putting a big emphasis on broadening the children's learning experience through special events, trips, and introducing them into the concept of giving back to the community by organizing and involving the children in participating in events like the annual NDCC yard sale, Accord Food Pantry donations or the St Peter Church dinner, where parents and children get involved to prepare and serve dinner to those who need it.

My husband and I also love being part of a community of supportive parents at NDCC who value their children's education and seek opportunities to become involved.

NDCC is the gem of our community and it's teachers are shaping many children's lives as well as changing our community to be an even better place to live.



Tim and Csilla Clark

Wenham, MA



NDCC is part of us. Ever since I walked through that red door to discuss a possible internship with Sister Barbara and Sister Susan I knew my children had to go there. It is in the Sisters mere presence you feel their love ... love for education, the environment and for the children. I had the honor to learn from them and have had the honor to have my children learn from them in this safe loving environment. NDCC is empowering in so many ways. It teaches us to care for all and to help others and to respect all things. Not everyone in this world today can do this or think they have the time. The sisters show this everyday and they teach you by example that it is possible to really live life thoughtfully.

NDCC and the Sisters deserve to be thought of and cherished for all that they have given to their life's work: our children and the whole community.

Russ and Marisa Bartlett

Wenham, MA

My husband Andrew and I have lived in Wenham for the past five and a half years. Our four daughters have all attended Notre Dame Children's Class. Three have graduated and entered the Hamilton Wenham Schools. The youngest is a current student of the school.

We began our time at NDCC looking for an additional pre-kindergarten year for our oldest child. We went to visit the school and were instantly struck by the order and beauty therein. We were also struck by the quiet respectful interactions between students and their teachers. The children were busy working and learning. After our oldest began to attend the school we also appreciated the inclusion of art, music, Spanish language and movement in our children's experience.

We love Notre Dame Children's Class. Sister Barbara and Sister Susan are gifts that never stop giving to our family. Under their tutelage our children have learned to read, to write, to create beautiful artwork, to behave calmly and with respect, to use resources wisely, and to approach the process of learning with excitement. They have provided our family with crucial support during challenging times of life transition.

The other three teachers in the preschool and primary class: Janet Tanebring, Chris Burns, and Sarah Villa are wonderfully caring, patient, and valuable teachers. All three are also long term Wenham residents who have had their own children graduate from NDCC. This fact has always contributed to our sense of continuity and value of the school community and all that it offers.

The location and the grounds contribute to the excellence of the education. The children have a beautiful place to run freely. They have play structures which allow them to work on balance. They explore team play as well as individual play. They interact with nature. They use their imaginations. They have also used the proximity of the Ipswich River wildlife sanctuary and the museums in Wenham and Gloucester as well as local artists to enrich the education of the children.

We cannot emphasize enough the yard sale and how it benefits the community by providing high quality inexpensive goods to those in need.

The Sisters and teachers effectively teach decorum. The younger children have their snack and the older children their lunch seated around a table. In the good weather the older children are able to sit at picnic tables outside. Whether indoor, at snack, or outdoor, they are expected to all engage in conversation and behave appropriately at table.

The Sisters have supported what we teach at home. They have also many times and in many ways guided our behaviors and decisions as parents in the best interests of healthy growth and development of our children. They have incredible knowledge and insight from their many years of experience working with children. This has been an invaluable resource to our family.

They have given us their love and support as we daily seek to guide and raise our children. We are so grateful for their friendship and the role they have played in our children's lives during these formative years. Due to the length of our tenure at the school our youngest two daughters have known the Sisters from their birth. Sister Susan and Sister Barbara held and welcomed them as newborns and have guided and celebrated their achievements as they have grown.

These lovely hardworking women and the beautiful school they run is a treasure to us and to the town of Wenham.

Andrew and Maribeth Ting

Wenham, MA

## Town of Wenham Zoning Board of Appeals

Dear Mr. Chairman and Board Members,

I'm writing to you today to express our concern for the continued operation of Notre Dame Children's Class (NDCC) should the request for zoning relief by RCA Group be approved. As noted numerous times at the public hearings and addressed in a letter supplied to the Zoning Board in February by NDCC's PACE Organization, the safety issues this proposal presents for the school is of serious concern. Should the RCA facility be approved, my husband and I fear that the school's ability to ensure the safety of our children would be compromised. Additionally, we fear other families would feel similarly, resulting in declined enrollment and diminishing the school's ability to carry on operations as they have for nearly 50 years.

The potential loss of NDCC runs much deeper than the brick and mortar of the building. NDCC is a revered institution within the community and throughout the North Shore. Our family has been an active member of the NDCC community for the past 5 years and we would like to share with you, the governing body tasked with making this very important decision, the impact NDCC has had on our family.

Originally from Wenham, I first learned of Notre Dame Children's Class 20 years ago when my youngest sister attended the preschool. I was in college at the time, but would attend various events in support of my sister when home from school. I was always taken with the beauty and utopia-like feel of the facilities and atmosphere of the school. After attending a morning program for my sister's class, I, a 20 year old college junior, was quickly envious of the education she was receiving and participating in. The quiet confidence that this 5 year old was developing with the aid of such caring and loving educators, mentors and role models, Sr. Barbara and Sr. Susan, was quite impressive to me. It is of no coincidence that this foundation greatly impacted my sister's education and career path. Today, she is a kindergarten teacher, no doubt inspired by her mentors from long ago.

This first experience at NDCC made a significant and lasting impression on me. Fast forward 14 years, my husband and I have now moved back to the North Shore and are in search of a preschool for our oldest son. Immediately, I knew there was no other place for him, and eventually his brothers, than NDCC. The campus and atmosphere of the school are timeless. The playground provides the children with just enough space to explore independently, yet close enough to feel safe and supported as they take that first solo slide down the fire pole or climb up and over the monkey bars.

In the 5 years that have elapsed, all 3 of our boys are now attending the school and what the Sisters and the school have given to our family is immeasurable. Day in and day out the Sisters tirelessly work to make our children responsible, kind, courteous and confident citizens. They instill the ideas and principals of social

responsibility through the various outreach projects they and the children participate in. They have enriched our lives and encouraged our family's participation in various outreach activities, which sadly without their leadership, we may have not elected to make time for.

The Sisters have helped my husband and I navigate the challenges of raising and educating three young and active boys with three different learning styles and needs. They have been mentors to us, confidants, and above all friends. They tirelessly give all they have, each day to the children they educate and yet, still have more to give to parents unsure of how to deal with a child's reading challenges, emotional development or frustrations with being a middle child. Personally, the Sisters have been such a source of support to me over the last year as I have helped care for an ailing parent and endure the sadness of his eventual passing in September.

NDCC is so much more than a preschool and elementary school for us. Sr. Barbara, Sr. Susan and the faculty are our partners as we encourage and support our children to strive to be the best they can be. Not only are our children all the better for being a part of the NDCC community, my husband and I are better for it. The loss of this school, this community that has developed for almost 50 years out of the selfless commitment of two Sisters of Notre Dame, who give all that they have each day, could never be replaced.

Sincerely yours,

Cailin and David DeBiase

Beverly, MA

Notre Dame Children's Class is an extraordinary school. Sister Barbara and Sister Susan, sisters of Notre Dame's educational components, and the staff from NDCC have given to our family in remarkable ways. They gave our four children a passion for and love of learning. Their guidance was instrumental in helping our family meet our children's learning needs. Sister Barbara and Sister Susan have given their life's work to helping families. They have given back to Wenham and the surrounding communities in countless ways. NDCC is one of the most valued aspects of Wenham, Massachusetts.

William and Jennifer Pitkin

Hamilton, MA

Notre Dame Children's Class has been teaching children important lessons for over 48 years. Sister Barbara and Sister Susan, with their knowledgeable staff, have taught our son positive social skills that will allow him to succeed later in life. Starting with preschool the children are taught to greet people with a handshake and to make eye contact. The interactive learning approach the Sisters and staff take allows my son to understand that each child is an individual, and to realize that everyone has something beneficial to offer. The lessons and values taught at the school have and continue to be a character building experience. These lessons have taught my son the value of being an active part in the community either through gathering donations for Accord food pantry, providing gifts for needy children at Christmas, or donating funds to support a water truck for Native Americans in Arizona.

