



Town Clerk
Diana Cooley

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CERTIFICATE OF NO APPEAL

APPROVAL: ZONING BOARD OF APPEALS
SPECIAL PERMIT
Quabbin Retreat

PETITIONER: Heywood Healthcare, Inc. & its Affiliates
242 Green Street, Gardner, MA 01440

OWNER: Sisters of the Assumption of the Blessed Virgin
360 Lincoln Street, Worcester, MA 01605

SITE/DEED REFERENCE: 211 North Main Street, Petersham, MA
Assessors' Parcel 537
Worcester Registry of Deeds
Book 3532, Page 17

This is to certify that a copy of the Decision of the Zoning Board of Appeals of the Town of Petersham for a Special Permit under Sections 5(B)(a), 5(B)(e), and 5(C)(a) of the Petersham Zoning By-Law for the property located at 211 North Main Street, Petersham was received and filed in the Office of the Town Clerk on May 11, 2015 at 7:39 P.M. *Diana H. Cooley*

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on _____.

A True Copy
Attest:
(Seal)

Town Clerk – Petersham, Massachusetts

**DECISION
PETERSHAM ZONING BOARD OF APPEALS**

**SPECIAL PERMIT
Quabbin Retreat
Behavioral Health Treatment & Addiction Recovery Center
211 North Main Street**

**Heywood Healthcare, Inc. & Affiliates
(Applicant)**

Decision of the Zoning Board of Appeals of the Town of Petersham, Massachusetts (hereinafter the Board) on the application of Heywood Healthcare, Inc. & Affiliates (hereinafter the APPLICANT) for a Special Permit under Sections **5(B)(c)**, **5(B)(e)**, and **5(C)(a)** of the Petersham Zoning By-Law (the Zoning By-Law) for property located at 211 North Main Street, Petersham (hereinafter the SITE) and shown on the Petersham Assessors' Map as Parcel 537, currently owned by Sisters of the Assumption of the Blessed Virgin (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 3532, Page 17, and subject to a purchase and sale agreement between the Applicant and the Owner. The application was formally received on August 15, 2014.

I. THE APPLICATION & PUBLIC HEARINGS

On August 15, 2014, the APPLICANT filed an application with the Board for a Special Permit for a proposed use at the SITE to locate doctors' offices or similar professionals and operate a behavioral health treatment center, including an addiction recovery center, including the construction of all utilities, roads, drainage structures and other appurtenances, under Sections **5(B)(c)**, **5(B)(e)**, and **5(c)** of the Zoning By-Law (the Project).

The initial application materials submitted (and later supplemented during public hearing) are:

- Initial Application
- Cover letter, signed by attorney John M. Flick of Flick Law Group, P.C., dated August 15, 2014
- Project Narrative prepared by Flick Law Group, P.C.
- Concept Parking Plan, dated July 31, 2014, prepared by SMRT
- Existing Site Photographs, dated July 31, 2014, prepared by SMRT
- Potential Building Use Plan, dated July 31, 2014, prepared by SMRT
- Certified list of abutters, certified mail receipts
- Check payable to the Town of Petersham in amount of \$313.00.

Notice of the public hearing and the subject matter thereof was duly published in the Athol Daily News and posted on the website <http://www.mytowngovernment.org/01366>. Abutters were notified by First Class Mail.

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On or about September 22, 2014, Applicant amended its application to state that it seeks a special permit under the following sections of the Zoning By-law: **5(B)(a)**, **5(B)(e)**, and **5(C)(a)**. Notice was duly given.

The public hearing was opened in the Lower Town Hall on September 16, 2014. With the consent of the Applicant, continued sessions of the public hearing were held on October 21, 2014; November 18 and 25, 2014; December 9, 16 and 23, 2014; January 14 and 22, 2015; and February 12, 2015. The public hearing was closed on February 12, 2015.

