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1 PETERSHAM TOWN HALL

2

3 SPECIAL PERMIT APPLICATION

4

5 DELIBERATION SESSION

6

7 JANUARY 28, 2015

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10 PROJECT: THE RETREAT AT PETERSHAM

11 BEHAVIORAL HEALTH

12 ADDICTION RECOVERY CENTER

13 211 NORTH MAIN STREET

14 PETERSHAM, MASSACHUSETTS

15

16

17 BEFORE:

18

19 MARYANNE REYNOLDS, CHAIR

20 BRIAN MacEWEN

21 DONALD EATON

22

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1 P R O C E E D I N G S

2 THE CHAIR: I'd like to call the

3 meeting to order. Good evening. This is the

4 meeting of the Petersham Zoning Board of

5 Appeals. We are here tonight to further

6 deliberate on the application for a special

7 permit filed by Heywood Healthcare & Affiliates.

8 This is, I think, our third or so deliberation

9 session.

10 We have a working draft of a document

11 and we were focussing on the conditions when we

12 last met. Why don't we pick up there. Relative

13 to any new conditions or some -- there was some

14 discussion about wording of conditions and so

15 forth.

16 I also received during the week and I

17 think -- Don and Brian, did you receive a copy

18 of a communication from Attorney Flick relative

19 to a condition that I had been discussing around

20 the revenue neutral condition?

21 MR. EATON: Yes.

22 MR. MacEWEN: I haven't seen it.

23 THE CHAIR: John, it should be in his

24 inbox, right? I think you did copy all of us.

3

1 MR. FLICK: Yes.

2 THE CHAIR: Okay. You'll have a

3 chance to see it when you get there.

4 Essentially, to kind of summarize what I

5 understood the position to be, was concern from

6 the applicant relative to any revenue neutral

7 type condition insofar as the applicant is a non

8 profit and doesn't want to necessarily be tied

9 to particular financial outcomes by the

10 decision. At least relative to something that

11 could be considered classified as a tax. Is

12 that a fair summary, John?

13 MR. FLICK: It's not so much that the

14 applicant doesn't want to, it's that if it was a

15 compulsory payment for services that are

16 available to the general public, Massachusetts

17 courts have viewed those type of things as

18 taxes. Therefore, unconstitutional. There's a

19 court case, Emerson College versus the City of

20 Boston, that supports that proposition.

21 Basically, it's the applicant's position that

22 any payments made to the Town must be voluntary,

23 they cannot be compulsory. Especially if it's

24 for services that are available to the general

4

1 public. If it's for services that the applicant

2 chooses to obtain by choice, permitting fees,

3 things like that, those are permissible. Those

4 are legal permissible fees. If it's a

5 compulsory payment to the municipality to raise

6 revenue that would constitute an unlawful tax.

7 That was the gist of the communication, that any

8 conditions that are in here relative to fees for

9 monies paid by the applicant must be either

10 legitimate fees for things such as permits,

11 private police details, private fire details, or

12 they should otherwise then be voluntary on the

13 part of the applicant, not compulsory.

14 THE CHAIR: Okay. So the case that

15 was attached, I had a chance to read it. I

16 don't think it's directly on point, but I think

17 it generally, I agree, would support the

18 proposition that the type of -- that there are

19 classifications of payments and how it's

20 classified has legal significance. It did get

21 me to really think that this Board has been

22 clear that it doesn't want to attach as a

23 condition that there be a PILOT. I think kind

24 of a further extension of that whole concept is

5

1 that we're also not in the business of deciding
 2 who is taxable and who is not. That's for
 3 others, I think, to do. What is taxable and
 4 what's not and so forth, what activities are or
 5 aren't. I think that I'd like to sort of
 6 refrain the -- I'd like to take off the table
 7 the concept of a revenue neutral condition.
 8 We'll leave that to the powers to be around
 9 revenue, which would be the Board of Selectmen
 10 as well as the Board of Assessors and remove
 11 from our document the suggestion that the
 12 applicant is not subject to tax. I don't think
 13 that's a statement that we should have in our
 14 document. I think that determination would be
 15 made by taxing authorities. Leave in the
 16 reference to the PILOT in sort of like support
 17 of their good faith efforts to work with the
 18 Town on revenue impacting issues and kind of
 19 move on from there. Does that --
 20 MR. EATON: That's fine with me.
 21 THE CHAIR: Is that okay with you,
 22 Brian?
 23 MR. MacEWEN: Yes.
 24 THE CHAIR: Okay.

6

1 MR. MacEWEN: I'm browsing really
 2 quick here. Were there any notations in our
 3 conditions that we already had on the draft that
 4 need to be modified or deleted?
 5 THE CHAIR: I think we could probably
 6 do that later if we're all in agreement.
 7 MR. MacEWEN: Okay.
 8 THE CHAIR: I will say that it's in
 9 Paragraph D as in Discussion Point 7. There's a
 10 sentence that says, "As a not-for-profit
 11 facility, the applicant will not be required to
 12 pay taxes to the Town." That gets struck.
 13 We're just silent on that.
 14 The next sentence starts with
 15 "However." Delete However and just continue
 16 then with the capitalizing the T of the.
 17 MR. EATON: Where are we?
 18 THE CHAIR: D7, which is Page 7
 19 of 11.
 20 MR. EATON: Okay.
 21 THE CHAIR: So "The applicant has, in
 22 good faith, been working work with the Town's
 23 Tax Exempt Property Committee..." I think we
 24 could also update that to say Board of Selectmen

7

1 now, "to develop a payment in lieu of taxes,
 2 PILOT agreement, which will allow, among other
 3 things, the Town to recover..." I think we
 4 should probably say, instead of will, may.
 5 Again, we're not the authorities on this. So
 6 "which may allow, among other things, the Town
 7 to recover revenue required to support the
 8 proposed services," etc.
 9 MR. MacEWEN: So delete the word
 10 will?
 11 THE CHAIR: Yes. Okay?
 12 MR. MacEWEN: Yes.
 13 MR. EATON: Uh-huh.
 14 THE CHAIR: All right. I think that
 15 then addresses the correspondence that we got
 16 this week from the applicant that we just
 17 discussed. Relative to conditions, I think that
 18 was really our focus. Roy?
 19 MR. NILSON: Could I ask one quick
 20 tiny question?
 21 THE CHAIR: Sure.
 22 MR. NILSON: The choice of the use of
 23 the word recover, what are you recovering?
 24 Maybe collect would be a better word.

8

1 UNIDENTIFIED SPEAKER: I'm sorry, we
 2 can't hear you.
 3 MR. NILSON: Or receive.
 4 MR. MacEWEN: It says to recover
 5 revenue.
 6 MR. NILSON: That implies a loss of
 7 some kind.
 8 THE CHAIR: That was an edit that was
 9 made by Town Counsel which I think I would just
 10 as soon leave in on the theory that he's
 11 probably more familiar with the impact of word
 12 change there than we are. You're suggesting to
 13 instead of recover to have collect?
 14 MR. NILSON: Or receive. The word
 15 applies that there's a loss that's being made
 16 right, or repaired, the word recover.
 17 THE CHAIR: Well, I would say that
 18 when we changed will to may -- I'd feel more
 19 comfortable leaving the language that Town
 20 Counsel put just on the theory that there was a
 21 rationale there.
 22 MR. NILSON: Thank you.
 23 THE CHAIR: Okay. Relative to
 24 conditions, I had some tweaks that I wanted to

9

1 make to the document. I'd introduce some new
 2 ones that are sort of substitutes for other
 3 ones. What I'm hoping we can do is basically
 4 simplify this and sharpen its focus for the
 5 overall good of the document.

6 Part of the idea here is that the
 7 applicant is intending to be self-sufficient.
 8 The self-sufficiency goes to revenue impact or
 9 potential revenue or sort of impact on municipal
 10 services. The applicant has proposed a
 11 condition that I had some questions about
 12 adopting at our last meeting, but on further
 13 reflection, I think that it's fine. I'd like to
 14 adopt it. It's basically that it would use
 15 commercially reasonable means to be
 16 self-sustaining. I think that should be -- with
 17 what they've proposed, I think that should be
 18 included as a condition.

19 MR. MacEWEN: Did you include that in
 20 the e-mail transmission last week?

21 MR. FLICK: Uh-huh.

22 MR. MacEWEN: You did, okay. I have
 23 not seen it yet. Sorry about that.

24 THE CHAIR: It's here.

10

1 MR. MacEWEN: Do you have it there?

2 THE CHAIR: Yes. Let me just read
 3 it. The proposed condition stated by the
 4 applicant is as follows: "The applicant shall
 5 make commercially reasonable efforts to operate
 6 the facility in a manner that is self-sufficient
 7 and does not overburden the Town's public
 8 services."

9 MR. MacEWEN: Were we thinking of
 10 piggybacking that?

11 MR. FLICK: That would be in place of
 12 the current language in C11. Although you could
 13 still include the language, "The applicant shall
 14 maintain trained security personnel."

15 THE CHAIR: C11 right now is
 16 something different because there was some
 17 renumbering. C11 on the current draft has to do
 18 with the total number of beds available.

19 MR. MacEWEN: I think it's like C12.

20 THE CHAIR: Right, so it's C12 now.
 21 We would keep the first sentence which refers to
 22 their personnel, 24/7, 365 days a year.

