

TOWN OF WENHAM

Zoning Board of Appeals  
Meeting of February 25, 2015  
Bessie Buker School, School Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Zoning Board of Appeals (ZBA) was held on Wednesday, FEBRUARY 25 2015 at 7:30 PM in the Multi Media Room of the Bessie Buker School.

With a quorum present, the meeting was called to order at 7:30 PM

ZBA Members Present: Jeremy Coffey, Shaun Hutchinson, Anthony Feeherry, and Associate Member Christopher Vance  
Also present: Emilie Cademartori, Coordinator; Catherine Tinsley, Minutes Secretary (A 7:45 PM)

Town Officials present but not participating: Selectman Whittaker

Public Information:

Agenda

Revised plans 41 Cherry Street

Essex Street Documents

**Continued Public Hearings**

**Location: 41 Cherry Street** (Map 18 Lot 25) Request for Variance Section 5.1 Dimensional Requirements- Frontage  
Applicant: Adam Ricci on behalf of owner Jack Pedra

Nature of request: Variance from the minimum frontage requirement of 170 feet on an existing non conforming lot for a proposed new residence to be built at 41 Cherry Street.

Revised plans, dated February 15, 2015 have been submitted and distributed to members for review prior to the meeting. Mr. Ricci reviewed the changes made to the plans in response to concerns raised during the first meeting. The overall height of the dwelling was lowered and the total square footage was reduced from 3300 sq. ft. to 2800 sq. ft. A 6' fence is proposed along the eastern property line to address the concern of headlights from the driveway and garage impacting abutters at 39 Cherry St. Mr. Coffey asked about the drainage concerns that had been discussed. The applicant explained that they were planning to regrade the property to mitigate the problem. No one was present to speak in favor or against the request.

*VOTE: There was a motion, and it was seconded, to grant the frontage variance as requested conditioned on substantial conformance to the plan set dated February 15 and grading as described. The motion carried unanimously.*

**\*\*Location: 62 Maple Street** (Map 23 Lot 16) Request for a Comprehensive Permit pursuant to MGL Ch 40B

Applicant: Maple Woods Housing LLC

Proposal: Construction of 60 age restricted rental units in a single structure, constructed in two phases on land comprising of approximately 3.5 acres.

*VOTE: Mr. Coffey moved, and it was seconded, to continue the hearing for 62 Maple Street at the request of the applicant, to March 11, 2015 at 7:30 PM in Town Hall. The motion carried unanimously.*

**\*\*Location: 76 Topsfield Road** (Map 25 Lot 17) – **NOTE hearing to be continued to 3/11** Applicant: Benjamin Tymann on behalf of Lawrence Miller & Allison and Dennis Maguire

Nature of hearing: An Appeal filed, pursuant MGL c 40A, ss. 8 & 15, of the Zoning

Enforcement Officer's September 11, 2014 decision granting reasonable accommodation under the federal Fair Housing and Americans with Disabilities Acts, to 110, Inc. allowing the operation of the Cross Keys Retreat at 76 Topsfield Road.

*VOTE: Mr. Coffey moved, and it was seconded, to continue the hearing for 76 Topsfield Road, at the request of the applicant, to March 11, 2015 at 7:30 PM in Town Hall. The motion carried unanimously.*

**Location: 36 Essex Street** (Map 40 Lot 3) Request for Special Permit under Section 4.4.2 Change in Non conforming use and Section 4.2.3 Educational Non exempt use

Applicant: RCA (Recovery Centers of America) Group LP

## APPROVED 3.25.15

Proposal: To repurpose existing structures and parking areas for use as a mental health, substance abuse and rehabilitation-counseling center, which would provide educational, counseling, and treatment services to persons afflicted with addiction and mental health issues.

RCA February 25 documents: Site Plans \* Site Map \* Exterior Camera Locations \* Fence Location North \* Fence & Guard House Essex Street Entrance \* Floor Plans

**Present:** Jim Mullen, current property owner

For RCA: JP Christen Chief Operating Officer; Deni Carise Chief Clinical Officer; Brad Greenstein Executive Director New England Region; John Lombardo, Facilities Operation & Development; Bill O'Brien - MLP Builders; Peter Ogren Hayes Engineering; Jim Ward Attorney; Robert Champagne, Security /Public Safety Consultant

The applicant provided the ZBA with a supplemental book of the documents including updated information in response to the Boards questions/ concerns from previous hearings. This information is available on the Town's web site.

The security for the proposed use as a rehabilitation center was the primary focus of the hearing. Wenham Police Chief Tom Perkins was present.

Brad Greenstein gave an overall summary of the updated security plan for the property, noting specific changes were incorporated to address concerns of the community.