The proceedings were transcribed, except for the proceedings held November 25, December 16 and 23, 2014 which were focused on the hiring of a consultant for the benefit of the Board, and January 14, 2015 because the only business conducted was a vote to continue the public hearing to January 22, 2015 due to the illness of the Board's consultant. The transcription was performed by certified shorthand and registered professional reporters with the fees being paid by the Applicant.

The record of the hearing, submitted exhibits, public attendance, and the Board's deliberations upon which this decision is based were made available for public inspection throughout the process at the Petersham Public Library, the Office of the Town Administrative Coordinator, and posted on the website <http://www.mytowngovernment.org/01366>.

The following Board members were present throughout the public hearing: Maryanne Reynolds (Chair), Don Eaton, and Brian MacEwen.

At the public hearing, all those wishing to speak to the application were heard. The Board heard testimony and received other input for consideration as offered by the Applicant, the Applicant's representatives and professional consultants, the Board's consultant, and members of the public.

II. BOARD'S AUTHORITY TO ISSUE A SPECIAL PERMIT

The entire Town of Petersham is designated as a Residential-Agricultural District (Town By-law Article XVI ("Zoning By-law"), § 3). Certain uses of the SITE are permitted "by right," including one-family and two-family dwellings, farms, educational and religious uses (Zoning By-law, § 5A). Other uses "may be allowed by special permit from the Board of Appeals, after a special hearing and subject to such conditions and safeguards as the Board may impose in each case" (Zoning By-law, § 5(B)). The Board is the Town's "special permit granting authority" (Zoning By-law, § 11 and G.L. c. 40A, § 9).

The Town has entrusted the Board to apply the Zoning By-Law consistent with its purpose. Its purpose is "to promote the health, safety and general welfare of the inhabitants of Petersham; to lessen the danger from fire; to maintain the beauty of the Town; to secure the proper growth of the Town by encouraging the most appropriate use of land and buildings; and to stabilize the value of property; all as authorized by Chapter 40A of the General Laws . . . and other applicable provisions of law" (Zoning By-law, § 1). The Board "may grant a special permit" when it "shall have found that the use involved will not cause or give rise to noise, odor, dust, refuse, exterior lighting, traffic or other considerations which would be offensive or detrimental to the present or future character of the neighborhood or the community and if the Board finds that the proposed use will not derogate from the intent and the purpose of this By-law" (Zoning By-law, § 11(2)). Signage and parking requirements also apply (Zoning By-law, §§ 6- 7).

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III. BACKGROUND

Current Use of SITE: Church/Temple; Retirement Community; Infirmirary & Assisted Living (per Board of Assessors).

Current SITE Description: The subject SITE is located on State Route 32 approximately 2 miles north from the Petersham Town Common and approximately 4 miles south from State Route 2. The existing SITE consists of ±21 acres of developed (buildings & parking), landscaped, and wooded areas. There are two immediate adjoining single family residential abutters located to the north and south of the SITE. The southerly abutter's property is shielded by ±350 feet of a moderately densely wooded area. The northerly abutter's property has ±30-40 feet of light vegetation and landscaping separation from the SITE. In addition to the two direct residential abutters, there are three single family residences located to the east of Route 32. The immediate vicinity of the subject SITE also has a corn field, a landscape and nursery business, an equestrian riding arena and boarding facility, and an alpaca farm.

Current Zoning: The entire Town is zoned residential/agriculture.

Proposed Use of SITE: The Applicant seeks a Special Permit for the SITE to be owned by Heywood Realty Corporation, an affiliate of Heywood Healthcare, Inc., for Applicant to operate a hospital providing behavioral health treatment, including an addiction recovery center with the offices of doctors or similar professionals. Specifically, the Applicant proposes to use the SITE as a "behavioral health treatment and addiction recovery center" to meet "a great need for behavioral health care in the northern Worcester County, Franklin County, and Quabbin areas of Massachusetts."