23 MR. MacEWEN: And then the part about
 24 "during the operation of the facility, should

11

1 the number of calls for assistance..." we're
 2 looking to wipe that out and replace this with
 3 commercially reasonable efforts?

4 THE CHAIR: Well, this is a stand
 5 alone. This isn't limited to security or police
 6 services. It would be -- you can take out the
 7 rest of C12, otherwise we have to start getting
 8 into talking about what are the numbers on more
 9 than an infrequent basis. It gets to talking
 10 about mitigating the impact. This would go in
 11 and a couple of other things that we'll talk
 12 about.

13 MR. MacEWEN: So are you saying
 14 strike it after the days per year?

15 THE CHAIR: Yes, I think we can
 16 strike the sentence that is "At any time during
 17 the operation of the facility, should the number
 18 of calls for assistance become more than on an
 19 infrequent basis, the applicant shall be
 20 responsible for coordinating the necessary
 21 measures to mitigate the financial impacts on
 22 the Town."

23 With this they have to use
 24 commercially reasonable efforts to do it and

12

1 it's not limited to police services, it would
 2 also be applicable to fire services, for
 3 example, or any other services that might come
 4 into play. Although police and fire are two of
 5 the obvious ones. Does that sound okay to you,
 6 Don?

7 MR. EATON: Yes, it does.

8 THE CHAIR: Brian, does that sound
 9 okay to you?

10 MR. MacEWEN: Uh-huh.

11 THE CHAIR: Okay. On C21, which is
 12 where we're talking about water supply and
 13 septic system, that's been an issue of mine.
 14 What I'd like to do is keep what's there, but
 15 add a sentence that says something to the effect
 16 that, "Further, the special permit shall be
 17 revoked if applicant is unable to either obtain
 18 water or dispose of septic wastewater properly
 19 exclusively on the site." Actually, I can
 20 probably better word it.

21 The idea being that relative to this
 22 concept of self-sufficiency, we're being
 23 specific that there is their need for water and
 24 their ability to dispose of wastewater is going

13

1 to happen exclusively on the site. It wouldn't
 2 get into a situation where down the road where
 3 their demand is such that all of a sudden, for
 4 example, we need to develop new systems for them
 5 to get water or septic. Similar to what the
 6 concern has been down in Hardwick where they've
 7 had to run piping along the street, as I
 8 understand it, for the Eagle Hill School. I
 9 think that's consistent with what they've sort
 10 of discussed which is that --

11 MR. MacEWEN: Where is it. This
 12 right here?

13 THE CHAIR: Yes.

14 MR. BROWN: What's the issue with the
 15 Hardwick school?

16 THE CHAIR: It's a facility that had
 17 been operating without any pipes coming out of
 18 it basically. What's your technical term for
 19 it? You know, sewerage pipes or water pipes.
 20 For whatever reason they ended up, after a
 21 number of years of operating, they ended up
 22 needing to put piping into the ground. As I
 23 understand the piping -- is it septic or
 24 wastewater.

14

1 MR. MacEWEN: Sewer.
 2 THE CHAIR: Sewer down towards
 3 Gilbertsville.

4 MR. BROWN: Is the Town bearing the
 5 cost of that?

6 THE CHAIR: No.

7 MR. MacEWEN: The Town is not bearing
 8 the cost of that.

9 MR. BROWN: So if something like that
 10 occurred, why does the Town care if it's not
 11 bearing the burden?

12 THE CHAIR: Well, we don't know
 13 what the future --

14 MR. BROWN: I'm just curious. I
 15 never heard of this before.

16 MR. MacEWEN: I'm kind of concerned
 17 about revoking a special permit on something
 18 that's regulated by D.E.P.

19 MR. BROWN: Right.

20 MR. MacEWEN: But I don't have a
 21 problem with revisiting the issue again to get
 22 it back in the public eye. For example, Eagle
 23 Hill had to bear the cost of running that line
 24 on some of the local individuals to get the

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1 benefit of having that sewer put in because they
 2 had a failed septic system. I'm not so sure
 3 that it's not a good thing to have that covered
 4 as far as coming back in to amend the special
 5 permit or revisit it just like any -- and it may
 6 be covered by one of the other conditions saying
 7 if there's any substantive change to the site.
 8 I don't know. I'll go back and look at the
 9 earlier --

10 MR. FLICK: If we look at -- well, my
 11 numbering has changed, but it was C12 or C13.
 12 "The applicant's responsibilities for management
 13 of the project approved by this decision, shall
 14 include, but not be limited to the following, if
 15 located within the site, maintaining drainage
 16 facilities, landscaping, storm water basins and
 17 appurtenances; maintaining interior roadways.."
 18 we could add to that water supply and septic.

19 THE CHAIR: I think that if there
 20 ended up being septic or sewerage systems in
 21 that neighborhood, it sort of begins to
 22 transform the neighborhood. That should be
 23 something that can happen if others down the
 24 road think that that's a proper way to grow the

16

1 Town and so forth. I don't think sitting here
 2 that that's something that we should do, the
 3 whole project disrupted, traffic along 32-A for
 4 a long time, people having to be detoured quite
 5 a distance coming and going. I don't know how
 6 all of that would impact here where we have such
 7 a main road here and detouring would be, I
 8 think, very difficult. The whole point, as I
 9 understand it in their theory, is that they're
 10 going to be able to be self-sufficient anyway.
 11 If revoked is too strong of a word, it's okay --
 12 I think if it's a condition that they're
 13 self-sufficient with respect to their water and
 14 their wastewater being exclusively at the site
 15 and then we have not built in some expectation
 16 that there is actually, you know, piping that
 17 might come down the road. We're not prohibiting
 18 it. If piping comes down -- in the future, I
 19 think there could be an opportunity to revisit
 20 this and make a change.

21 MR. MacEWEN: Again, broadly speaking
 22 condition what's 3, now 4 on my computer, "Any
 23 modification to the building, site improvements,
 24 internal parking or driveway configuration or

17

1 approved uses as represented by the applicant
2 through the proceedings and as approved by this
3 decision, subject to the findings above, shall
4 require, prior to implementing such change, a
5 determination from the Board as to whether the
6 proposed change is substantially different than
7 that presented in the materials and information
8 used in making this decision."

9 I think we have another condition
10 that goes to the substantive change issue
11 relative to the site and, you know, site
12 improvements. Maybe we, up front, define what
13 that includes, drainage, sewer, water, that type
14 of stuff. As we look at these conditions I
15 think we're going to see that we have some
16 redundancies.

17 I'm not sure that we need to -- in
18 light of looking at Eagle Hill School, they were
19 not shut down. That facility stayed operational
20 the whole time that this construction took
21 place. It wasn't the intent of the Town to shut
22 them down. The intent was to accommodate their
23 growth of the facility and not being able to
24 sufficiently or adequately take care of their

18

1 wastewater on site.

2 THE CHAIR: That's my point. My
3 positive vote on this would be subject to us not
4 building in accommodations for their growth.
5 The whole point of a number of our conditions
6 has been that they're not going to increase
7 square footage, that we're limiting the number
8 of beds, that there's no material change.

9 The idea is that we're approving that
10 which we see now. I think it's quite possible
11 that they would want to grow. If they do want
12 to grow, I don't think this decision should give
13 them a head start on that. If they do want to
14 grow that that should be reviewed by whoever is
15 in the decision making role at that point and
16 make the decision in the context of the
17 circumstances as they exist at that time.

18 MR. MacEWEN: So you don't think what
19 I just read covers it?

20 MR. FLICK: It's already there. That
21 exact scenario that you just presented is
22 already covered in this agreement. If there's
23 any growth beyond the site. So let's say --

24 MR. MacEWEN: Not even beyond the

19

1 site. Beyond what we have been presented.

2 MR. FLICK: Exactly. If there's an
3 additional building within the site, we're
4 coming back before the ZBA for an amendment.

5 Let's say for the sake of argument
6 that D.E.P. says the water supply isn't
7 sufficient and they found an isolated aquifer
8 across the street that they want us to tap into
9 and we negotiate with that property owner for a
10 right-of-way. If we have to run the water main
11 underneath the road we negotiate with DOT. We
12 would have to come back for an amendment to this
13 application because of that. I think the
14 concerns that you're raising are already covered
15 within the special permit.

16 MR. MacEWEN: To go further, John,
17 C5, C7, whatever you want to call it, this is
18 the one that I was looking for, "Materials,
19 substantive revisions," our Town Counsel made it
20 changes, "changes to the location of the parking
21 lot as presented shall not be permitted without
22 the written approval of the Board and amendment
23 of this special permit.." We could just drop in
24 literally -- I think that almost piggybacks with

20

1 what I just read previously. That's why I said
2 I think we've got some repetitiveness here. If
3 you needed to drop that in there, I think we do,
4 but to say that -- when someone tells me they're
5 going to revoke a permit, they cease and desist
6 immediately. That's not what we're looking to
7 do.

8 THE CHAIR: I have a suggestion. If
9 revoke is the word that gets you, how about
10 this. "Further, the special permit is subject
11 to the applicant being able to obtain water and
12 dispose of wastewater, septic, exclusively on
13 the site." So it's a condition, it doesn't use
14 the word revoke, but it's making clear that the
15 water and wastewater is exclusively on the site.
16 It doesn't -- that makes it very clear, I think,
17 for people to understand what it means. It
18 doesn't create debate around whether it's a
19 material change, etc.