Joshua and Marcille Holden

Hamilton, MA



Notre Dame Children's Class is an amazing place full of happiness, innocence, caring and creativity. The Sisters and faculty teach a Montessori method but it's so much more, developed over nearly 50 years of educating preschoolers - and their parents. This is not something that can simply be replicated, even with an unlimited budget. It is truly a priceless asset to the town of Wenham and surrounding communities. Lifelong friendships begin here. Childhood is celebrated and creativity nurtured; community service is a constant. Places like this are scarce; they forge the bonds that hold our community together and make this area a special place to live.

Alice and Fred Winthrop, Current Parent and PACE Board Member

Ipswich, MA



Dear Mr. Chairman and Members of the Zoning Board:

We have been members of the Notre Dame Children's Class community since 2002. Our youngest child is 4 years old and is in her second year at NDCC. As parents within this unique community, we are filled with gratitude for the remarkable years of education that our three children have received. The sisters and their staff are nurturing and supportive in their approach to teaching. They work tirelessly to instill a love of learning, as well as a far reaching understanding of and appreciation for social responsibility. In addition to the school's philosophy, the facilities and the school grounds themselves provide a very unique, secure and safe environment for learning. The children explore the outdoors as part of the curriculum and also are encouraged to exercise their independence with more traditional playground activities. The positive impact that an education at NDCC has on the development of these children as contributing members of society is enormous and cannot be denied. It is our sincere and genuine belief that, just as individuals who are actively abusing drugs and alcohol must be given a safe place to "detox," so too must children be given a safe place to learn and grow.

Sincerely,

Trish and Mark Landgren

Boxford, MA



The first time we visited Notre Dame Children's Class was in the spring of 2012. We arrived at 10:30 and were lovingly greeted by Sr. Susan, Sr. Barbara and Sarah. All of the children were joyfully playing on the playground, and my first thought was "this is heaven for children". It was truly ethereal ... since deciding to have our daughter Sophia attend this charming loving wonderful school, we feel as though it was the single most important choice we could have ever made for our family ... Our Daughter is an only child and has flourished here, she can't wait to go to school in the morning and when we pick her up is excited and eager to tell us about her day ... All of the staff work tirelessly to give the children a wonderful atmosphere for learning.

Notre Dame Children's Class is not just a school for children, it is a school for families and it would be a devastating loss to not only the children, teachers, staff and alumni, but to the community should it have to close.

Dr. and Mrs. David Eagan

Gloucester, MA



We love NDCC for many reasons ... We appreciate the teachers' commitment to the Montessori Method and its focus on child-centered learning, understanding the importance of practical life skills, grace and courtesy, along with the academics and arts. We see how each child is given individual attention and made to feel important and a part of his/her classroom community. We are reminded in daily or weekly emails, article handouts and teacher conversations of the NDCC faculty's dedication to family education and research to helping raise our children in this age of technology and innovation. We are grateful for the on-going positive examples of community and charity NDCC gives through the giving tree at Christmas to the cereal box drive to the Yard Sale planning and event, allowing our children to experience giving and community involvement and the importance of helping others every day.

Patricia Bochnak

Swampscott, MA

**Emilie Cademartori**

---

**From:** "David Fehnel" <djfehnel@mac.com>  
**To:** <ecademartori@wenhamma.gov>  
**Cc:** "David Fehnel" <djfehnel@mac.com>; <jdlovejoy@comcast.net>; <jmoroney3@gmail.com>;  
"Andrea Gabriel" <agabriel1@mac.com>  
**Sent:** Sunday, March 15, 2015 11:19 PM  
**Attach:** Grapevine Road and Essex Street Wenham, MA.pdf  
**Subject:** Financial Impact to Abutting neighbors from RCA Project (22% loss)

Dear Members of the ZBA,

We the concerned Mullen property neighbors and citizens of Wenham have gone to significant financial costs to demonstrate the significant (22% loss) financial impact to our home values abutting the proposed Mullen-RCA project. The presence of this RCA project or its like in Wenham will identify us as the Drug and alcohol rehab town of the North Shore. This will continue drastically reduce the overall attractiveness to families to stay or move into wenham and further plummet home property values.

As a Physician that works here on the North Shore, this project proposed is the same size as the current operating beds at Beverly Hospital. The staffing traffic will include at least 100 people coming and another 100 going three times a day including key traffic times of 7am and 3 pm. This does not include the multiple delivery vehicles and ambulances daily. The weekend traffic is currently the "Wenham Speedway" as cars race both ways on Essex Street. This will only get worse as 3 staff shifts and all the patients weekend visitors occupy our residential streets. This volume of cars will render our "Iron Rail neighborhood" unsafe for parents and their children to walk and ride their bikes along Essex St. and Grapevine roads.

This facility will need significant police and fire department support which we doubt can currently be handled by our current force. The cost to increase this force will significantly cost our taxpayers and or unsafely stress our current force putting wenham citizens at a safety risk.

The attached appraisal report conducted by CBRE shows that the proposed RCA project will detrimentally impact our property values( a 22% loss).

Please take this reports and our other concerns seriously into consideration for the decision on this pending project.

Sincerely,

David Fehnel MD, Andrea Gabriel (31 Essex Street)  
Joan Lovejoy (54 Grapevine Road)

Please email us that you are in receipt of this letter and attachment opens.

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red 3/16/15

March 15, 2015

Zoning Board of Appeals  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Attention: Tony M. Feeherry, Chair

Dear Members of the Board,

As owners of the abutting property to the Mullen property in Wenham, we are very concerned about the impact the proposed RCA project will have on our property values.

The attached appraisal report, conducted by CBRE shows that the proposed RCA project will have a detrimental impact on our property values (a 22% loss).

Please take this report and its findings into consideration for the pending decision on the project. Thank you for your time in this very important matter.

Sincerely,

David Fehnel MD, Andrea Gabriel (31 Essex Street)  
Joan Lovejoy (54 Grapevine Road)

**Emilie Cademartori**

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**From:** "Brian Sanders" <briansanders@me.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Sunday, March 15, 2015 9:52 PM  
**Subject:** Penguin hall

This is my letter to ask you to please not allow Penguin Hall to be transformed into a Drug a Treatment Facility. To allow such a facility to be placed in historic Wenham would devalue local property and would represent a safety risk for abutting Notre Dame children school. There is very little upside in allowing 2400 addicted persons a year into our community, increasing traffic, and devaluing property values. Penguin Hall is a historic property. It deserves better. Wenham and its residents deserve better.

Brian Sanders, MD  
Pediatric Emergency Medicine  
Medical Director  
Lowell General Hospital  
Wenham Resident, 12 rubbly Ed

rec 3/16/15

**DONALD C. CARLETON**  
17 Grapevine Road  
Wenham, Massachusetts 01984-1702  
978.468.3370 • donald.carleton@gmail.com

March 16, 2015

Zoning Board of Appeals  
Wenham Town Hall  
138 Main Street  
Wenham, MA 01984

Gentlemen:

We have been living on Grapevine Road for approximately thirty-five years. We came to Wenham because of its small-town, noncommercial atmosphere. If this proposed hospital for people dependent on drugs and/or alcohol is approved, we believe it would have a serious adverse effect on the town and its residents.

We are sure you have heard the many arguments against this proposal:

1. There will be hundreds of patients moving in and out of the facility annually.
2. It may result in the closing of the Notre Dame Children's Class.
3. Traffic will increase.
4. The facility is strictly a commercial venture by an out-of-state developer with no prior professional experience in either the medical or addiction treatment fields.

It is interesting to us that one never hears any arguments as to why this proposal should be approved. It won't significantly help our tax base since total tax revenues from this property only amount to about \$115 per household, or about 1-2% of the typical residential property tax bill.

In addition to the above arguments against this project are the following:

1. If the project fails, the developer could walk away, leaving the town to address a financial and social problem: what to do with this property?
2. Since this is a profit-making operation, the developer will be mainly interested in his bottom line and not with possible adverse effects on the town.
3. If the project is successful, it could result in more beds being added, as well as more traffic.

In summary, this project is a risky undertaking by an inexperienced operator, a venture with no known benefits to Wenham and a host of potential problems that cannot be foreseen.

Please reject this proposal which is inappropriate for our town.