Applicant's position: By the application, Applicant asserts its proposed use "may be allowed by special permit" from the Board, subject to such conditions and safeguards as the Board may impose. The Applicant seeks a Special Permit to use the SITE for a hospital providing behavioral health treatment, including an addiction recovery center with the offices of doctors or similar professionals and, relying on the Zoning Bylaw § 5(B)(a) and (e), which provide: "The following uses may be allowed by special permit . . . (a) Offices of a doctor . . . or similar professional . . . (e) hospital." Because these are two principal uses, the Applicant seeks a finding from the Board that these two principal uses to be located on a single lot are "complementary to each other." Bylaws § (5)(C)(a) ("following uses are expressly prohibited . . . operation, on a single lot of more than one principal uses . . . except where the Board of Appeals finds such use to be complementary to each other.")

IV. SUBMITTALS

The following items were submitted to the Board for its consideration of the Application all of which are incorporated herein by reference and made a part hereof.

Application supplements:

Received by the Board at open meeting on August 19, 2014 were:

- Cover letter from Attorney Flick dated August 19, 2014, noting that financial statements include the financials for all affiliates of Heywood Healthcare, Inc.

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- Audited financial consolidated statements for Heywood Healthcare, Inc. (dated September 30, 2013, prepared by Feeley & Driscoll, P.C.)
- Community Benefit reports for both Heywood Hospital and Athol Memorial Hospital, dated July 24, 2013 and August 19, 2013 respectively.

Received by the Board on September 12, 2014:

- Cover letter of Attorney Flick dated September 12, 2014
- Information pertains to Applicant's support for statistics mentioned in initial application, lighting plan, parking plan, building use plan, signage, septic/waste treatment plan, traffic flow, fire suppression, local economic impact, employment, trash removal, and additional information.

Received by the Board on or about September 22, 2014:

- Cover letter of Attorney Flick dated September 22, 2014.
- Completed amended application, signed by Winfield Brown
- Check for \$70
- Property value impact study done in the late 1970s for properties in Philadelphia, Pennsylvania (same as Hearing Exhibit 14).

Public Hearing Exhibits:

1. PowerPoint presentation made by Applicant on September 16, 2014
2. Letter of permission from property owner/seller dated August 27, 2014
3. Email of support, from Roy Nilson, resident, dated August 27, 2014
4. Email of support, from Jesse Birch, resident, dated September 16, 2014
5. Letter of support, Winterwood at Petersham, local business, dated September 22, 2014
6. Letter of support, Hon. Denise Andrews, State Representative (now former), dated Oct. 8, 2014
7. Letter of support, North Quabbin Community Coalition, dated October 8, 2014
8. Letter of support, Town of Athol Office of the Town Manager, dated October 9, 2014
9. Letter of support, North Quabbin Chamber of Commerce, undated
10. Letter of support, Northwestern District Attorney David E. Sullivan, dated October 14, 2014
11. Letter of support, Hon. Susannah Whipps Lee, then candidate, now State Representative, (undated)
12. Letter of support, Mark Ellis, resident, dated October 15, 2014
13. Letter of support, Marcia Maglione Flynn, resident, dated October 21, 2014
14. Impact of Mental Health Facilities on Property Values, Michael Dear, Ph.D., Community Mental Health Journal, Vol. 13(2), 1977
15. Applicant's proposal of funds to have Mr. Ron Hubbard consult with Town, dated Sep. 22, 2014
16. PowerPoint presentation made by Applicant on October 21, 2014
17. PowerPoint presentation made by Applicant on November 18, 2014