20 MR. MacEWEN: But with water supply
21 it does because you can never determine --
22 that's part of why D.E.P. is going to require
23 them to monitor the abutting wells, to determine
24 whether or not their water supply is tapped into

21

1 an aquifer that's supplying local wells. That's
 2 outside of the site. I think you're getting
 3 into an area that is -- I think we have it
 4 covered. Whether we need to add some specifics
 5 into a couple of these conditions specific to
 6 water and septic system, I don't have a problem
 7 with that. Like I say, with water supply, to
 8 say it's limited to the site, the parameters of
 9 the site, that's a gray area because water
 10 supply --

11 THE CHAIR: A well on the site and a
 12 septic system on the site?

13 MR. MacEWEN: Right.

14 THE CHAIR: Okay. If your point is
 15 that the well is on the land and it draws water
 16 that may have migrated from beyond the
 17 boundaries of the land. I'm not trying to
 18 suggest that that is not permissible. I'm just
 19 saying that the well.

20 MR. MacEWEN: Okay, I thought you
 21 said water supply.

22 THE CHAIR: I may have not been
 23 precise enough. I think I said water.

24 MR. MacEWEN: I don't have a problem

22

1 if you want to add it and change some of the
 2 wording. I just feel that we've got redundancy
 3 throughout.

4 THE CHAIR: So well water, if I said
 5 well water?

6 MR. MacEWEN: I would just say the
 7 well. Don't reference water.

8 MR. EATON: Could you read the whole
 9 thing.

10 THE CHAIR: I think we better.
 11 "Further, the special merit is subject to the
 12 applicant being able to" or the applicant -- how
 13 do you not use the word water. "The applicant's
 14 water supply being drawn from a well exclusively
 15 on the site."

16 MR. MacEWEN: Sounds good to me.

17 THE CHAIR: Okay. "And a septic
 18 system located exclusively on the site."

19 MR. MacEWEN: Uh-huh.

20 THE CHAIR: Okay.

21 MR. MacEWEN: Where else would it be.

22 THE CHAIR: Exactly.

23 MR. EATON: Okay, that's fine.

24 MR. MacEWEN: Unless you're going to

23

1 jump into something else, let me type this in.
 2 Let me just get this started.

3 THE CHAIR: We have a correction.
 4 MR. EATON: This is a correction to
 5 what number?

6 THE CHAIR: This would be to C21.
 7 MR. EATON: Okay.

8 THE CHAIR: Then on C25 we talk
 9 about the annual reviews and that being for the
 10 first three years after the granting of the
 11 special permit. It dawned on me that that
 12 basically is reviews during the phase-in period,
 13 which I think is good. I think there should
 14 also be a review after they've actually been
 15 operating. In other words, you know how they're
 16 phasing in, we should had a review three years
 17 after they complete Phases 1, 2 and 3 so that
 18 we're looking at it with some years of
 19 experience of them actually being operational.

20 MR. MacEWEN: Which condition is
 21 that that you're looking at again?

22 THE CHAIR: That was C26. I'm sorry,
 23 C25 now.

24 MR. MacEWEN: What were you

24

1 suggesting?

2 THE CHAIR: Keeping that and taking
 3 out the period at the end of it and adding a
 4 comma and saying, "and then again three years
 5 after Phases 1, 2 and 3 are completed."

6 I also like referencing the phases
 7 because I think that's -- I'm not sure how well
 8 we developed the fact that there are actually
 9 phases to this earlier in the opinion. It ties
 10 to the materials that they presented which shows
 11 that they're going to be putting it in in
 12 phases.

13 MR. BROWN: Why don't you just say
 14 within the fifth year of the project.

15 THE CHAIR: I wanted to give you the
 16 flexibility, you know, if construction didn't go
 17 quite as you planned.

18 MR. BROWN: That's why I gave you two
 19 more years. It's a three-year project. That
 20 would be two more or six years, just pick a
 21 number.

22 THE CHAIR: My intent would be to, if
 23 you're going to do these phases, to actually
 24 look at it when they're done. I know you have a

25

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1 prediction about how long it will take, but
 2 things don't always take --
 3 MR. BROWN: Best laid plans.
 4 THE CHAIR: We could do something
 5 like "or six years after the special permit,
 6 whichever comes first." Do you like that
 7 better? They like that better, they're nodding
 8 their heads yes. That would be fine with me.
 9 MR. MacEWEN: Repeat that again
 10 please.
 11 THE CHAIR: We're at C25. You've got
 12 the period, right, that becomes a comma. "Then
 13 again three years after Phases 1, 2 and 3 are
 14 completed or after six years from the granting
 15 of the special permit, whichever comes first."
 16 MR. MacEWEN: Okay.
 17 THE CHAIR: Is that okay with you,
 18 Don?
 19 MR. EATON: Yes.
 20 THE CHAIR: Is that okay with you
 21 Brian?
 22 MR. MacEWEN: Yes.
 23 THE CHAIR: I think that was it for
 24 new stuff. There was some things that we talked

1 MR. MacEWEN: Right.
 2 THE CHAIR: Okay. Let's maybe start
 3 from the top of the document and try to go
 4 through it and try and pick up things. We'll
 5 probably need that transcript just to make sure.
 6 First let me ask you, do either of you have any
 7 edits to the document up to the conditions?
 8 MR. EATON: No.
 9 THE CHAIR: Brian, do you?
 10 MR. MacEWEN: No. Just the
 11 wordsmithing, as you said.
 12 THE CHAIR: Some wordsmithing, okay.
 13 I have just a few small ones that I'll make a
 14 note of now. One is in the history, we have to
 15 make sure that we recognize that when they first
 16 made the application to cite the sections that
 17 they had relied upon and then they amended it to
 18 change the sections. Right now, the first
 19 paragraph under bold Number 1, that actually
 20 needs to get changed because it reflects the
 21 final request, not the original request. That's
 22 just kind of housekeeping.
 23 MR. FLICK: That's fine.
 24 MR. EATON: What page?

26

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1 about that weren't yet in this draft. We have
 2 to pick those up, they were discussed last week.
 3 We don't have the transcript from last week yet
 4 so we can't refer back to that. We need to get
 5 those. Do you have an idea when we're going to
 6 get that transcript?
 7 THE REPORTER: Next week.
 8 THE CHAIR: Do you know what date
 9 that would be?
 10 MR. FLICK: May 6th?
 11 THE CHAIR: I mean, I have a sense of
 12 what they were. We can try to remember, we can
 13 try to reconstruct or we can rely on the
 14 transcript. Brain, if you had notes. I know I
 15 made some notes.
 16 MR. BROWN: Do you want to start at
 17 the top and go through it and see what we
 18 missed. I think most of them are -- we can find
 19 out what ones we're missing. Does that sound
 20 like a good idea?
 21 THE CHAIR: Let's try that.
 22 MR. FLICK: We pretty much made it
 23 through all of them except for the one issue on
 24 self-sufficiency which we addressed already.

1 THE CHAIR: That would be Page 2
 2 of 11. It's bolded and it says -- the paragraph
 3 starts, On August 15, 2014. And then it says
 4 under Section 5 at the end of that first
 5 paragraph, Sections 5(B)(c), 5(B)(e) and
 6 5(C)(a). I think those were the ones that we
 7 actually ended up with. What was it? I'd have
 8 to pull it out. At first the request came in
 9 as 5 --
 10 MR. FLICK: It was a typo.
 11 THE CHAIR: Yeah, it was a typo,
 12 that's all. It just doesn't make sense the way
 13 it's written right now.
 14 MR. MacEWEN: Well, then, down below
 15 that it goes on to say, "On or about September
 16 22, 2014, applicant amended its application."
 17 THE CHAIR: Right.
 18 MR. MacEWEN: All we really need to
 19 do is change the letter signifying the specific
 20 section of the bylaw that was cited in their
 21 original application. That's the way I look at
 22 it.
 23 THE CHAIR: Yeah, that or just delete
 24 the sections up above, the specific reference to

29

1 the sections because it's covered down below.

2 MR. FLICK: It should be 5(e). The

3 original was 5(B)(c), 5(B)(e) and 5(C).

4 MR. MacEWEN: So it was C --

5 MR. FLICK: 5(B)(c), 5(B)(e) and

6 5(c).

7 THE CHAIR: Small (c).

8 MR. MacEWEN: 5 small (c).

9 THE CHAIR: That's a small point.

10 You can put it how it was. Yes, just put it how

11 it was. That way it helps to understand.

12 MR. MacEWEN: 5(B)(c), 5(B)(e) and

13 5(c), small (c).

14 THE CHAIR: Yes, instead of a capital

15 (C) and then a small (a). Okay.

16 On the next page, 3 of 11, there

17 was -- I would strike where we tried to start

18 listing persons who addressed the Board during

19 the hearing that were of note. There actually

20 were a number of people that addressed the Board

21 that were of note. Either we have to really

22 extend that list or we should maybe just delete

23 it.

24 MR. MacEWEN: Delete "Of note" all

30

1 the way through.

2 THE CHAIR: Yes.

3 MR. MacEWEN: Leave the first two

4 sentences of that paragraph?

5 THE CHAIR: Yes.

6 MR. MacEWEN: That's just saying

7 everybody had an opportunity to be heard.

8 THE CHAIR: To speak and be heard

9 from the special consult, the Board's

10 consultant, and members of the public. Then we

11 have a couple just tidying up.