Very truly yours,

Donald C. Carleton

March 16, 2015

RECEIVED-TOWN CLERK  
WENHAM, MA 01984

2015 MAR 16 PM 3: 16

Dear Wenham Zoning Board,

It just came to our attention that you are considering a proposal from Recovery Centers of America to build a drug and alcohol addiction facility at Penguin Hall on the Mullen property in Wenham. While we are sympathetic to the needs for these types of services, we do have serious concerns about the impact on our small community, on the ability of RCA to operate this in a safe and effective manner, and on the impact this facility will have on our property values.

We know that the owners of the Mullen property have been seeking a developer for some time now, and that rehab centers are a new and growing business opportunity. However, we are hopeful that the board takes a long-term look at how this could impact our town.

Treating addicts is important for individuals and for society. It may be that the facility will be discreet and self-contained, and that there will be no issues. Unfortunately, even if this is the case, it is *the perception of risk* that causes issues in a town, as detailed in the research below.

Further, a treatment center should be located in a community that can support the size and scope of the facility, and the center should be run by an experienced organization that can handle all that comes with the job. This does not appear to be the case with this proposed facility.

- The size of the facility and number of patients seem very out of scale with our small town - how will this impact traffic, roads, and additional support required from town services?
  - A 5-floor facility with a potential number of in-patients similar to that of Beverly Hospital will impact traffic along the one lane Essex Road and Grapevine Road, a major access road to the center of town for several residents.
  - The projected 2400 patients a year (not to mention the number of staff required to service them) is equal to half of Wenham's total population - what demands will this put on town services that taxpayers will ultimately have to fund?
  - Grapevine and Essex roads already have traffic and parking challenges during the busy sports seasons, when kids and families are walking along the roads and crossing streets. Will it cause more congestion and more risks to have increased traffic and cars in that busy area on weekends?
  - The presence of this type of facility might bring other dangers with it, or bring in even more people to the town associated with the patients of the facility – but even if it doesn't – that will be the *perception* to any new home buyer looking at our town. It's not the same as a larger community like Peabody, Danvers or Beverly hosting a facility of this size, where a potential buyer might be aware of it but its presence would be offset by so many other businesses and organizations in the town. In Wenham, it will be the one thing people focus on, and one could expect that many potential home buyers might pass over Wenham and move their search to other small towns nearby.

- The very fact that the facility feels it needs an 8' tall fence, sentry gate and guard raises concerns about potential crime and dangers to the community
- These facilities are important, and if the company with the proposal was highly proficient at running this type of center many concerns would diminish. But it is our understanding that RCA has no experience operating this type of facility -- should Wenham be the inaugural guinea pig where they "figure it out".
  - What happens if RCA doesn't do a good job operating the facility - do we have any recourse?
- The above are all questions that may have reasonable answers, and they are only *potential* issues, but **there is hard research showing adverse effects on property values of homes where treatment facilities are located.**
- According to a recent 2014 study entitled "Not in my backyard: The effect of substance abuse treatment facilities on property values," ([http://www.josre.org/wp-content/uploads/2014/12/9830-63\\_92.pdf](http://www.josre.org/wp-content/uploads/2014/12/9830-63_92.pdf)), in which the external effect of residential rehab centers on nearby real estate is examined, **the researchers found that a neighboring treatment center is associated with an 8% reduction in nearby home prices, and that this discount is magnified for treatment centers that specifically treat opiate addiction (as much as 17%)."**

We have included a few other interesting excerpts from the paper below, which offer important considerations, but we really just wanted to say that we love this town, and we love raising our kids here. We would hate to see any long term negative effects of any kind come to Wenham, or to have Wenham be thought of as anything other than the beautiful little town that it is. Further, based on actual research, it seems that regardless of if the facility brings any negative issues to the town or not, it certainly brings the *perception* of increased risk and *will* have adverse effects on our property values.

We would like to learn more to understand all of the considerations, but we urge you to weigh this decision very carefully, as the future of the town and so much that we love about it rests in your hands.

Thank you for your consideration.

Sincerely,



Jan and Zach Soolman  
Wenham Residents

-----  
Some interesting excerpts from the above-cited paper:

**"There are reasons to suspect that rehab facilities may adversely impact neighboring real estate.** Substance abuse is a multifaceted health issue and many patients in residential treatment have a dual diagnosis: a mental health issue and an addiction (Connery, 2011). The Substance Abuse Mental Health Services Administration (SAMHSA, 2008) surveyed 14,423 facilities in 2008 and had a response rate of 94.1%. The SAMHSA survey indicated that 39% of the clients in treatment centers had a dual diagnosis. In addition, concurrent alcohol and drug addiction accounted for approximately 45%, while clients in treatment solely for drug abuse accounted for 34%–36% and 18%–20% of the patients only abused alcohol (SAMHSA, 2008). One consequence of locating drug and alcohol rehabilitation centers in residential areas is that patients in substance abuse treatment programs frequently leave or are administratively discharged before successful completion. At some point, experts say that, "relapse is an almost unavoidable—and potentially useful—step in recovery" (Shaffer, 2012). For many, intensive residential treatment is a "last resort." A healthy family of an addict will decline to "enable" negative behavior and, instead, will insist that the alcoholic/addict experience the "consequence" of the decision to use again and refuse treatment. In other words, the family will often not offer any form of financial support and the addict will have to fend for himself or herself. In addition to having a substance abuse disorder and possibly a dual diagnosis, those who relapse and leave treatment prior to completion often have limited job skills and perhaps even a criminal record—factors that make employment a challenge. **Thus, as a practical matter, nearby neighbors may have valid concerns that the presence of a treatment center will be accompanied by additional unemployed or even homeless addicts on the street near the area in which the treatment center is located. This perception of elevated risk in these areas may then be reflected in the market prices of nearby real estate."**

So regardless of an 8 foot fence and the presence of guards and a sentry gate, it is the *perception* of elevated risk that can cause property values to decline. The paper goes on to conclude that while liquidity itself is not affected, the value of homes certainly is:

**"There appears to be a robust negative relationship between the presence of a substance abuse treatment center and nearby home values...**In this study, we find evidence that residential substance abuse treatment centers adversely impact the price of neighboring homes. We find that homes within 1/8 mile of a treatment center sell for approximately 8% less than otherwise comparable homes that are located further away. Furthermore, we find that the market differentiates between potential risks that nearby treatment centers may carry, as living near a methadone clinic that treats opiate addictions such as heroin or morphine may be associated with a reduction in home values by as much as 17%. We find little evidence that nearby treatment centers affect a home's time on market."

red 3/17/15

Jane Smolik  
90 Larch Row  
Wenham, MA 01984  
March 17, 2015

Zoning Board of Appeals  
Wenham Town Hall  
138 Main Street  
Wenham, MA 01984

Dear Neighbors,

I am writing to voice my support for the treatment facility proposal to be located on the Mullen property.

I was fortunate enough that both of my now adult children received their early education at Notre Dame Children's Class. I remember at that time though the sisters were very firm that when they retired, the school would close and the property be sold. That was several years ago. They are now well into their 70s and so I wonder how much longer the school will even remain open.

In the meantime, I suspect we all know people who have needed the services of a rehabilitation facility. I was on the New England board of Caron Rehabilitation Center a few years back and was struck by the lack of facilities available in Massachusetts. Families had to send loved ones to Connecticut, Pennsylvania and New Hampshire for treatment. It is incredible the lack of treatment centers in Massachusetts. Heroin addiction has sadly become epidemic in our communities as well as an unfortunate menu of substances to abuse. If this facility were being proposed right next to someone's house – I would not be in favor of it. But the Mullen property, away from the street and not directly next to anyone's house, seems an ideal spot.

Surely no one would argue that we don't need the tax revenue that such a facility would provide. If we turn this proposal down, it is anyone's guess if the second choice will provide any tax revenue.

I have no fear whatsoever that the patients who would use this facility would be a danger to me or to my neighbors. And as for it adversely affecting local property values – McLean Hospital doesn't seem to have hurt housing prices in Belmont!

I think many Wenham residents share my feelings. Perhaps the only fair way to settle this would be to put it to the residents for a vote. Otherwise, I'm afraid that the quiet supporters will not be heard over the vocal opposition.