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18. Engineering: (A) Earthwork and Soil Erosion and Sediment Control Narrative, prepared by SMRT, Inc., of Andover, Mass., dated Revision 1 – November 2014; (B) Storm Water Management Report, prepared by SMRT, Inc., of Portland, Maine, dated Original issue: November 1, 2014; and (C) (1) Grading and Drainage Plan, Sheet No. CG101; (C)(2) Site Details, Sheet No. CG501; (C)(3) Site Details & Notes, Sheet No. CG502; and (C)(4) Electrical Site Lighting Photometric Plan, Sheet ES101, prepared by SMRT, Inc., of Portland, Maine
19. Legal Opinion of Town Counsel: proposed use falls within scope of “hospital” classification
20. Postcard invitation to “Community Dialogues with Heywood Healthcare”
21. PowerPoint presentation made by Applicant on December 9, 2014
22. Articles of Amendment of Greater Quabbin Health System, Inc.
23. Preliminary Report, Kevin Flynn (Board Consultant)
24. Email from Nancy Allen concerning MART transportation costs
25. Chart of Police and Fire Calls, prepared by Rebecca J. Bialecki, BSN, MSW, PhD
26. Final Report, Kevin Flynn, dated February 2015
27. Email, public comment, Ellen Anderson, dated February 12, 2015
28. PowerPoint presentation made by Applicant on February 12, 2015

The Board also received the following during the hearing:

29. Letter of support, The Inn at Clamber Hill, local business, dated October 19, 2014
30. Legal Opinion of Applicant’s Counsel, dated November 4, 2014, addressing inquiries “concerning treatments and programmatic details” made at public hearing, opining that the line of inquiry was “beyond the scope of the authority of the Zoning Board of Appeals,” introducing citation to Mass. G. L. c. 40A, § 3 (so-called “Dover Amendment”) and case law interpreting that statute, but stating: “The Applicant does not wish at this time to engage in a detailed discussion of whether or not the Dover Amendment applies to the proposed uses of the Property, nor are we asking for a formal determination that the Dover Amendment applies to the proposed use.”
31. Email of support, Mary Kenney, resident, dated November 14, 2014
32. Email, public comment, Mark Bishop, resident, dated November 14, 2014
33. Email, public comment, Timothy M. Clark, resident, dated Nov. 21, 2014

V. DISCUSSION

The Board deliberated at its meetings on March 10 & 24, 2015, April 7, 21, & 28, 2015, and after due consideration of the EXHIBITS submitted and the entire record of proceedings in this matter, the Petersham Zoning Board of Appeals notes the following critical discussion items:

- D1. The determinations regarding the findings contained in this Decision in Section VI., “Findings” below are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- D2. That determinations regarding the findings contained in this Decision in Section VI., “Findings” below are also predicated upon satisfactory completion of the work and site improvements shown

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on the Plans and maintenance of the SITE in accordance with this Decision, as well as all applicable Federal, State and Local laws, except where modified by this Decision.

- D3. There is no demonstrated need for the proposed services specific to Town residents, according to the data presented by the Applicant with its Application. However, certain Town residents may require, and many Town residents have a connection to someone who suffers from addiction or mental illness which requires the services of a behavioral health treatment center, including an addiction recovery center. The Applicant's data do show a great need for such services in our region. Thus, by issuing the requested Special Permit, the Board finds that the Applicant has presented the Town with an opportunity to allow these needed services to be made available to the people of northern Worcester County, Franklin County and the Quabbin areas of Massachusetts.
- D4. It is the Applicant's burden to demonstrate that a Special Permit should be issued. It is the Board's duty to act "to promote the health, safety and general welfare of the inhabitants of Petersham; to lessen the danger from fire; to maintain the beauty of the Town; to secure the proper growth of the Town by encouraging the most appropriate use of land and buildings; and to stabilize the value of property." (Zoning By-law, § 1)
- D5. Also, there are aspects of the Application that do provide identifiable benefits to the Town. Two of the public accommodation businesses in Town would welcome the additional business the facility would likely generate. The Applicant anticipates creating a number and variety of jobs that residents could seek, and the Applicant's occupation of the site would allay fears among some that the SITE will become a burden on the Town from non-use.
- D6. As stated by the Board's consultant, the quality of management of the facility by the Applicant is the most important component of the facility's operation and directly affects the impact that would be put upon the Town. The inability of the Applicant to provide high quality management for the facility could produce negative impacts on the immediate neighborhood and community. The Applicant indicates the facility will be run by a medical director and will have an administrator. The Applicant represents that the facility will be well managed in all respects. For example, while admitted for treatment, persons served by the facility will not be permitted off site without appropriate supervision. As another example, the Applicant has arranged for transportation of persons between Athol Hospital and the Site.
- D7. It is foreseeable, that the site will generate increased demand for certain municipal services, including police services. The Applicant has, in good faith, been working with the Town's Selectboard and its Tax Exempt Property Committee, to develop a Payment in Lieu of Taxes (PILOT) agreement which may allow, among other things, the Town to recover revenue required to support the proposed services. In addition, the Applicant has represented that it has offered to form a Community Advisory Committee as part of its proposed PILOT agreement.
- D8. Relative to water usage at site and its impact on the abutting private water supply wells, the Applicant has indicated that this issue shall be monitored fully under the direction of the Massachusetts Department of Environmental Protection (MADEP) in conformance with applicable State regulations. Nothing in this decision is intended to limit local control over the Applicant's use of water at the site.
- D9. Relative to proposed septic disposal system impacts on the Site and the abutting properties, the Applicant has indicated that this issue shall be monitored fully under the direction of the Massachusetts Department of Environmental Protection (MADEP) in conformance with applicable State regulations. Nothing in this decision is intended to limit local control over the Applicant's use of the septic disposal at the site.