12 When we get to Page 6 of 11 and

13 we're referencing the Board's consultant, I

14 would put in his name there so we're attributing

15 the Board's Consultant's, Kevin Flynn,

16 Preliminary Report. That's Number 23.

17 Number 26 is his final report.

18 And then when we get to Discussion we

19 deliberated on April 7th, 21st and 28th.

20 MR. MacEWEN: Yeah, I'll add the

21 28th.

22 THE CHAIR: When we get to Discussion

23 Points, on D7.

24 MR. MacEWEN: Give me a second.

31

1 Okay. D what?

2 THE CHAIR: D7.

3 MR. MacEWEN: Yes.

4 THE CHAIR: You picked this up from

5 the draft when I was going to go vote no where

6 "The Board notes its inability to make an

7 informed decision." That actually was language

8 that I drafted when I thought there were gaps

9 that should be overcome. I suggest that we

10 modify that a bit at this point and make the

11 same change in D8 to say, "Its inability to make

12 fully informed decision." I do think that we

13 are largely informed, perhaps not fully, but

14 largely. I'd make that change in D7 and in D8.

15 MR. MacEWEN: So make a fully

16 informed.

17 THE CHAIR: Yes. Its inability,

18 that's what the sentence says, "It notes its

19 inability to make an informed..." I would say

20 fully informed. Or strike that altogether and

21 just say that, "It is foreseeable" and delete

22 "however."

23 MR. MacEWEN: That's what I was

24 wondering. Delete the first sentence?

32

1 MR. FLICK: Yes.

2 THE CHAIR: That's okay.

3 MR. MacEWEN: That's on D8 as well,

4 right. How do you want to word that? Just

5 delete the first sentence and just say, "The

6 applicant is" --

7 THE CHAIR: No, there I think -- I

8 think you could delete the beginning, "The Board

9 notes its inability to make an informed

10 decision." Delete those words and then start it

11 with Relative, so capitalize the (R) of

12 Relative. "Relative to water usage at site and

13 its impact on the abutting private water supply

14 wells," and then a small (t) on the applicant,

15 "the applicant has indicated that this issue

16 shall be monitored fully under the direction of

17 the Massachusetts D.E.P. as required under the

18 applicable state regulations."

19 MR. EATON: I'm still on D7.

20 THE CHAIR: Okay. At D7 we're

21 deleting the first sentence. The paragraph

22 would begin with what is the second sentence

23 now, "It is foreseeable." Delete the word

24 however, because we don't need however any more,

33

1 and keep the rest.

2 We talked a little bit earlier about

3 deleting the sentence, "As a not-for-profit

4 facility, the applicant will not be required to

5 pay taxes to the Town." That's already out.

6 The next sentence picks up, the "applicant has,

7 in good faith, been working with the Town." We

8 said committee, but we're going to add and

9 Selectboard.

10 MR. MacEWEN: I lost you. Where are

11 you?

12 THE CHAIR: D7. Okay?

13 MR. MacEWEN: Yeah, okay. We're just

14 taking out that first sentence. Taking out

15 however and leaving all the rest the same,

16 correct?

17 THE CHAIR: Yes. We're all in

18 agreement on that then.

19 MR. MacEWEN: Yes.

20 MR. EATON: Yes.

21 THE CHAIR: We're now onto D8. I

22 would add at the end of that a new sentence that

23 says, "Nothing in this decision is intended to

24 limit local control over applicant's use of

34

1 water at the site."

2 MR. MacEWEN: Say that again.

3 THE CHAIR: It's being explicit.

4 "Nothing in this decision is intended to limit

5 local control over applicant's use of water at

6 the site."

7 MR. EATON: How would local control

8 come into this?

9 THE CHAIR: Like the Board of Health

10 if there were well issues.

11 MR. EATON: I think it's covered.

12 THE CHAIR: Somebody could read this

13 and think, oh, I have to go to Mass D.E.P. if

14 there's an issue.

15 MR. FLICK: They do.

16 MR. EATON: They do.

17 THE CHAIR: They may opt, to the

18 extent there is local authority, we're not doing

19 anything, nor do I think could we, but we're

20 making clear that we're not doing anything that

21 takes away local control that may be exercised

22 by the Board of Health. That would seem to be

23 the primary example.

24 MR. EATON: Put it in, but I think

35

1 it's covered.

2 MR. BROWN: I think it's okay if you

3 end the sentence with "site, where applicable."

4 It's a public water supply so D.E.P. is going to

5 have full reign over the water supply.

6 MR. FLICK: They have exclusive

7 jurisdiction.

8 THE CHAIR: They may or may not have

9 exclusive jurisdiction. I don't think that

10 we're really prepared to decide that they have

11 or don't have exclusive jurisdiction. I just

12 want to be clear that we're not making decisions

13 here that are intended to curtail local control.

14 If there's no local control --

15 MR. BROWN: It's going to revert

16 anyway.

17 THE CHAIR: Yes, it's going to go to

18 D.E.P. so we don't need to add "as applicable."

19 MR. EATON: We're talking about D8 at

20 this point still?

21 THE CHAIR: Yes.

22 MR. BROWN: We can live with that.

23 MR. MacEWEN: Repeat it one more

24 time.

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1 THE CHAIR: Put the sentence at the

2 end of D8. "Nothing in this decision is

3 intended to limit local control over applicant's

4 use of water at the site."

5 MR. MacEWEN: Okay.

6 THE CHAIR: Okay. On D9 we need to

7 make the same type of edit where we strike, "The

8 Board notes its inability to make an informed

9 decision." Strike that.

10 MR. MacEWEN: Start with Relative?

11 THE CHAIR: Start with Relative. Put

12 a coma at the end after properties, small (t) on

13 "the" and carry on from there. Then I would add

14 the same sentence that we just added to D8 only

15 now it's septic, since this paragraph has to do

16 with septic disposal. "Nothing in this decision

17 is intended to limit local control over

18 applicant's septic disposal at the site."

19 MR. MacEWEN: Okay.

20 THE CHAIR: Is that okay, Don?

21 MR. EATON: Sure.

22 THE CHAIR: Is that okay, Brian?

23 MR. MacEWEN: Uh-huh.

24 THE CHAIR: That was a yes.

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1 MR. MacEWEN: Yes. Sorry.
 2 THE CHAIR: On D10 it says right now,
 3 "The applicant seeks a special permit to use the
 4 property site for a hospital providing," and
 5 then it continues. I would delete the word
 6 "providing" and say "dedicated to" just to
 7 sharpen the focus that this is -- you know,
 8 we're not allowing a hospital there for whatever
 9 a hospital might do. We're allowing a hospital
 10 there for the dedicated purpose of what they say
 11 they want to do there, which would be behavioral
 12 health treatment, including an addiction
 13 recovery center.
 14 MR. EATON: Could you repeat that
 15 please.
 16 THE CHAIR: Replace the word
 17 "providing" with "dedicated to." Is that okay,
 18 do you see any problem with that?
 19 MR. FLICK: I think it's semantics.
 20 THE CHAIR: Okay, so no problem then.
 21 Is that all right, Don?
 22 MR. EATON: Yes.
 23 THE CHAIR: Brian?
 24 MR. MacEWEN: Yes.

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1 THE CHAIR: Okay. There's parts of
 2 the rest of D10 that I think are redundant, but
 3 if you want to leave them in we can. I think it
 4 could actually --
 5 MR. MacEWEN: Some of that was added
 6 by Town Counsel.
 7 THE CHAIR: Why don't we just leave
 8 it. I think the sentence could actually end
 9 with "professionals" and delete the rest, but we
 10 can leave it. It's just redundant.
 11 The same change would need to be made
 12 on Finding 4 where it talks about "a hospital
 13 providing." Instead, say "hospital dedicated
 14 to."
 15 THE CHAIR: Is that okay, Don?
 16 MR. EATON: Yes.
 17 MR. MacEWEN: Yes.
 18 THE CHAIR: Okay. On C6 we simply
 19 need the beginning of the sentence. I know we
 20 broke it out last time, but we just need to add
 21 the words at the beginning. "The use of the
 22 site shall not include that of" and then pick up
 23 what we have there, "a Class VII."
 24 MR. EATON: Where are we?

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1 MR. MacEWEN: C5, is that the one,
 2 the use of the site?
 3 MR. EATON: C5?
 4 THE CHAIR: No, C6 now.
 5 MR. MacEWEN: Irregardless of the
 6 Condition Number, "The use of the site" is the
 7 beginning of the condition that you're talking
 8 about?
 9 THE CHAIR: No, it's the one that
 10 follows.
 11 MR. MacEWEN: Okay. So relative to
 12 the Class VII license?
 13 THE CHAIR: Yes. Right now what we
 14 here is "a Class VII license." We need to add,
 15 "The use of the site shall not include that of."
 16 It's like a cut and past form the beginning of
 17 C5. Okay to continue?
 18 MR. MacEWEN: Uh-huh.
 19 THE COURT: On C9 we have reference
 20 to, "The project shall comply with the zoning
 21 bylaw in effect at the time of this decision and
 22 permit, unless otherwise," and then it carries
 23 on, "regulated by rules, regulations," etc.
 24 Then it starts to name some of the Boards.