Sincerely,

A handwritten signature in cursive script that reads "Jane Smolik". The signature is written in dark ink and is positioned above the printed name.

Jane Smolik

red 3/17/15

**DONALD C. CARLETON**  
17 Grapevine Road  
Wenham, Massachusetts 01984-1702  
978.468.3370 • donald.carleton@gmail.com

March 16, 2015

Zoning Board of Appeals  
Wenham Town Hall  
138 Main Street  
Wenham, MA 01984

Gentlemen:

We have been living on Grapevine Road for approximately thirty-five years. We came to Wenham because of its small-town, noncommercial atmosphere. If this proposed hospital for people dependent on drugs and/or alcohol is approved, we believe it would have a serious adverse effect on the town and its residents.

We are sure you have heard the many arguments against this proposal:

1. There will be hundreds of patients moving in and out of the facility annually.
2. It may result in the closing of the Notre Dame Children's Class.
3. Traffic will increase.
4. The facility is strictly a commercial venture by an out-of-state developer with no prior professional experience in either the medical or addiction treatment fields.

It is interesting to us that one never hears any arguments as to why this proposal should be approved. It won't significantly help our tax base since total tax revenues from this property only amount to about \$115 per household, or about 1-2% of the typical residential property tax bill.

In addition to the above arguments against this project are the following:

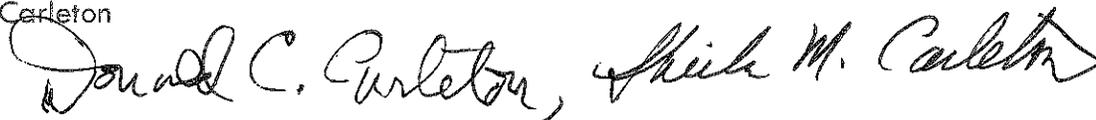
1. If the project fails, the developer could walk away, leaving the town to address a financial and social problem: what to do with this property?
2. Since this is a profit-making operation, the developer will be mainly interested in his bottom line and not with possible adverse effects on the town.
3. If the project is successful, it could result in more beds being added, as well as more traffic.

In summary, this project is a risky undertaking by an inexperienced operator, a venture with no known benefits to Wenham and a host of potential problems that cannot be foreseen.

Please reject this proposal which is inappropriate for our town.

Very truly yours,

Donald C. Carleton



100 3/17/15



# Notre Dame Children's Class

74 GRAPEVINE ROAD  
WENHAM, MASSACHUSETTS 01984  
Phone: (978) 468-1340 Fax:(978) 468-0166

March 13, 2015

To the Wenham Zoning Board of Appeals:

We have participated in the meetings of the Wenham Zoning Board in regard to the RCA request to open a drug and alcohol rehabilitation center at Penguin Hall, Wenham. We oppose the special permit application and restructuring of the building for that purpose.

We again state our reasons for opposing as follows:

- The safety and security of our young students.
- The possible devaluation of our property.

While we have supported Mr. Mullen's previous usage of the Penguin Hall property, we cannot in good conscience support this proposal for the location of a drug and alcohol rehabilitation facility adjacent to our school property.

Sincerely,

*Sr. Barbara Beauchamp SND*  
Sr. Barbara Beauchamp SND  
Director

*Sr. Susan Raymo SND*  
Sr. Susan Raymo SND  
Co-Director

SANDRA BELOCK-PIIPPEN

March 13, 2015

To : Town of Wenham, Zoning Board of Appeals

Dear Sirs,

I reside at 10 Dodges Row in the Wenham Neck neighborhood where the Recovery Centers of America Group LP have proposed a project on property at 36 Essex Street owned by Mr James Mullen. I strongly oppose granting the Special Permit for this proposal in light of the project's scale and impact on the character of the neighborhood and negative impact on the neighborhood's property values.

The Special Permit issued to Mr Mullen was for an advertising business. The current applicant's proposal is for a residential medical facility. This would be a substantial change in use and far outside the parameters of the original Special Permit for non-conforming use as it would involve significant and extensive alteration to the structure to provide for a substantially different purpose. The Applicants have also not shown that their project would not be less detrimental to the neighborhood than the prior use as allowed as allowed in Section 4.4.2 of the Zoning Bylaw. I submit that this facility would be a substantially different and more detrimental non-conforming use.

I understand the facility would have up to 210 beds which is approximately the same number of beds at Beverly Hospital. This is completely out of scale and inappropriate for the neighborhood and the community. The adverse effects of the proposed use would far outweigh its beneficial impacts to the Town and the neighborhood.

It is very possible that there would be a future application to expand at this large site, and once the massive investment to convert the structure was undertaken, it would be very difficult for the Town to refuse in the face of the potential hardship case that could be cited.

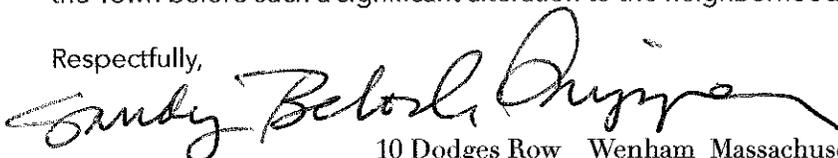
There is also no guarantee that this facility would remain a taxable entity in which case the town would lose significant income at the same time as generating higher police, fire and emergency costs. The increase in traffic in the neighborhood because of the multiple change of shifts for workers required to operate a 24 hour facility of this type would also adversely affect the neighborhood significantly.

The financial stability of a start up of this kind is also of concern, With no track record of performance it would a risk for the Town to allow the massive changes that would be required to alter the building for the proposed use.

I would also appreciate the Board's opinion on how a section in the Zoning Bylaw applies to this property. The property has not been used for a period of more than 2 years under the original Special Permit. I understand the State has extended the timeframe for Special permits under certain conditions, but does it apply to this particular situation or has the original protected status expired and is now subject to all of the provisions of the Bylaw?

Overall, this would be a risky precedent. A project of this scale should require a broader consensus of the Town before such a significant alteration to the neighborhood and the community is allowed.

Respectfully,



10 Dodges Row Wenham Massachusetts 01984

March 12, 2015

Dear Zoning Board Members;

We received a hand written letter in our mailbox opposing the sale of Penguin Hall to RCA.

We looked into this information as best we could and some of the information seems inaccurate, please allow Mr. Mullen to respond to this letter and his choices at your next meeting.

Since Mr. Mullen is going to sell or give away the property to a non-profit, it seems in the best interest of the Town's residents to approve the application for a rehabilitation facility.

This is a large property and will most likely be something large. With the current application, there is revenue to the town, and what sounds like many conditions for increased security, protection of our natural resources and revenue. Something the town will NOT get should this become a college, another medical facility, or a (40b) development. Two hundred beds are nothing compared to what we have been told could be built there considering the size of the property. To the gentlemen's point, more sex offenders, criminals, and drug addicts that would be living without fences, cameras, guard gate, security, and background checks; there is no way to know who moves into a 60 home/ 4 bedroom development, a college, or is an employee at a manufacturing plant. (All potential uses, most would be more detrimental to our property values)

Please consider all of Wenham's residents not just the abutters/neighborhood and non-residents. Seems like all corners of our town have something going on that upsets the neighbors, but really, when it comes to taxes, revenue, and services these projects affects all households. (Maybe Maple Woods can build on a corner of the Mullen property and share systems and resources.)

It is unlikely that the Notre Dame School will be there as long as the next Penguin Hall property owners, and most school parents, from watching the meetings on TV are not Wenham residents. They will be long gone while Wenham continues to live with what ever is on the Mullen Property. Non-residents in such a permanent decision should not influence the Wenham Zoning Board.  
What is the effect of the tax rate if this goes non-profit?

The Board has repeatedly explained the applicant must prove it is not causing more problems for the town and from our point of view, it does not; it's minimal to past and other potential uses for the property.

We may wish Mr. Mullen would maintain the property as his private office, but he has stated over the years he cannot continue to just let the property sit. He has not abandoned the property, he has sought many buyers that would generate much needed revenue and be a good fit for Wenham over the years, in spite of personal cost.

Mr. Mullen should be recognized and thanked for being such a good steward of this property for the town.