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- D10.** The Applicant seeks a Special Permit to use the SITE for a hospital dedicated to behavioral health treatment, including an addiction recovery center with offices of doctors or similar professionals in reliance on Zoning By-Law § 5(B)(a) and (e), which provide: “The following uses may be allowed by special permit . . . (a) Offices of a doctor . . . or similar professional . . . and (e) . . . hospital.” Because these are two principal uses, the Applicant seeks a finding from the Board, pursuant to Zoning By-Law §5(C)(a) that these two principal uses to be located on a single lot are “complementary to each other.”

VI. FINDINGS

The Board finds, consistent with the Discussion above, and the Applicant’s Application and all supporting data provided therewith, in support of issuing a Special Permit to the Applicant, for use of the SITE, the following:

- F1.** The proposed use, as represented by the Applicant, is in keeping with and does not derogate from the purpose and intent of the Zoning By-Law, “to promote the health, safety and general welfare of the inhabitants of Petersham; to lessen the danger from fire; to maintain the beauty of the Town; to secure the proper growth of the Town by encouraging the most appropriate use of land and buildings; and to stabilize the value of property; all as authorized by Chapter 40A of the General Laws . . . and other applicable provisions of law” pursuant to Zoning By-Law § 11(2) and § 1.
- F.2** The proposed use, pursuant to Zoning By-Law §11(2), as represented by the Applicant, will not cause or give rise to noise, odor, dust, refuse, exterior lighting, traffic or other considerations which would be offensive or detrimental to the present or future character of the neighborhood or the community.
- F.3.** The proposed use, as represented by the Applicant, is consistent with those prescribed in Zoning By-Law §§ 5(B)(a) and 5(B)(e), being a hospital providing behavioral health treatment, including an addiction recovery center and related offices of doctors or similar professional offices, for which the Board may issue the Special Permit.
- F.4.** Pursuant to Zoning By-Law § 5(C)(a), that the operation on a single lot, being the SITE, of more than one of the principal uses described in Zoning By-Law §5(B), being a hospital dedicated to behavioral health treatment, including an addiction recovery center and related offices of doctors or similar professional offices are complementary to each other.

VII. CONDITIONS

Pursuant to Zoning By-Law § 11(2), the Special Permit shall be subject to conditions and safeguards as the Board deems necessary or advisable, as follows:

- C1.** The determinations regarding the findings contained in this Decision in Section VI., “Findings” above are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- C2.** The determinations regarding the findings contained in this Decision in Section VI., “Findings” above are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the SITE in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- C3.** All uses of the SITE, as proposed by the Applicant, shall be conducted exclusively on the SITE.