40

1 MR. BROWN: Where are you now?
 2 THE CHAIR: C9.
 3 MR. MacEWEN: Actually, the first
 4 part.
 5 MR. FLICK: We split C5 into two,
 6 correct?
 7 THE CHAIR: Yes. So the numbering
 8 started from there and started to go up a
 9 little. I'm on the condition that's currently
 10 C9 and it starts "Except as expressly waived."
 11 MR. MacEWEN: So it has two parts,
 12 A&B.
 13 MR. EATON: Yes, okay.
 14 MR. MacEWEN: It had two parts, A&B.
 15 So we deleted everything at the beginning and
 16 started, "Project shall comply with the zoning
 17 bylaw in effect at the time of this decision,"
 18 right?
 19 THE CHAIR: Yes. When I re-read that
 20 line, what are we trying to do there. Is there
 21 a way to just to simplify that. "Unless
 22 otherwise regulated by the rules, regulations,
 23 filing and permits requirements and
 24 certifications of the Town Board or Departments

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1 of Health and/or the Petersham Department of
 2 Public Works as applicable governing..."

3 MR. MacEWEN: That part was going to
 4 be deleted. We're just going to stop at
 5 "Petersham Town Boards and Departments."

6 THE CHAIR: Oh, okay. Is that what
 7 we changed from last time?

8 MR. MacEWEN: Yes.

9 THE CHAIR: That's good. I forgot
 10 about that one. I like that. I guess we agreed
 11 to that the last time.

12 MR. MacEWEN: Yes.

13 MR. EATON: That's what I have.

14 THE CHAIR: Okay, good. On C11 where
 15 it says, "The total number of beds available for
 16 patients shall not exceed 86." I'd like to end
 17 it there. Put a period and delete the rest so
 18 that we're not suggesting that we are
 19 anticipating additional beds. Right now it
 20 says, "without further amendment to this special
 21 permit, which amendment must be presented," etc.
 22 I guess if they wanted to seek an amendment then
 23 whatever -- that they would come and they would
 24 do it. I don't know why we have to basically

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1 invite that now because it wouldn't be
 2 consistent, at least in my vision of what's
 3 happening there. I think we're talking 86 beds
 4 and not anticipating growth. So I would like to
 5 end the sentence.

6 MR. EATON: That's fine with me.

7 THE CHAIR: End it at 86. That's
 8 fine with Don, Brian. Is it also fine with
 9 you?

10 MR. MacEWEN: Yeah, just note that
 11 the whole latter part of that paragraph was
 12 added by Town Counsel.

13 THE CHAIR: Right. Which I think he
 14 was going to elaborate on what we meant by
 15 amendment.

16 MR. MacEWEN: Exactly. Okay, I'm
 17 fine with that.

18 THE CHAIR: Jumping to C20 which
 19 starts "On-street parking." I know on-street
 20 parking is not allowed because it's a State road
 21 and I know we have this condition because it's
 22 helpful to the applicant for management purposes
 23 during the construction phase. Since we're
 24 going to have it, I think we ought to modify it

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1 so that we accomplish the objective, but we're
 2 also not limiting it and suggesting that somehow
 3 on-street parking is available outside the
 4 construction phase. So I would say delete the
 5 word "construction" where it first appears.

6 MR. EATON: Where are you?

7 THE CHAIR: C20.

8 MR. MacEWEN: Just read the first
 9 part of it.

10 THE CHAIR: "On-street parking." It
 11 had been C18, now it's C20.

12 MR. MacEWEN: What do you want to the
 13 do?

14 THE CHAIR: Delete the word
 15 "construction" where it first appears so it
 16 reads "On-street parking of vehicles shall be
 17 prohibited." Then I would add a comma and say
 18 "including construction vehicles." So that's
 19 it. Does that accomplish your objective for
 20 management purposes? I think it would, right?

21 MR. BROWN: That's fine with us.

22 THE CHAIR: Don, is that okay with
 23 you?

24 MR. EATON: Yes.

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1 THE CHAIR: Brian, is that okay with
 2 you?

3 MR. MacEWEN: Yes.

4 THE CHAIR: Okay. It's kind of a
 5 similar edit on C23 which has --

6 MR. MacEWEN: How does it begin?

7 THE CHAIR: "The applicant shall keep
 8 the site and the adjoining, existing roadway."
 9 It says, "clean and free of noise, odor, dust,
 10 refuse or traffic," but then it says "during
 11 construction of the project." Let's just delete
 12 "during construction of the project" and have it
 13 always be applicable.

14 MR. FLICK: Can I ask a question now?

15 THE COURT: Yes.

16 MR. FLICK: How do you define
 17 traffic? Ten cars leaving the facility at the
 18 end of a shift, is that traffic? In Boston it
 19 would be traffic. You might want to strike
 20 that.

21 THE CHAIR: Okay. That's a fair
 22 point.

23 MR. EATON: You could just strike
 24 that. The point is noise, odor and dust issues.

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1 THE CHAIR: Yes. Obviously traffic
 2 needs to use a roadway. If traffic was
 3 important to anybody, we can say traffic
 4 congestion. I think we could also just take it
 5 out.
 6 MR. EATON: I'm for that.
 7 MR. MacEWEN: So it would go "and
 8 refuse."
 9 MR. FLICK: Yes. "Or refuse."
 10 THE CHAIR: "Or refuse." You need to
 11 add the word "construction" in the next sentence
 12 to modify work. So it would say, "Upon
 13 completion of all construction work on the
 14 site," and kind of carry it on that they're
 15 going to remove all debris. Obviously there's
 16 going to be some debris around any construction.
 17 That's not going to be a problem. Okay?
 18 MR. FLICK: If I may suggest, because
 19 of the fact that these now seems to be
 20 disjointed sentences that with the word "Upon"
 21 begin a new condition.
 22 THE CHAIR: Sure. That's okay with
 23 me. Is that okay with you?
 24 MR. EATON: I'm not following.

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1 THE CHAIR: We added the word
 2 "construction" before work in C23, right.
 3 MR. EATON: Uh-huh.
 4 THE CHAIR: We're now going to break
 5 C23 into two separate conditions. C23, or
 6 whatever number it ends up being, is one
 7 sentence that says, "The applicant shall keep
 8 the site and the adjoining, existing roadway
 9 area clean and free of noise, odor, dust and
 10 refuse." Then we have a new condition that
 11 says, "Upon completion of all construction work
 12 on the site and prior to," etc., "as-built
 13 approval." Making it a stand alone.
 14 MR. EATON: That's okay with me.
 15 THE CHAIR: Is that okay with you,
 16 Brian?
 17 MR. MacEWEN: Yes. We started to add
 18 something to that second sentence that ended
 19 with "disposition of materials" in my edits.
 20 I'm assuming you have no further --
 21 THE CHAIR: I don't. What did we
 22 have before?
 23 MR. MacEWEN: We were discussing the
 24 issue, "Furthermore, the special permit is

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1 subject to the well," blah, blah, blah.
 2 THE CHAIR: Blah, blah, blah, really.
 3 MR. MacEWEN: Basically I want to
 4 strike that.
 5 THE CHAIR: Just read it for us
 6 again.
 7 MR. MacEWEN: What, the blah, blah,
 8 blah part?
 9 THE CHAIR: This is something we
 10 decided the last time?
 11 MR. MacEWEN: Yes, this is something
 12 that we talked about. We were going back and
 13 forth. Something that you brought up,
 14 "Furthermore, this special permit is subject to
 15 the well and septic."
 16 MR. BROWN: I think we addressed
 17 that.
 18 MR. MacEWEN: Yeah, I do too.
 19 THE CHAIR: Yes. And it was tailed
 20 off, it wasn't actually language that we were
 21 going to come back to?
 22 MR. MacEWEN: Yes.
 23 THE CHAIR: Okay. We can strike
 24 that.

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1 MR. EATON: Who is the Building
 2 Commissioner. Should we change that to Building
 3 Inspector?
 4 MR. MacEWEN: What is Biranna's
 5 technical title?
 6 MR. BROWN: She's the Commissioner.
 7 MS. SKOWYRA: I'm the Commissioner.
 8 MR. MacEWEN: She is the
 9 Commissioner.
 10 MR. EATON: Oh, you are? Okay. I
 11 didn't know that.
 12 THE CHAIR: What's this about
 13 identification. What's the difference between
 14 Building Inspector and Building Commissioner?
 15 MS. SKOWYRA: Basically, the Building
 16 Inspector isn't really a technical term. The
 17 title the State offers is either Building
 18 Commissioner or Inspector of Buildings. The
 19 person who would an Assistant Building Inspector
 20 if referred to as a Local Government Inspector.
 21 THE CHAIR: Oh, okay. So in any of
 22 our decisions we should say Building
 23 Commissioner instead of Building Inspector?
 24 MS. SKOWYRA: Yes.