He went on to explain that a local Security Consultant was engaged to improve the security for the proposed use. An aerial view of the property was referenced on PowerPoint, to show the exterior details of the plan:

- A new perimeter 8 foot, black, chain link fence with top guard and kick back set back from the property lines (around the wetlands)
- The addition of 50 exterior cameras
- A newly added guard house at the main entrance with electronic access
- The emergency access road would be gated and equipped with secured lock boxes to provide access to the property for emergency equipment, only to be used in the event the main entrance off Essex Street is inaccessible
- Security Guards on duty 24 hours
- RCA offered to provide a security detail for Notre Dame Children's School when school is in session

Interior security now includes:

- Cameras in the common areas
- Alarmed / locked doors
- A schedule of hourly security checks

Mr. Goldstein reiterated that this is a voluntary private pay program and that RCA would not contract with the criminal justice system, and would not admit violent criminals or sexual offenders. He reiterated that it is not expected that patients would leave on their own accord, but as an added measure, RCA would work with the Wenham Police Department to press trespassing charges against any patients that did not follow the discharge plan and remained on the property.

RCA stressed that patients would not be allowed access to their private vehicles, computers, cell phones etc., would be monitored closely, would never be allowed outside alone, and would be in programs all day. Mr. Goldstein emphasized that it was highly unlikely there would be problems with this type of professional client who are seeking the privacy / confidentiality offered by this location to receive treatment for their addictions. RCA observed that 70 percent of addiction use is middle to upper class people; their program is geared toward helping these people, who would be voluntarily seeking treatment.

RCA acknowledged that although patients with psychotic disorders would not be accepted, patients with depression/ anxiety related to substance abuse would be admitted into the treatment program. A detailed pre-admission assessment would be done, including background checks for sexual offenders.

Chief Perkins was asked to comment on the security plan and he confirmed that the Wenham Police Department (WPD) has met several times with RCA to discuss a security plan, and opined that this was an improved plan. He observed that

## APPROVED 3.25.15

RCA security would be on site 24/7, RCA would be willing to have monthly meetings with the WPD, and radio communication between RCA security and WPD would further be addressed, pending approval of the project. Chief Perkins said WPD reviewed the traffic report and had no concerns citing that RCA is expected to have less of an impact than Mullen Advertising did on the neighborhood traffic, adding that there were no problems with the traffic generated from Mullen Advertising. The WPD is reaching out to other communities with similar facilities.

The meeting was opened for public comments/ questions.

Many speakers identified themselves as parents of current or past students of the Notre Dame Children's Class, 74 Grapevine Road; the school is a direct abutter to the Essex Street property. The parents collectively noted concern regarding the safety of the children, citing the close proximity of the school to the proposed rehabilitation center. One person expressed concern regarding the value of the Notre Dame School property, noting the proceeds of this asset would go towards the care / retirement of the nuns upon closure of the school.

Sister Barbara Beauchamp spoke to the board saying this is an emotional issue for them. They recognized Mr. Mullen as a great neighbor but the Sisters of Notre Dame are in alignment with the parents sharing the same concern that the children's safety is the priority. She noted that the school did not ask the fence to be installed around the property.

Residents David Fehnel, Essex Street; Sheila Carlton, Grapevine Road; Doug Dagata, Perkins Street; Jere Moroney, Grapevine Road; Sandy Phippen, Dodges Row all spoke in opposition of the project, questioning, inter alia, the security plan, the financial stability of RCA as a start up company, the effects of the facility on neighboring property values, and what would happen to the property if RCA does not maintain possession of the property.

RCA responded by further explaining the security plan in more detail. Regarding the stability of the company, RCA said that collectively they have the most experienced staff in the country and they are investing heavily into this project without the intention of failing, selling, or changing the status to a non-profit.

The ZBA interjected that all conditions agreed on / imposed that were written into the permit (record) would stay with the property, regardless of whether it were to be sold. The ZBA noted that there were too many possibilities to guarantee that things would not change. Mr. Feeherry clarified that the ZBA must determine if the proposed use is more detrimental than the current use already there, to the neighborhood and the community; the burden of proof is on the applicant.

The ZBA asked if RCA was buying the building previously known as the Hunt Hospital in Danvers, and RCA confirmed they are under contract for this property, which RCA noted would be used for rehabilitation for addictions.

The ZBA announced that there would be one more meeting for public input/ questions related to the proposed project for Essex Street, then the hearing would be closed and the Board would begin deliberations.

The traffic study has been done and the report presented in public session but the ZBA agreed to briefly review the Traffic study at the next meeting. The Finances of RCA will be discussed during this meeting.

*Mr. Coffey moved, and it was seconded, to continue the hearing for 36 Essex Street to March 18, 2015 at 7 PM in the Bessie Buker School. The motion carried unanimously.*

### **Administrative:**

- Minutes - held for review
- Ms. Cademartori reminded the public that the venue of the ZBA meeting on March 11, 2015 had changed and the meeting would be held at the Town Hall.

**Adjournment** - The ZBA unanimously adjourned at 9:14 PM.

Respectfully submitted by

Catherine Tinsley  
2.28.15