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- C4. Any modification to the building, site improvements, internal parking or driveway configuration or approved uses as represented by the Applicant through the proceedings and as approved by this Decision, subject to the findings above, shall require, prior to implementing such change, a determination from the Board as to whether the proposed change is substantially different than that presented in the materials and information used in making this Decision. The Board reserves the right, without delegating the Board's authority under the Zoning By-Law and G.L. c. 40A, to solicit comments from other Town boards, departments and committees, as well as a consulting engineer (if necessary), in making determinations regarding such changes. The Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
- C5. The services provided at the SITE and permitted by this Special Permit shall not include outpatient methadone detoxification or outpatient methadone maintenance services licensed as and defined pursuant to a methadone treatment program by the Massachusetts Department of Public Health under its regulations at 105 CMR 750.000, nor shall they include other similar outpatient medication assisted treatments..{move with other use restrictions}
- C6. The use of the SITE shall not include that of a so-called forensic facility (e.g., a facility requiring a Class V License to provide for the evaluation, diagnosis and treatment of patients committed by order of a criminal court to determine competency to stand trial or criminal responsibility or for treatment under G.L. c. 123, §§ 15, 16, 17 and 18, and the use of restraint and seclusion).
- C7. The use of the SITE shall not include Class VII License to provide diagnosis and treatment of adolescents in an Intensive Residential Treatment Program (IRTP) on a voluntary or conditional voluntary admission status under G.L. c. 123, §§ 10 and 11, and on involuntary committed status under G.L. c. 123, §§ 7 and 8, and the use of restraint and seclusion.
- C8. Material, substantive changes to the location of the parking lot as presented shall not be permitted without the written approval of the Board and amendment of this Special Permit pursuant to M.G.L. c.40A, §9 and the Zoning By-law.
- C9. The exterior lighting on the SITE and all parking areas and roadways within the SITE shall consist of full cut-off type light fixtures and shall be installed in a manner so as to minimize any impact on the abutters. The Board may, in its discretion, inspect the installation of all exterior lighting fixtures and require additional commercially reasonable mitigation measures to reduce any impact of exterior lighting on the abutters. Any such measures shall not negatively impact the safe and efficient use of the SITE by the Applicant.
- C10. Except as expressly waived, varied or excepted by the terms of this Decision, the Project shall comply with the Zoning By-Law in effect at the time of this Decision and Permit unless otherwise regulated by the rules, regulations, filing and permit requirements and certifications of the Petersham Town Boards or Departments as applicable.
- C11. Subject to the release of the Applicant from any limitations placed on the SITE by any view easements, the Applicant shall construct a vegetative barrier on the north corner of the SITE that provides adequate screening to abutters. If any of the abutters or any other beneficiary of such view easements refuse to release any view easement, then this condition shall be null and void and the Applicant shall be released from compliance herewith. The Board may conduct a review of the screening provided post-construction.
- C12. The total number of beds available for patients shall not exceed eighty-six (86).