The Hardy Family  
240 Larch Row

March 9<sup>th</sup> 2015

John and Deborah Knopf  
232 Larch Row  
Wenham Ma. 01984

Dear Zoning Board of Appeals Members,

We would like to register our opposition to the applicant, RCA Group LP's request for special permit for a mental health, substance abuse and rehabilitation counseling center.

We are very familiar with the proposed location, which is next door to the children's school (NDCC), where our daughter attended for 5 years. If the Rehab facility had been there at that time we would not of sent our child there for safety reasons.

We have lived in Wenham and Hamilton for over 30 years and we are a village not a city like Beverly. This is too big for the character of our village.

An advertising agency in a residential neighborhood as a "non conforming use" is not the same thing. In our opinion the traffic, public safety, impact on the character of the neighborhood and most importantly the well being of the treasure of a children's school are only some of the reasons that the proposed use is more detrimental to the area then the old Mullen Advertising.

Thank you for your service to our town.

Sincerely,

John and Deborah Knopf

Handwritten signatures of John and Deborah Knopf. The signature for John Knopf is on the left, and the signature for Deborah Knopf is on the right.

March 9, 2015

Wenham Zoning Board  
Wenham Town Hall  
Wenham, MA 01984

Maurice (Jere) Moroney  
116 Grapevine Rd.  
Wenham, MA 01984

Dear ZBA Board,

I am writing to express our concern about the proposed Drug and Alcohol Facility at the Mullen property in Wenham.

The scope and location of the proposed facility is not appropriate for the surrounding residential areas for the following reasons. Studies have shown that similar facilities can negatively impact neighborhood property values as much as 25%. My children attended the Notre Dame Children's school and I am personally concerned about the future of the school as well as the declining value of my own property in the event that the RCA-sponsored project is approved.

Weekend traffic is another concern we have. We live directly across the street from the Wenham Soccer fields. Weekend traffic by families and children in town is significant at the soccer fields. I do not believe it is prudent to mix the influx of patients checking into the proposed RCA facility with children and families attending soccer games.

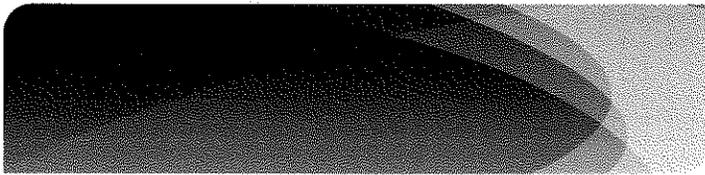
Lastly, the scope of the proposed project and current experience of the RCA group should be brought into question. The size of the proposed 158- 219 bed facility by RCA would be on par with the current inpatient facilities at Beverly Hospital and the fact that RCA has no facilities currently operation is a major concern.

In closing I ask respectfully that you take our concerns under consideration and vote against the proposed RCA plan on the Mullen Property.

Regards,



Joelle & Jere Moroney



David and Jessica Molitano

5 Charles Davis Drive  
Wenham, MA 01984

March 6, 2015

Town of Wenham Zoning Board

Town of Wenham  
2<sup>nd</sup> Floor  
138 Main Street  
Wenham, MA 01938

Dear Members of the Board:

We are writing to express our extreme concern at the proposal that is before the board related to RCA's 200+ bed drug and alcohol rehabilitation clinic. The proposal is distressing to us for the following reasons:

- Experience of the manager/developer - It is our understanding this will be the first facility the company will run. If we were to consider opening a facility of this magnitude and sensitive patient deliverables, having a company who has never done this before is not something where we would want Wenham to be their first facility. There are too many things that can go wrong and lack of experience would exacerbate any problem that would arise. Any small town like Wenham is not the appropriate place for RCA to experiment with running a facility.
- Size of facility - A 200+ bed is roughly the same size of Beverly Hospital. There is simply not enough room to handle the amount of traffic that will be added. We are not just speaking about patients. We are also contemplating visitors, staff, and other personnel that are needed to run such a large facility. The additional amount of traffic will be simply too much to handle.
- Location - The proposed location is also problematic due to its location abutting a school and close to public sporting fields. The location of the facility can only hurt the enrollment of the Notre Dame School. The above mentioned traffic will be even worse due to the amount of people in the towns of Hamilton and Wenham who use Iron Rail fields on the weekends.
- Infrastructure Issues - There will be pressure on the town to increase its police and fire departments due to the facility. Currently, the town does not have the equipment. There will need to be additional funds needed to purchase new equipment and personnel. These additional funds will reduce the town's budget for services and improvements already contemplated.
- Property Taxes - The reduction in values to those properties abutting the location will hurt the owners and the town. The reduction in property values will mean less tax revenue for the town. It will also cause the owners of those properties to incur a large financial decrease due to something that is out of their control.

We understand the Board's role in this matter and they must review plans that are presented to them. We see this particular proposal as problematic and having a large negative impact to the town. We do not see any benefit to having such a facility in Wenham.

Sincerely,



David and Jessica Molitano

David and Janet Grey  
6 Charles Davis Drive  
Wenham, Massachusetts 01984  
(508) 468-4477  
978

Dear Gentlemen,

We hope that you will vote against allowing the proposed Drug and Alcohol facility proposed for the former Mullen Property. It would negatively impact the quality of life in this quaint town plus lower real estate values. This is not the place for such a facility. Kindly do not allow this to take place.

Thank you -

Janet R. Grey

rd 3/11

Mr. Anthony M. Feeherry, Chair  
**Town of Wenham Zoning Board of Appeals**  
Wenham Town Hall, 2nd Floor  
138 Main Street  
Wenham, MA 01984

March 9, 2015

RE: RCA facility at Penguin Hall site

Dear Mr. Feeherry:

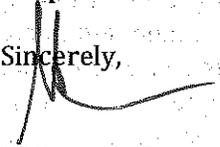
My family has lived at 18 Grapevine Road for 17 years. We live less than 1/2 mile, a ten-minute walk, from the substance abuse treatment facility being proposed for Penguin Hall. Like many of our neighbors, I am opposed to the project.

I watched in amazement when this project was first proposed last year, and honestly didn't take it seriously. I know that Wenham wants and needs commercial tax revenue, but I never thought that a project this large and controversial would pass muster with our town leadership. This is a small, family town. A secure facility like RCA belongs on 114, not in Wenham. The fact that it will be directly adjacent to a nursery school and Iron Rail is almost comical. From what I gather, RCA needs to quadruple the septic capacity. Patients cannot be not subject to a CORI check. I need a CORI check to coach Little League. All of this next to a nursery school. Really?

The almost certain premature demise of NDCC and the impact on our property values is no laughing matter. Our kids went to school at NDCC. Brian O'Neill's guys will be able to show you studies that claim manageable impact on traffic, public safety and property values. While those claims may or may not prove valid in the long run, one thing is certain. The presence of that facility will deter many homebuyers, at least for as many years as it takes to construct it and demonstrate trouble-free operation. Its presence will create a very strong impression of risk. Homebuyers, especially ones with children, do not take risk unless they have no other choice. My guess is it will take a 5-10 year track-record with no incidents to settle the perception of risk that will overhang our neighborhood. A 200-bed facility will make the whole town of Wenham synonymous with drug & alcohol treatment. RCA will show-up in every Google search for Wenham from now on.

I quote from the Beverly Citizen: "ZBA member Anthony Feeherry said, the purpose of the meeting was to learn what the applicant was proposing for the site, as part of determining whether the plan was detrimental to the town, was compliant with the town's zoning bylaws, met the needs of the community, did not compromise the character of the town, and what the impact on the environment might be." How does a national, high-end substance abuse chain meet the needs of our small community? How can it fail to compromise the character of our town?

I urge you and the members of the board to reject RCA's application. RCA has irons in the fire in many communities from here to DC. It's just another real estate project led by a condo developer who sees opportunity in the new MA substance abuse law. I suggest you have a look at this 2006 article from Philadelphia Magazine <http://www.phillymag.com/articles/philadelphia-magazine-the-extra-large-life-of-brian-oneill/>, and ask yourself if Mr. O'Neill would be willing to build an RCA facility near his summer house in Hyannisport. RCA has no operational track record, whatsoever. Why would we ever, ever, let them build and operate a secure facility almost the size of Beverly Hospital in our small town?