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1 THE CHAIR: We all know who we mean.
 2 MS. SKOWYRA: Right.
 3 THE CHAIR: We might as well
 4 be correct.
 5 MS. SKOWYRA: The official title is
 6 Building Commissioner.
 7 THE CHAIR: Okay, Thanks. Thanks for
 8 that question, too, Don. Moving on. On C27 --
 9 MR. MacEWEN: Just read the
 10 beginning, my numbers are --
 11 THE CHAIR: It's like three or four
 12 down from where we were. "The applicant shall
 13 not increase the square footage of the existing
 14 structures on the site." I'd put a period
 15 there. And delete the rest of it. What we're
 16 deleting is the part that says, "without further
 17 amendment to the special permit pursuant to the
 18 requirements of the zoning bylaw."
 19 MR. MacEWEN: Is that precluding that
 20 he can't add anything to the building by the
 21 permit?
 22 THE CHAIR: It's not precluding that
 23 they could come back in and request an amendment
 24 if they wanted to, which is what we have right

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1 now. They are precluded unless they come in for
 2 an amendment. I'm just suggesting that we --
 3 MR. BROWN: I think the only thing we
 4 would see adding is like a portico over a
 5 doorway or something, like to give a cover to an
 6 entrance. We don't see any square footage. I
 7 mean, we haven't quite designed it all. The
 8 doorways as they are right now don't give you
 9 cover from the rain, but it's architectural. It
 10 wouldn't be significant to the building. For
 11 instance, not all entrances are handicapped
 12 accessible. So we might have a modification to
 13 the entrances.
 14 MR. EATON: But that wouldn't be a
 15 structure, per se.
 16 MR. FLICK: It wouldn't be adding any
 17 square footage.
 18 THE CHAIR: Brianna, would it add
 19 square footage if they covered a walkway to make
 20 it more handicap accessible?
 21 MS. SKOWYRA: No.
 22 THE CHAIR: Okay. Would you take any
 23 comfort if we were saying no square footage, but
 24 if they came and they wanted to add this

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1 covering to make it more handicap accessible.
 2 Would you take any comfort if we had a condition
 3 that said this shall not preclude covering
 4 doorways to make them more handicap accessible?
 5 Does that help you at all or do you find that
 6 not necessary?
 7 MS. SKOWYRA: I don't think it's
 8 necessary.
 9 MR. FLICK: I think addressing
 10 handicap accessibility or protection of egresses
 11 and ingresses from the elements. To have a
 12 cover so you don't have snow and ice right up to
 13 the main entranceway so people have safe
 14 passage.
 15 MR. MacEWEN: So do you perceive just
 16 canopies or closed foyer?
 17 MR. GRIMMER: Something like that.
 18 I'm not sure of the architect's --
 19 MR. FLICK: Or like a portico that
 20 comes out eight or ten feet to cover the
 21 sidewalk that's already there, but you're not
 22 adding any square footage.
 23 MR. GRIMMER: Where there are stairs
 24 today we'd take the stairs up and put a ramp in.

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1 It could extend 30 feet or something. You need
 2 something. We have to take care of those issues
 3 because the DPH is going to make us.
 4 THE CHAIR: That came up during the
 5 hearing that there could be some modifications
 6 needed to make entrance and exits handicap
 7 accessible. That came up during the hearing.
 8 Our Building Commissioner is saying that it's
 9 not an issue that we need to worry about
 10 relative to square footage. She doesn't need
 11 the condition. Why don't we just leave -- you
 12 know, not try do something that we don't need to
 13 do. I would still take out about the amendment
 14 part. So what I'm calling C27 --
 15 MR. MacEWEN: The presumption is if
 16 they're going to make a change they have to make
 17 an amendment and that's understood versus taking
 18 out without further amendment to this special
 19 permit. Take out --
 20 THE CHAIR: So just end the sentence
 21 with the word "site" and then delete "without
 22 further amendment to this special permit
 23 pursuant to the requirements of the zoning
 24 bylaw."

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1 MR. EATON: Agreed.

2 THE CHAIR: Is that okay, Brian?

3 MR. MacEWEN: I'm leaning towards

4 keeping "without further amendment to this

5 special permit." I don't need "pursuant to the

6 requirements of the zoning bylaw." I don't know

7 if leaving off "without further amendment to the

8 special permit" dramatically changes the intent

9 of what you're trying to saying.

10 THE CHAIR: No. It tightens it up so

11 that we're talking about where we're not

12 anticipating growth. We're talking about the

13 square footage and we're talking about the

14 number of beds. When you add the words "without

15 further amendment" I think that could be

16 perceived as an invitation to come in, you have

17 to go through the process, but we're

18 anticipating that there could be.

19 MR. MacEWEN: We said that in other

20 parts of our conditions.

21 THE CHAIR: No, we've taken that out.

22 MR. FLICK: Right. We have a legal

23 right under Chapter 40(a) to come in to seek

24 amendment to the special permit should we deem

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1 it necessary to do so. Taking the language out,

2 I think, as long as it's reflected in the record

3 that you're not cutting off our statutory right

4 to come in for amendment, which you can't do

5 anyway. It's just simply removing superfluous

6 language because we have that salutary right

7 anyway.

8 THE CHAIR: Yes.

9 MR. MacEWEN: Don?

10 MR. EATON: I agree.

11 MR. MacEWEN: Thank you.

12 THE CHAIR: Okay, so we're all agreed

13 on that?

14 MR. EATON: Yes.

15 THE CHAIR: Brian, that's good?

16 MR. MacEWEN: Yes.

17 THE CHAIR: Okay. The next one,

18 which is C28, it starts "The outpatient aspect

19 of the facility."

20 MR. FLICK: Where are we now?

21 MR. MacEWEN: The very next item.

22 THE CHAIR: Yeah, it's the very next

23 item. It starts, "The outpatient aspect of the

24 facility." Currently it says, "shall only

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1 operate from 8:00 A.M." and it continues. I

2 would delete the word "from" and replace it with

3 the words "between the hours of." We're not

4 actually requiring them to be operating 12 hours

5 during the week, but we're giving them that

6 window to operate in.

7 MR. EATON: Yes.

8 MR. MacEWEN: Yes.

9 THE CHAIR: Is that okay with you,

10 Don?

11 MR. EATON: Yes.

12 MR. MacEWEN: "Operate between the

13 hours of 8:00 A.M. to 8:00 P.M. Monday through

14 Friday and 8:00 A.M. to 4:00 P.M. on Saturday

15 and Sunday."

16 THE CHAIR: Yes, that's what I'm

17 proposing. Is that okay?

18 MR. MacEWEN: Yes.

19 MR. EATON: Yes.

20 THE CHAIR: By the way, I hope you

21 don't consider any of these proposals motions or

22 anything like that because a Chair doesn't make

23 motions.

24 MR. EATON: I'm aware of that.

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1 THE CHAIR: I know you are. I just

2 wanted to make sure everybody else is.

3 I think on C29, which is the next

4 one, there's 105 CMR 750.000. I think we need

5 to add a comma and then replace the word "or"

6 with "nor shall they include" just to make it

7 clearer. We're talking about "services provided

8 at the site shall not include outpatient

9 methadone detoxification or outpatient methadone

10 maintenance services, licensed as and defined

11 pursuant to a methadone treatment program by the

12 Massachusetts Department of Public Health under

13 its regulations at CMR 105 750.000, nor shall

14 they include other similar outpatient medication

15 assisted treatment." Which is what we discussed

16 the last time.

17 MR. EATON: So the emphasis is on the

18 outpatient.

19 THE CHAIR: Yes, this is limited to

20 the outpatients because I think we understand

21 that methadone or similar substances could

22 actually be used for the inpatient resident.

23 MR. MacEWEN: Did we determine that

24 that regulation is a correct reference?

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1 THE CHAIR: No.

2 MR. MacEWEN: I'm asking the

3 applicant if he's familiar.

4 MR. FLICK: Yes, it's correct.

5 THE CHAIR: Don, is that okay?

6 MR. EATON: Yes, that's fine.

7 THE CHAIR: Brian, is that okay with

8 you, too?

9 MR. MacEWEN: Yes.

10 THE CHAIR: Okay. On C31, we have

11 that down as the tree clearing issues and I have

12 "see my notes." We need to get that esthetic

13 condition in there.

14 MR. FLICK: You already address that.

15 THE CHAIR: Did we get it already?

16 Do we have it in?

17 MR. FLICK: We addressed it in the

18 fact that --

19 THE CHAIR: We had talked about, I

20 think at our first discussion, "commercially

21 reasonable steps to maintain or improve current

22 esthetics on the property will be consistent

23 with surrounding residential agricultural

24 properties." We may not have that in there yet.

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1 That's why you said see Maryann's notes.

2 MR. MacEWEN: Okay.

3 THE CHAIR: Basically, just to kind

4 of move this along, "There is a requirement to

5 use commercially reasonable steps to either

6 maintain or improve the current esthetics of the

7 property to be consistent with the surrounding

8 residential agricultural properties."

9 MR. MacEWEN: Sounds good to me.

10 THE CHAIR: Yes, we had decided on

11 that before.

12 MR. EATON: I don't know if this is

13 the wording and you expanded it, but it was in

14 there earlier in the discussion.

15 THE CHAIR: Yes. What you have is,

16 "Applicant shall maintain the property in a

17 manner consistent with the bucolic, rural,

18 residential and agricultural esthetic." That's

19 nice, too.

20 MR. EATON: It's shorter.

21 THE CHAIR: Why don't we use that

22 one.

23 MR. MacEWEN: Was that in one of the

24 discussions?

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1 THE CHAIR: Yes.

2 MR. EATON: Yes, it was. I didn't

3 make it up.

4 MR. MacEWEN: But I don't have it in

5 as a discussion item.

6 THE CHAIR: All right. For now we're

7 talking about tree clearing.

8 MR. MacEWEN: See Don's notes.

9 THE CHAIR: Why don't we just say,

10 "Applicant shall maintain the property in a

11 manner consistent with the bucolic, rural,

12 residential and agricultural esthetic."

13 MR. GRIMMER: Good job, Don.

14 MR. EATON: I'll go by and see if

15 it's esthetic, rural --

16 MR. GRIMMER: And bucolic.

17 MR. EATON: And bucolic.

18 THE CHAIR: I know we need to add

19 that there's no discharge to the street. That

20 was one of the agreed upon conditions, but it's

21 not in there yet.