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- C13. The Applicant shall maintain an adequate number of trained security personnel at the SITE at all times (twenty-four (24) hours per day, seven (7) days per week, three-hundred and sixty-five (365) days per year) to maintain order and safety.
- C14. The Applicant shall make commercially reasonable efforts to operate the facility in a manner that is self-sufficient and does not over burden the Town's public services.
- C15. The Applicant shall require all of its program partners, vendors, affiliates, and other service providers, professional or not, who provide services at the SITE, to comply with the terms and conditions of this Decision.
- C16. The Applicant's responsibilities for management of the Project approved by this Decision shall include, but not be limited to, the following, if located within the SITE: maintaining drainage facilities, landscaping, storm water basins and appurtenances; maintaining interior roadways, including snow removal and the maintenance of exterior facilities.
- C17. The Town of Petersham shall never have any legal or financial responsibility for operation or maintenance of roadways, driveways, parking areas, storm water management systems, snow plowing, landscaping, trash disposal or pick up, lighting or other illumination, or other infrastructure which are located within the SITE.
- C18. No construction of any structure or infrastructure shall commence until the applicable requirements for the issuance of a building permit are satisfied as determined by the Building Commissioner according to applicable law.
- C19. Not later than the date on which the application for a building permit is filed, and before a building permit is issued, the Applicant shall, at its sole cost and expense, file with all relevant public agencies the following:
- a. A copy of the request for a building permit. The building permit application must include a complete set of engineering drawings, plans and specifications (hereinafter Complete Plans) for use by contractors, inspectors, permit compliance officers and purchasers of the proposed facility. A Registered Architect or Professional Engineer licensed in the Commonwealth of Massachusetts shall stamp the Complete Drawing and any drawings, plans and specifications, as appropriate. The Applicant shall provide and pay for either a controlled build construction plan through its registered professional architect licensed to practice in the Commonwealth of Massachusetts, or, an outside consultant (the choice of such method being subject to the approval of the Building Commissioner) which such architect or consultant shall assist the Building Commissioner with the review of all plans and monitoring of all phases of construction activity to insure compliance with this Decision.
 - b. A copy of site layout plans, and final and detailed architectural drawings (including plans and elevations) shown at scales considered adequate for review purposes, of the facility and all structures as approved by this Decision, including interior floor plans, current and finished elevations, construction type and exterior finishes to the detail required for use as on-site construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed (hereinafter "Structure Plans"). No permanent structures other than those currently on the SITE and as otherwise approved by this Decision, are allowed on the SITE.
 - c. Final and detailed utilities plans and profiles including properly labeled drainage components and all site utilities including electric, gas, water supply lines, wastewater disposal connections and appurtenances thereto to the detail required for use as on-site construction drawings and/or to

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obtain a building permit in accordance with the State Building Code and Department of Environmental Protection.

- C20. The Applicant shall submit a plan with identification of all proposed signs and pavement markings, including, but not limited to, identification of "Stop", "No Parking", "Handicap Parking", "Do Not Enter" and "Fire Lanes". All signs, whether pre-existing or to be installed, shall comply with the Zoning By-law.
- C21. On weekdays and Saturdays, during the construction phases for the Project no outside construction work with large machines shall be carried out prior to 7:00 a.m. or after 6:00 p.m. without the consent of the Building Commissioner, which consent shall not be unreasonably withheld. No construction work shall be permitted on Sunday.
- C22. On-street parking of vehicles shall be prohibited, including construction vehicles during construction of the Project.
- C23. The water supply and the septic system design and construction shall meet the requirements, standards and regulations prescribed by the Massachusetts Department of Environmental Protection Regulations, Guidelines and Policies and all other applicable federal, state, and local laws, regulations, by-laws, rulings and orders. Further, this special permit is subject to the Applicant being able to obtain the facility's water exclusively from the Site and to dispose of its septic wastewater exclusively on the Site.
- C24. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the Project at its cost and expense.
- C25. The Applicant shall keep the SITE and the adjoining, existing roadway area clean and free of noise, odor, dust, or refuse.
- C26. Upon completion of all construction work on the SITE and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Building Commissioner shall be notified in writing of the final disposition of the materials.
- C27. Applicant will maintain with the Town's Administrative Coordinator: (a) the name and contact information for the Facility's Administrator; (b) a copy of any facility on-call list as from time to time established; (c) current copies of operating licenses issued by the Massachusetts Department of Public Health and/or Massachusetts Department of Mental Health (or successor agencies); and (d) an organizational chart showing the facility's chain of command.
- C28. This Special Permit shall be subject to an annual review for the first three (3) years after the granting of this Special Permit, and then again subject to review three (3) years after Phases I, II, and III of the project are completed, or six years after the date of the Special Permit, whichever comes first. Applicant shall initiate the reviews by contacting the Board to schedule them; reviews may also be initiated by the Board. During the review process, the Board may impose such other conditions as are necessary to address compliance with this Decision. Such reviews shall not be a basis to expand the Applicant's use of the Site, noting that Applicant retains its right to make a formal application to the Board for amendment.
- C29. The Applicant shall not increase the square footage of the existing structures on the SITE.
- C30. The outpatient aspect of the facility shall only operate between the hours of 8:00 a.m. to 8:00 p.m. Monday - Friday and 8:00 a.m. - 4:00 p.m. on Saturday & Sunday.