Sincerely,  
  
William O. Charman

rcd 3/9/15

FABRIZIO & JULIE ALVAREZ DE TOLEDO

The Members of the Zoning Board of Appeals

Town Hall

Wenham, MA 01984

March 7, 2015

Dear Members of the Zoning Board,

Proposed Counseling Center for Mental Health,

Substance Abuse and Rehabilitation Services

We are Wenham residents at 217 Larch Row, at the end of Grapevine Rd. We have recently become aware of the referenced Proposal by RCA Group LP, for a large (158-219 bed) such facility, to be located at 36 Essex St. in our Town, not far from where we live.

We are writing to your Board, to express our concern for the prospect of this facility in our neighborhood, in view of the expectation that vicinity to such facility will significantly diminish the market value of neighboring properties, and specifically our home.

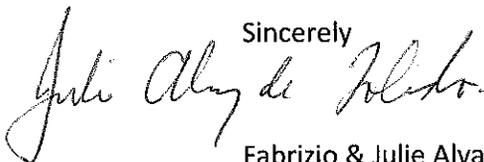
As a result of the 2014 Affordable Care Act making intensive treatment affordable, the number of such centers nationwide, has been forecast to rise exponentially. The external effect of such centers on nearby real estate has been recently examined in specific residential settings, using large MLS datasets, in-state and outside.

It has consistently been found that living near such a treatment center may be associated with a significant reduction of home values by a minimum of 8% to more than 15 % if heroin and morphine addiction are covered as well.

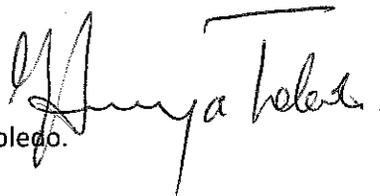
We believe to re-purpose the existing facilities at 36 Essex Road, to such a high-impact non-conforming use would be detrimental not only to the value of neighboring houses, but to the Town's residential desirability and current appeal.

We therefore respectfully submit that the Board not approve the referenced facility.

Sincerely



Fabrizio & Julie Alvarez de Toledo.



**Emilie Cademartori**

---

**From:** "Bill Erdman" <wperdman@gmail.com>  
**To:** <ecademartori@wenhamma.gov>  
**Sent:** Saturday, March 07, 2015 12:00 PM  
**Subject:** Letter to ZBA - RCA Group Special Permit  
**TO: Wenham's Zoning Board of Appeals**

**RE: RCA Group LP Request for Special Permit at 36 Essex St.**

To All Board Members,

Our home at 31 Grapevine Rd in Wenham is quite close by the Mullen/Penguin Hall property that is the subject of the request for a special permit to open a 200-bed drug and alcohol addiction and rehabilitation center.

Though not an abutter I am close enough to be of great concern over this matter, and would like to express my deep concern that approving this permit request would be a great big mistake for the Town of Wenham, and in particular the abutters and neighbors including the Notre Dame School, the Boy Scouts at Iron Rail, the Iron Rail Children's Gymnastics and the Iron Rail Soccer Field users.

I have reviewed the plans on the Wenham website, attended the Feb 25<sup>th</sup> ZBA Meeting, met with a great number of the abutters and neighbors, and plan to attend the final public hearing on March 18th. I know a great many of the factors the ZBA have to take into account have already been brought up, but to reiterate the primary reasons I am against this approval of this special permit:

1. It will cause all property values of the abutters and neighbors to drop in value, eventually causing a loss of tax revenue to the Town that may not be recovered by the taxes paid by RCA.
2. A facility of this size would create weekend traffic on Essex St and Grapevine Rd to increase dramatically with visitors, and three times a day for the commuters operating the facility.
3. A fire emergency could be above the capabilities of Wenham & Hamilton's capabilities.
4. The risk of sex-offender or drug-addict release/escape (whether perceived or real) could possibly cause a fatal drop in matriculation at the Notre Dame School – an operation that has benefited Town residents for nearly 50 years
5. RCA has no track record. Despite the experience of its current (new) staff, its all promises that cannot be verified with a record. The main guy behind RCA's capital, J. Brian O'Neill and his O'Neill Property Group also have no experience in this field and are not a philanthropic organization – they are all business doing this to make a profit.
6. I have not met one neighbor or for that matter any resident who is in favor of this.

I am not against the mission of RCA by any means. In fact to the contrary our country is in the midst of an addiction epidemic and facilities like this will be in demand (hence O'Neill's entry into this market). I also feel for Jim Mullen and his ongoing pursuit of a buyer for his expensive property. All that being said, I still cannot see this being the right thing for Wenham to do. Please Vote No on the permit application.

William & Barbara Erdman

31 Grapevine Rd, Wenham

(978) 468-0658

Charles and Judith Brigham  
43 Grapevine Road  
Wenham, MA 01984  
978-468-3965

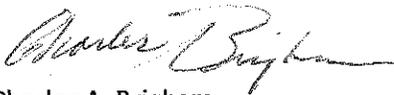
March 6, 2015

Zoning Board of Appeals  
Town of Wenham  
Wenham Town Hall  
138 Main Street  
Wenham, MA 01984

This is a note of concern regarding the sale of Penguin Hall and the Mullin property to a company planning a 200-bed hospital on the estate.

We feel it is not a good use for the property and would have an adverse effect on the value of our home at 43 Grapevine Road.

Sincerely,



Charles A. Brigham



Judith A. Brigham

142 Grapevine Road  
Wenham, MA 01984  
5 March, 2015

Town of Wenham Zoning Board  
Anthony M. Feeherry, Chair  
Jeremy Coffey  
Shaun Hutchinson  
Christopher Vance, Associate Member  
138 Main Street  
Wenham, MA 01984

Dear Sirs,

We are asking you to vote against the special permit application requested by the for profit company, RCA, to build a Drug and Alcohol Rehabilitation Center at Penguin Hall off of Essex Street in Wenham.

For a town of less than 5,000 in population, adding a facility of 158-219 beds is a huge burden to the town's infrastructure. It will dramatically increase the demands for our fire and police departments, at the expense of the town's residents. Ambulance calls alone will be more frequent, thus response time much slower for others.

For a town of less than 5,000 in population, the traffic will increase dramatically. There will be three shifts of employees going into Penguin Hall at all hours including the night shift of 11PM, and the morning shift of 7AM, when our daughter is picked up by the school bus for Miles River Middle School, and the shift at 3PM when the children are dropped off after school. There will be trucks and service providers constantly going into the Rehabilitation Center for deliveries. There will also be the weekend traffic of unlimited guests visiting the 158-219 patients. Essex Street and Grapevine Road are the only two streets which would feed into this large facility. The street traffic would be a major source of contention.

For a town of less than 5,000 in population, the pedestrian and bicycle safety would be threatened. The Town of Wenham has a lovely sidewalk along Grapevine Road because of the large usage of joggers and bicycles along the street. A private committee put a lot of time and money in making sure the pedestrian and bicycle traffic was safe and secure. The street is used constantly by those who enjoy it's quiet beauty and can access their outdoor exercise peacefully. The safety of our residents would be severely impacted.

For a town of less than 5,000 in population, there is already one Drug and Alcohol Rehabilitation Center. This one, although only fifteen beds, has caused much concern in the town. Do we really need to host another facility which would be over fourteen times the size of the facility our town already has?

For a town of less than 5,000 in population, do we need to expose our children to a Drug and Alcohol Rehabilitation Center which is so close to many of their activities? The Iron Rail property, just down the street, has soccer and lacrosse practices and games all fall and spring and into the summer. The Iron Rail Gymnastics Academy is in use all year. The Boy Scout Barn is also located at the Iron Rail property. There are the Notre Dame Children's Classes, which has been on Grapevine Road for almost fifty years, which abuts the property. Look at the website of NDCC philosophy and you will see how different their school would be. Should we subject those children to have an eight foot fence with cameras and gates surrounding them? Then there is Gordon College, down the street on Grapevine Road, who have also been there fifty years which has over 1,700 young people. Again, the safety and health, especially of our youth, are threatened with this proposed Center.

For a town of less than 5,000 in population, we would entrust prime land into the hands of RCA. RCA would place it's first operational Drug and Alcohol Rehabilitation Center onto one of Wenham's most valuable pieces of real estate. Do we as a town want to be the test case of a for profit business which has never owned nor operated this kind of Center before? Does RCA have local ties? Has it shown itself to be a responsible company which understands the local community? Has RCA proven itself to be a financially ethical company with a Board who are committed to the Town of Wenham?