22 I'm just going to go through notes

23 that we had from before to see if there's

24 anything else. I think I'm at the end

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1 otherwise. Can anybody think of any other

2 conditions we discussed or that you might want

3 to have?

4 MR. FLICK: Can we go back and take a

5 look at -- I don't know what your number is, but

6 mine is C27.

7 THE CHAIR: Okay.

8 MR. FLICK: I think it's redundant

9 with what we discussed at the beginning of our

10 project. It starts with, "The project shall not

11 substantively deplete the Town's water

12 supplies.." I think this one just needs to be

13 stricken.

14 MR. MacEWEN: How does that begin,

15 John?

16 MR. FLICK: "The project shall not

17 substantively deplete the Town's water supplies,

18 and the applicant shall comply with all

19 requirements and orders of the Town with respect

20 to use of water." I think we addressed that

21 earlier when we were talking about Town's

22 orders, etc.

23 THE CHAIR: You have that as C27?

24 MR. BROWN: Originally C24. Our C27,

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1 it might be your C28.

2 MR. FLICK: It's just prior to the
3 "The applicant shall not increase the square
4 footage of the existing structures on the
5 site..."

6 MR. MacEWEN: Yeah, I deleted the
7 entire condition.

8 MR. BROWN: That's why our numbers
9 have been off.

10 THE CHAIR: We're on the same page.
11 We need that global condition. Actually, I
12 don't think it's there, but we had talked about
13 it a lot the last time, like a global condition
14 at the beginning that they'll comply with all
15 rules, regulations, the whole gambit. It had
16 been in -- C20 was part of it, comply with all
17 "applicable federal, state, and local laws
18 federal state local laws, regulations, bylaws,
19 rulings and orders." I think you even added the
20 word guidelines. We talked about that last
21 time.

22 MR. MacEWEN: I think we had
23 something in the discussion about that, but I
24 don't know as we formulated a condition.

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1 MR. EATON: I don't find anything.

2 THE CHAIR: Well, then can we craft
3 one?

4 MR. MacEWEN: Yeah. I know we
5 discussed it. I'm just trying to bring up what
6 we had. D2, I think that's part of it. It
7 seems like we had more though.

8 THE CHAIR: Can we do that as
9 housekeeping when we just go through.

10 MR. MacEWEN: Sound good.

11 THE CHAIR: It's kind of a generic
12 condition to comply with applicable
13 requirements.

14 MR. MacEWEN: Probably go in like at
15 C3, right at the front of the conditions.

16 THE CHAIR: That sounds good to me.
17 Is that okay with you, Don?

18 MR. EATON: I'm not sure what I'm
19 agreeing to.

20 THE CHAIR: Okay, well, let's make
21 sure we know. It would be adding a new
22 condition and potentially deleting some
23 redundant language elsewhere that basically says
24 that a condition -- we make it a stand alone so

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1 it applies to everything. They comply with
2 applicable federal, state, local laws, rules and
3 regulations, all the different ways that there's
4 some requirement that's imposed including
5 guidelines.

6 MR. EATON: Okay.

7 THE CHAIR: They need to anyway. I
8 think it's just sort of making it clear.

9 MR. EATON: Sure, put it in.

10 THE CHAIR: It also supports the
11 concept of the being a well managed facility and
12 so forth. It will be help shorten up in other
13 places where we repeat something.

14 MR. MacEWEN: C2, can we beef that up
15 or do you want it to stand alone?

16 THE CHAIR: C2 says what?

17 MR. MacEWEN: "As well as all
18 applicable federal, state, local regulations."

19 MR. FLICK: I don't see a problem
20 with adding a condition that says "The
21 applicant's use of the site shall comply with
22 all federal, state, and local laws, bylaws,
23 decisions, order, guidelines," etc.

24 MR. EATON: Which is at the end,

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1 right?

2 THE CHAIR: I'm sorry, what was your
3 question, Don?

4 MR. EATON: I said, that's at the
5 end; is that right?

6 THE CHAIR: I suggest we move it up
7 closer to the front.

8 MR. MacEWEN: Put it in the first.

9 THE CHAIR: It could go at the end,
10 too.

11 MR. BROWN: It could be the closer.

12 THE CHAIR: It's a nice closer.

13 MR. EATON: I'm agreeable to that.

14 THE CHAIR: Don's agreeable if it's
15 at the end. That's agreeable to me, too.

16 MR. MacEWEN: Okay.

17 THE CHAIR: One of the things we had
18 agreed on, but I'm not sure if it got into the
19 draft as it is, is this idea that the applicant
20 maintain -- Roy, make sure I say the right title
21 please. We have an Administrative Coordinator,
22 right, that's what we have? "The applicant will
23 maintain with the Town of Petersham's
24 Administrative Coordinator the following." I

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1 think we have some of this, but do we have it
 2 all?
 3 MR. MacEWEN: C23.
 4 THE CHAIR: Do we have that it's the
 5 name and contact information for their
 6 administrator. "This information is for
 7 purposes of general communication and/or
 8 emergency contact. Current copies of DPH and
 9 DMH operating licenses."
 10 MR. EATON: No.
 11 THE CHAIR: Yeah, I think we missed
 12 part of this, but we had actually agreed to it.
 13 We said, "An organizational chart showing the
 14 Quabbin Retreat's chain of command. In
 15 addition, the Town shall be included on the
 16 on-call distribution list." Are we still
 17 agreeable to those items?
 18 MR. MacEWEN: We're going to add that
 19 to the one that says, "Applicant will maintain
 20 with the Town's Administrative Coordinator..."
 21 THE CHAIR: Yes, it can all go
 22 together.
 23 MR. EATON: Is that C23?
 24 THE CHAIR: I know the numbering has

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1 changed. It's a little hard with the different
 2 drafts.
 3 MR. BROWN: So what is it now?
 4 THE CHAIR: You don't remember?
 5 MR. GRIMMER: He wasn't here that
 6 night.
 7 MR. BROWN: I wasn't here that night.
 8 You want a list of everything?
 9 MR. GRIMMER: They want a list of
 10 contacts in case.
 11 THE CHAIR: And copies of their
 12 current licenses.
 13 MR. BROWN: We can do that, but we
 14 don't do that even for our hospitals. The fact
 15 that you want that, although it's not
 16 necessarily unreasonable, it's not necessary.
 17 MR. FLICK: It's a public record.
 18 MR. BROWN: It's a public record. We
 19 run hospitals, right. We don't provide Gardner
 20 or Athol with any of that. It's posted in our
 21 facilities by law so when you walk in the front
 22 door you see it.
 23 THE CHAIR: But you don't mind
 24 providing it. It's a public record anyway.

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1 MR. BROWN: It is, but it's just one
 2 more thing that someone has to remember to send
 3 to the Town.
 4 THE CHAIR: Well, if you forget we'll
 5 remind you.
 6 MR. BROWN: Okay.
 7 THE CHAIR: So It's A, B, C and D
 8 basically.
 9 MR. MacEWEN: Yes, I'll add that in.
 10 THE CHAIR: It's just nice for a lot
 11 of purposes. It's for the transparency and
 12 information in a nice central location. Okay,
 13 that's the write-up of it.
 14 Just bear with me, I'm just trying to
 15 get through a lot of different notes. Do we
 16 have something in there that talks about that
 17 they're going to have that Community Advisory
 18 Board. I know it's not a condition. Did we
 19 have that in there, that that was part of what
 20 they were --
 21 MR. MacEWEN: D12, we didn't put any
 22 meat into it.
 23 THE CHAIR: What does it say?
 24 MR. MacEWEN: Community Advisory

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1 Committee.
 2 THE CHAIR: Just those words?
 3 MR. MacEWEN: "Combine with D7 and/or
 4 add more background on this item."
 5 THE CHAIR: Why don't we, where they
 6 mention about the PILOT, just turn that into a
 7 sentence in that location where we're saying
 8 that "The proposed PILOT includes the formation
 9 of a Community Advisory Group." It's a nice
 10 feature of the applicant's presentation, that
 11 they're planning to do that. We're not making
 12 it a condition, but it's part of the
 13 persuasiveness of their presentation.
 14 Okay. What do you have right now for
 15 D3?
 16 MR. MacEWEN: "There is no
 17 demonstrated need for the proposed services..."
 18 THE CHAIR: Specific to the Town
 19 residents?
 20 MR. MacEWEN: "Specific and exclusive
 21 to Town residents according to the data
 22 presented by the applicant with its
 23 application."
 24 THE CHAIR: Okay, and then it picks

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1 up, "However, certain..." Okay. All right. We
2 may need to do a little housekeeping with this,
3 but I don't have any other suggestions.

4 Since you all have hung in here with
5 us, thank you very much. Is there anything that
6 you feel like we did not cover in our
7 deliberation that you would like us to consider?
8 This is not reopening the record, it's just
9 based on what we've heard and what you listened
10 to. Any other thoughts. Roy?

11 MR. NILSON: Have you limited them to
12 having only one well in perpetuity, should they
13 have a need for a second?

14 THE CHAIR: I would say no because it
15 just talks about a well on the site.

16 MR. NILSON: A well.

17 THE CHAIR: It doesn't say the word
18 one. I would say no. It's the idea that their
19 source of water being from a well. All right.
20 Anything else. Mark?