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Hospital: Behavioral Health Treatment & Addiction Recovery Center

211 North Main Street, Petersham, MA

Heywood Healthcare, Inc. (Applicant)

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- C31. The use of the SITE shall not result in the discharge of any additional drainage off the SITE and all storm water runoff shall be treated on the SITE.
- C32. The Applicant shall maintain the property in a manner consistent with a bucolic, rural residential and agricultural aesthetic.
- C33. The use of the SITE shall not be detrimental or offensive to the neighborhood or community by reasons of odor, fumes, vapor, smoke, sewage disposal, dust, refuse, noise, building and SITE lighting, vibration, danger from fire or explosion, or excessive vehicular or truck traffic.
- C34. Prior to performing testing as required by the Department of Environmental Protection for Public Water Supply purposes relative to water quality and capacity, and as may be permitted by the owners of the following abutting properties: Map 0, Block 536, Lot 0, and Map 0, Block 538, Lot 0 (the "Abutters"), the Applicant agrees to perform testing on the existing domestic wells on the Abutters' properties relative to existing water quality and capacity. The existing water quality testing shall be performed in compliance with applicable requirements for private domestic wells for new construction. The existing capacity shall be determined by a typical domestic well pump test and be stated in gallons per minute.
- C35. No persons shall be discharged from the facility to the street.
- C36. Pursuant to Zoning By-Law §11(2), this Special Permit shall lapse after two (2) years from the grant thereof, including such time required to pursue or await the determination of any appeal referred to in G.L. c. 40A, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. To the extent this is a Special Permit for a use, such permit shall lapse if, at any time, such use is discontinued for a period of two (2) years.
- C37. The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and guidelines.

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VII. DECISION

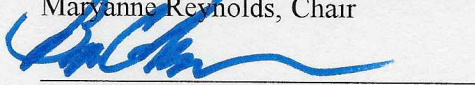
Pursuant to chapter 40A, § 9 of the General Laws, the decision on the special permit application "shall be made within ninety days following the date of such public hearing," making the Board's decision due on or before May 12, 2015. Issuance of a special permit requires "a unanimous vote of a three member board," which applies to this Board.

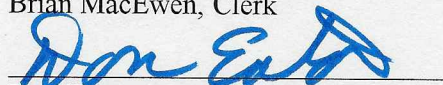
The Board deliberated on the Application on March 10 & 24, 2015, and April 7, 21, & 28, 2015.

At their meeting on April 28, 2015, after due consideration of the exhibits submitted, the entire record of the proceedings, and based on the good faith reliance of the representations made by or on behalf of the Applicant, the Petersham Zoning Board of Appeals (motion by Brian MacEwen, seconded by Don Eaton voted unanimously (3-0) to APPROVE the Application for Special Permit based on the Findings and subject to the Conditions set forth within this Decision.

ZONING BOARD OF APPEALS


Marianne Reynolds, Chair


Brian MacEwen, Clerk


Don Eaton, Member

Date: 5/11/15

Filing date with the Town Clerk: May 11, 2015 7:39pm Diana L. Cooley

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Diana Cooley, Town Clerk

Date

A True Copy,
Attest

Diana Cooley
Town Clerk, Petersham, MA

cc: Applicant
John Flick, Flick Law Group, P.C. (Applicant's Attorney)
Petersham Building Commissioner
Petersham Board of Selectmen