For a town of less than 5,000 in population, real estate would diminish 22 - 25% in value for properties near the Drug and Alcohol Rehabilitation Center. This has been demonstrated in a community on Cape Cod. It really is not a good decision to subject property owners, many who have been in the town for decades, to a decrease in their home's value. It is not good for individual owners and it is not good for the town. Many of us moved to Wenham to enjoy the country feeling, the large expanse of land, the high property values, the almost non-existent crime, the friendly neighbors who know each other, the peacefulness and harmony of the town and the excellent and safe school system. These factors are all put at risk if a Drug and Alcohol Rehabilitation Center is placed in the town's midst.

For a town of less than 5,000 in population the location of a Drug and Alcohol Rehabilitation Center at Penguin Hall would be substantially detrimental. The Center does NOT "...promote the general welfare of the Town of Wenham, to protect the health, safety and quality of life of its inhabitants; encourage the most appropriate use of land throughout the Town; preserve the cultural, historical, aesthetic, environmental awareness and agricultural heritage of the community; increase the amenities of the Town; and reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them...". (The Zoning By-Laws of the Town of Wenham, Section 1.1). We humbly ask that you please vote against RCA's special permit application.

Sincerely Yours,

  
Miguel A. Martinez, MD  
Kristina RU Martinez, MSW



red via  
Certified mail  
3/2/15

**JOAN D. LOVEJOY**

P.O. Box 2247  
South Hamilton, MA 01982  
(978) 468-2506

February 12, 2015

Zoning Board of Appeals  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Attention: Anthony M. Feeherry, Chair

Dear Members of the Board,

As an abutting landowner of 35 acres residing at 54 Grapevine Road, please note that I have, not only, signed the letter from Parents Actively Concerned with Education at Notre Dame Children's Class, but also, I write to further express my strong disapproval for the proposed RCA Group project for Penguin Hall.

Our family has lived on our property for over 40 years. We have had two children attend NDCC and believe it is a great asset to our community. In fact, one family member, who cherished the years at NDCC, later taught at the School. She also had her three children attend the School. Notre Dame has been a landmark in the Wenham community and a sterling example of instilling children with an excellent set of values.

With the approval of the proposed project and given being part of open space areas, Notre Dame Children's Class and my residence will be subjected to undue security concerns. I find this THEORETICAL and UNPROVEN concept for the drug and alcohol rehabilitation project extremely unwise and unsettling.

As a longtime resident and taxpayer of our Wenham community, I object vehemently to the plan. I remain committed to expressing my disapproval and hope that you will seriously take all objections that are put before you. Thank you for your consideration.

Sincerely,



Joan D. Lovejoy

file copy



**Parents Actively Concerned with Education**  
74 Grapevine Road  
Wenham, MA 01984

Zoning Board of Appeals  
Town of Wenham  
138 Main St.  
Wenham, MA 01984

February 5, 2015

Dear Members of the Board:

This letter is submitted on behalf of the Notre Dame Children's Class (NDCC) community in response to the drug and alcohol rehabilitation project proposed by RCA Group for Penguin Hall. It is the position of our community that the approval and subsequent operation of the proposed facility will precipitate an irreversible and materially negative impact upon NDCC, the town of Wenham and its surrounding communities. The detail behind this opinion is provided herein.

Section 1.1 of the Wenham By-Laws states, "These regulations are enacted to promote the general welfare of the town of Wenham; to protect the health, safety and quality of life for its inhabitants....." This can only be interpreted as a dual mission: to decline those projects which may damage any institution within Wenham with a clear record of having a positive impact upon the town and its citizens; and to decline those projects with a significant probability of decreasing the safety of those same citizens.

Section 4.4.2 states, "The board of appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." Section 13.4.3 describes the criteria for approval of such special permits, "Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood....." It is our understanding that the Penguin Hall project is seeking such a "special permit" for the conversion of the property to a drug and alcohol treatment facility.

We do not envy the task before you. In assessing any proposal, to be asked to predict how something which currently does not exist might impact our town must present the highest degree of difficulty. That task is only made more difficult when the proposed project comes with absolutely no track record of success or failure in other towns. Unfortunately, the proposal before you from RCA Group presents that very dilemma. In fact, during the previous two appearances before the ZBA, it was revealed and confirmed that RCA Group has *never* built, *nor* operated a facility similar to the one proposed for

Penguin Hall. Therefore, whatever positive impact the developer may suggest can only be considered theoretical. In addition, by RCA Group's own estimates, approximately 2400 patients will pass through the facility during each 12 month period. For a town with a population of just under 5000, any positive aspects of that statistic alone will be difficult to assess and argue.

Keeping this number of 2400 annual patients in mind, RCA Group has admitted that they will be prohibited by law from denying admittance to any prospective patients with criminal records. Included in that group will be those individuals with records as sex offenders. Compounding the problem is the fact that the transient nature of each patient as they relate to the facility (they will each stay for only 30 days) will absolve them of the requirement that they report to Wenham police as registered sex offenders. To make matters more perilous, RCA Group has stated in each of the two previous hearings that all patients will not be held against their will and will be free to leave the facility as they please. In short, during each 12 month period, a number of rehabbing patients roughly equivalent to 48% of the current population of the entire town of Wenham will pass through the hill above NDCC. Undoubtedly some number of these patients will have records for prior criminal activity, including sexual offenses. None of them will be contained within the facility. All of them will be free to roam.

That brings us to NDCC and how all of this impacts our current students as well as the future of the school. We must first point out that the RCA Group project is the first proposal for this site which we have opposed in NDCC's 48 year history. We did not oppose Sylvania's operation at the site, nor Mullen Advertising, nor the development of a 55-and-over residential community proposed just a couple of years ago. We are not fundamentally opposed to development at the Penguin Hall site, and certainly not to the good work that takes place within drug and alcohol rehabilitation facilities. In fact, we did not utter a single syllable of opposition to the recently opened 14 bed Cross Keys treatment facility on Topsfield Rd. On the contrary, we have endeavored to make our own impact upon Wenham as positive as possible.

Aside from a half century of educating pre-school to 2<sup>nd</sup> grade children, NDCC, our parent group, students, and alumni have proudly compiled a long track record of finding ways to positively influence Wenham and the surrounding area. Each fall for the past 20 plus years we have conducted an enormous yard sale at the school which provides low cost items to residents of Wenham as well as several other nearby cities and towns. We conduct school-sponsored educational events for the community; make weekly donations to the Acord food pantry in Hamilton; provide quarterly dinners to the St. Peters soup kitchen in Beverly; make an annual Christmas gift donation to the Cape Ann Early Intervention Center in Gloucester and Beverly; collaborate with the Wenham Museum on their children's art program; participate in Early Childhood Partner/Coordinated Family & Community (CACE) of Hamilton-Wenham and Manchester; support the global initiatives of the Sisters of Notre Dame; and make every effort to assist those in our community who have reached out to us (most recently collecting donations of clothing and furniture for a family relocating from El Salvador to Beverly).

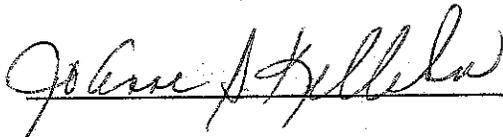
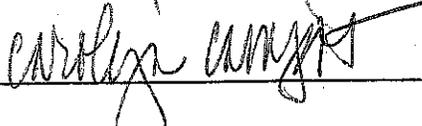
The NDCC mission states clearly, "We seek to create and maintain a school/home environment where children and adults, in an atmosphere of mutual trust and respect, can be encouraged to develop abilities, values, and a self-respect and self-discipline which will serve themselves and society." For 48 years we have striven to live up to these ideals and bestow them upon the children of the 8 different communities from which we frequently draw. Those children in turn have grown up to perpetuate the

NDCC principles as generous, caring, and charitable members of our broader community. NDCC remains the only such primary and preschool in Wenham.

However, given the particular risks involved with the proposed Penguin Hall development as outlined above, we have significant doubt regarding our ability to continue and our school to remain open. The prospect of such a large, unscreened, potentially dangerous, and unrestrained population just a few short yards up the hill from our property has the parents of our currently enrolled students acutely concerned for the safety of their children. It is possible, if not likely, that a material number of them may decide to pull their children from school should the RCA Group receive approval to proceed. Coupled with the strong possibility that very few prospective parents would want their children so close to such a facility, we doubt that NDCC would be able to continue. If not, we would be forced to close. In our very strong opinion, the loss of NDCC would present a scenario "substantially more detrimental than the existing nonconforming use", and "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood." For the reasons stated above, we strongly urge denial of any special permits and or approvals for the RCA Group project to move forward at the Penguin Hall site.

We appreciate the attention you have afforded this letter and our concerns.

Supported by the following signees:

Printed Name	Signature	Address
Mark McKenna		66 Church St
Caitlin DeBorso		14 Fern St
Marisa Barnett		17 Pleasant St, Wenham
Russell Barnett		17 Pleasant St, Wenham
JoAnne S. Kelleher		65 Dodges Row Wenham
MARLBETH MASSICOLA		Current parent Manchester, MA one parent house
CANDICE CAMPOT		45 River Rd, Topshfield



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

Printed Name	Signature	Address
Heather Matheson	<i>Heather Matheson</i>	288 Bridge St. S. Hamilton, MA
Suzanne Pinto	<i>Suzanne Pinto</i>	9 Highland Ave Manchester, MA 01944
Dore DAgosta	<i>Dore DAgosta</i>	16 Perkins St.
Robert Borhnak	<i>Robert Borhnak</i>	8 Hardy Rd 01907 Sampscott, MA
Linda Rich	<i>Linda Rich</i>	1 Ramona Way, Wenham
Christine Burns	<i>Christine Burns</i>	99 Larch Row 01984
John V. Burns	<i>John V. Burns</i>	99 Larch Row, Wenham
Csilla Clanc	<i>Csilla Clanc</i>	12 Grapevine Rd
L. David Vincola	<i>L. David Vincola</i>	20 Grapevine Rd.
Brian Cutter	<i>Brian Cutter</i>	163 Essex St., S. Hamilton
Jennifer Tymann	<i>Jennifer Tymann</i>	236 Larch Row, Wenham
Christopher Baker	<i>Christopher Baker</i>	11 Middlebury Lane, Beverly, MA
Annamarie Baker	<i>Annamarie Baker</i>	11 Middlebury Lane Beverly, MA



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

Printed Name

Signature

Address

Jeffrey Tanneberg [Signature] 96 Dodges Row Wenham

Nancy Vincola [Signature] 20 GRAPEVINE RD WENHAM

Lisa J. Fell [Signature] 2 Settlers Lane Wenham

[Signature] Christopher Fall 2 Settlers Lane, Wenham

Jon Rich [Signature] 1 Ramona Way, Wenham

Joelle Moroney [Signature] 116 Grapevine Rd Wenham

Sere Moroney [Signature] 116 Grapevine Rd Wenham

Janet T. Tanneberg  
Janet T. Tanneberg [Signature] 96 Dodges' Row Wenham

Bill and Marilyn Lee [Signature] 136 Grapevine Rd. Wenham

JEO BATHURDE [Signature] 30 GRAPEVINE

Asma Syed [Signature] 30 Monument St, Wenham

Stephen Sylvester [Signature] 30 Monument St, Wenham

Cynthia Cutter [Signature] 163 Essex St, So. Hamilton

13 12 Wenham



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

Printed Name

Signature

Address

Joshua Holder *Joshua Holder* 48 Chestnut St S Hamilton

~~JOAN LOREY *Joan Lorey* 54 GRAPEDIRE RD WENHAM, MA~~

Jennifer W. Pitkin *Jennifer W. Pitkin* 33 Elm St. S. Hamilton, MA

William Pitkin II *W. Pitkin II* 32 Elm St. Hamilton MA

Marielle Holder *Marielle Holder* 48 Chestnut St S Hamilton

Kelja Maeshauzi *Kelja Maeshauzi* 89 Black Pond, Wenham, MA

FRED WINTHROP *Fred Winthrop* 37 MILK RD, EPSWICH MA

Meredith Kaulbach *Meredith Kaulbach* 53 Howard St S. Hamilton MA

ROB KAULBACH *Rob Kaulbach* 53 HOWARD ST. 01982 S. HAMILTON MA 01982

Leon Massillon *Leon Massillon* 1 Powder House Ln

Patricia Bodinak *Patricia Bodinak* 8 Hardy Rd Swampscott MA 01907

Katharine Walker *Katharine Walker* 82 Orths Road S. Hamilton, MA 01982

JARED GUAY *Jared Guay* 263 LINDEN ST. S. HAMILTON, MA 01982

13  
2



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

Printed Name

Signature

Address

Victoria Kunzer

*Victoria Kunzer*

16 Perkins St.

Yi-Ping Liu

*Yi-Ping Liu*

2 Hodges Way

Mark Landrum

*Mark Landrum*

618 Sunny Ln

FRANCIS SHEN

*Francis Shen*

179 Southern Ave, Essex

ALICE WINTTROP

*Alice Wintrop*

35 MILL RD, IPSWICH

Sophia Beal

*Sophia Beal*

179 Southern Ave, Essex

Dave Dobias

*Dave Dobias*

14 Fern St Beverly

PATRICIA J. LANDRUM

*Patricia J. Landrum*

618 Sunny Ln, Boxford

Bethany Wray

*Bethany Wray*

35 Parsons Blvd.

Jennifer Sullivan

*Jennifer Sullivan*

9 Prospect St Newburyport

Sarah P. Villa

*Sarah P. Villa*

2 Walnut Rd Wenham MA,

LINDA ASHWOOD

*Linda Ashwood*

6 MARLBORO St. Newburyport

Deanna S. Pierpan

*Deanna S. Pierpan*

1 Wintthrop St. Essex, MA



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

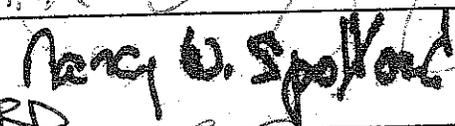
Printed Name

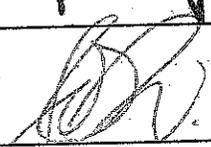
Signature

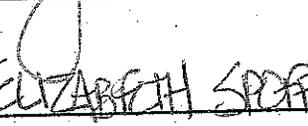
Address

Chris Dienpan  1 Wintthrop St, Essex, MA

Cheryl McKenna  66 Choate, Box

NANCY W. SPOFFORD  170 MAIN STREET WENHAM

Jennifer O'Brien  95 Wenham Rd Ipsfield, MA

Elizabeth Spofford (ELIZABETH SPOFFORD)  12 CAMBRIDGE AVENUE  
GLOUCESTER

 (IAN DENT) 37 William Fairfield Dr  
Wenham, MA

4 2



Parents Actively Concerned with Education

Wenham, MA 01984

Supported by the following signees:

Printed Name

Signature

Address

Elizabeth Gujral

*Elizabeth Gujral*

143 Grapevine Rd. Wenham

WILLIAM POPADIC

*William Popadic*

8 KALE PARK AVE BEVERLY, MA

MARY E. TING

*Mary Ting*

23 Burnham Rd Wenham

Kana Eagen

*Kana Eagen*

160 Prospect Glass

*Kana Eagen*

24 Sagamore Farm Rd. Wenham

Kelly O. Murphy

23 Parson's Hill Rd. Wenham

Elizabeth A. Kelly

6A Promerue Lane Wenham MA

*Bob Ogan*

27 Wm. Fairfield Dr. Wenham

Karen C. Popadic

11

74 total  
34 residents

9

6

EDWARD N. McMILLAN  
41 GRAPEVINE ROAD  
WENHAM, MASSACHUSETTS 01984  
978-468-2169

8/2/74

Wenham Board of Appeals:

Both my wife & I are in our 90's &  
no longer go out at night.

We were able to attend your August 2  
Public Hearing for a Special Permit to operate  
a mental health facility. We would both  
vote a strong NO. This location is in the midst  
of all residential homes. In addition to Essex St.  
there is a paved driveway down to Grapevine Road,  
also an all residential street.

Edward N. McMillan  
Betty McMillan (PA)