21 MR. MARK: In the condition where it
22 talks about maintaining security at the site,
23 just remembering back to when the Chief was here
24 and I think the decision or the recommendation

1 hospital from the police station?

2 MR. GRIMMER: Maybe a mile, maybe a
3 mile-and-a-half.

4 THE CHAIR: I think here there's more
5 of a distance and there's also probably a
6 smaller police force.

7 MR. FLICK: Can I make a suggestion.
8 That this is something that's looked at as when
9 the annual reviews are done.

10 THE CHAIR: Paul, do you have
11 another --

12 MR. PAUL: I would imagine that they
13 have trained staff for restraint or other types
14 of things that regulations would require them to
15 maintain.

16 MR. GRIMMER: Yes.

17 MR. PAUL: I think in terms of what
18 Dana was talking about, I thought what he was
19 saying is that if you had to do something with a
20 patient or someone there that he, the police,
21 would use two people. I would imagine they
22 would have that.

23 THE CHAIR: I think you're bringing
24 up a point that was also part of that

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1 was made that there be, at minimum, two.

2 THE CHAIR: At minimum two security?

3 MR. MARK: Yes.

4 THE CHAIR: I remember that, yes.
5 What do we have on the condition there?

6 MR. MacEWEN: "The applicant shall
7 maintain trained security personnel on the site
8 at all times, 24 hours per day, 7 days per week,
9 365 days per year."

10 THE CHAIR: Mark is raising a good
11 point. The Chief did say that one person, in
12 his opinion, really would not be adequate, that
13 there should be a minimum of two. I don't think
14 that was countered in any way by the applicant.

15 MR. GRIMMER: If I had been there and
16 I remembered that I certainly would have
17 countered it. With all due respect to the
18 Chief, he doesn't understand healthcare. At the
19 hospital in Athol we have one security person
20 there all the time. Actually only 16 hours a
21 day. Even at the hospital in Heywood, night
22 shifts will have a single security officer for
23 the hospital in Gardner.

24 THE CHAIR: In Athol, how far is the

1 conversation which was that the applicant had
2 mentioned about how others at the site are
3 trained.

4 MR. GRIMMER: That's a very good
5 point. All the staff are trained as well as the
6 security.

7 THE CHAIR: So there is actually more
8 than one person on site who would be able to
9 help restore order prior to their involvement.

10 Why don't we add that, you know, as far as on
11 the review, like one of the matters that we
12 would specifically request to be reviewed is
13 whether the security is adequate. It's sort of
14 like a pointing to it, but it's not --

15 MR. FLICK: With all due respect, the
16 whole use is open for review at all of those
17 times. Saying that would be the same as saying
18 that we have the right to appeal or to amend
19 within the special permit.

20 THE CHAIR: Right. Where is that
21 security thing. Do you have somewhere in there
22 that it says adequate, do we have the word
23 adequate in there?

24 MR. EATON: I think it just says

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1 trained.

2 MR. MacEWEN: "The applicant shall

3 maintain trained security personnel..." That's

4 it.

5 THE CHAIR: How about they maintain

6 an adequate level of trained security personnel.

7 We won't put in a specific number. What

8 constitutes adequate can be part of the review

9 together with anything else. I think it

10 preserves that concept. If adequate is adequate

11 with what you've got then -- and we're not

12 artificially requiring them to add staff. It

13 makes sense that it be a condition that it would

14 be adequate.

15 MR. MacEWEN: Adequate or sufficient?

16 Will sufficient work? "The applicant shall

17 maintain sufficiently trained security

18 personnel..."

19 THE CHAIR: Do you like sufficient?

20 MR. MacEWEN: "At the site at all

21 times."

22 THE CHAIR: Don, do you like that?

23 MR. EATON: The way you find out

24 whether it's sufficient or not sufficient is at

1 THE CHAIR: You guys can decide. I'm

2 okay either way.

3 MR. EATON: Then we could get into

4 what trained means. Either word.

5 MR. MacEWEN: It doesn't bother me.

6 I don't disagree with maybe adding after the

7 days per year, extending that sentence, as

8 Maryanne suggested, to maintain.

9 THE CHAIR: Okay.

10 MR. MacEWEN: What do you want to

11 say, I lot my train of thought there.

12 THE CHAIR: Order and safety?

13 MR. EATON: That's fine.

14 MR. MacEWEN: That works for me.

15 MR. EATON: We'll use adequate.

16 MR. MacEWEN: That coming from the

17 gentleman who used that word that I never heard

18 before.

19 THE CHAIR: Bucolic. Okay. Anything

20 else? Seeing none. Anything else, Brian or

21 Don, do you want to discuss or deliberate?

22 MR. MacEWEN: No, I think we're done.

23 THE CHAIR: I think we've done an

24 adequate job.

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1 the review.

2 MR. MacEWEN: That's part of the

3 annual review process. Like Don is indicating,

4 everything is on the table at a review. If the

5 Chief feels they can't accomplish what they need

6 with what their staffing is at that time based

7 on his calls to the site, then obviously we need

8 to talk about it at that time. I don't think

9 putting a number on it is a good thing either.

10 I don't know these facilities any better than

11 anyone else.

12 THE CHAIR: Okay. Also, it's

13 something that management may look at even prior

14 to a review. It's not necessarily only going to

15 be something that they would address in a

16 review, it may be from their experience. They

17 may make modifications and it can get discussed

18 at the review. If it's sufficient, do we need

19 to add sufficient to what end. And it's

20 basically to maintain order and safety.

21 MR. EATON: I'd go with adequate

22 trained security personnel.

23 THE CHAIR: As opposed to sufficient?

24 MR. EATON: Yes.

1 MR. MacEWEN: More than adequate.

2 THE CHAIR: I would note that this

3 has taken quite a long time. We started back in

4 August and here we are in April. Kind of along

5 the way we've had amendment to the application,

6 we've had new material come into the

7 application, some modifications. We also hired

8 a consultant who, regrettably, passed away and

9 we had to start the search to find another

10 consultant to tackle a fairly substantial

11 question. This is a good size project and we

12 haven't seen this type in Town in anyone's

13 recent memory or ever. We've tackled some

14 pretty complicated stuff. Hopefully our time

15 has been well spent. I do think, and hopefully

16 the Town will, we served it well. So with that,

17 do I have a motion?

18 MR. EATON: I make a motion to

19 approve the application as submitted. Is that

20 enough?

21 MR. MacEWEN: Subject to?

22 MR. EATON: Subject to the conditions

23 that -- we haven't voted on the conditions,

24 maybe I'm jumping ahead here.

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1 THE CHAIR: Why don't you make your
 2 motion and we can go into discussion on it.
 3 MR. EATON: Okay. I make a motion to
 4 approve the application as submitted.
 5 THE CHAIR: Do I have a second?
 6 MR. MacEWEN: I second it.
 7 THE CHAIR: Okay. For discussion. I
 8 can't approve that motion because I think as
 9 submitted the application is not one that I
 10 could support. However, I do think that during
 11 the course of our deliberation we have
 12 collectively, as a Board, have come up with some
 13 discussion points, findings and conditions that
 14 if those were moved as the basis for allowing
 15 the application I could be comfortable. I think
 16 the applicant has indicated that the conditions
 17 that we've discussed are acceptable to them. I
 18 think members of the public that have
 19 participated have given us their input. We
 20 don't know for sure that we've got all the bases
 21 covered relative to making this not appealable.
 22 I think that the conditions -- I think the work
 23 that we've done with the draft decision is
 24 something I'd like to see as part of the basis

1 a motion for adjournment?
 2 MR. MacEWEN: Before we adjourn I
 3 would like to have a timeline when we have to
 4 finalize.
 5 MR. FLICK: Writing the decision?
 6 MR. MacEWEN: Yeah, getting this
 7 finalized.
 8 MR. FLICK: The 20-day appeal period
 9 starts ticking when it's submitted to the Town
 10 Clerk.
 11 MR. MacEWEN: Okay. So as soon as we
 12 can get that to her. I just wanted -- we've got
 13 a fair amount of going back and forth, making
 14 sure that all the changes get accepted between
 15 Town Counsel and what we've done and get it
 16 implemented properly.
 17 THE CHAIR: John, what would be your
 18 understanding of the deadline for filing the
 19 written decision with the Town Clerk?
 20 MR. FLICK: The decision's already
 21 been approved within the 90 days.
 22 MR. MacEWEN: So the May 13th
 23 deadline.
 24 THE CHAIR: I think we actually might

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1 for approval. I think that's really what you
 2 were asking, right, that kind -- or not, maybe
 3 you really want it as approved. I'm going to
 4 vote no on the motion as stated. Do you have
 5 another motion?
 6 MR. EATON: No. Maybe Brian does.
 7 MR. MacEWEN: I'd make a motion to
 8 amend Don's motion to basically approve the
 9 application subject to the discussion, findings
 10 and conditions that we have reviewed in the last
 11 three to four meetings that we deliberated in
 12 with all edits and changes and minor
 13 wordsmithing to be forthwith completed for a
 14 complete package for the approval of the
 15 application.
 16 THE CHAIR: Do we have a second?
 17 MR. EATON: Yes. I second.
 18 THE CHAIR: Any discussion? Hearing
 19 no discussion, all in favor?
 20 MR. MacEWEN: Aye.
 21 MR. EATON: Aye.
 22 THE CHAIR: Aye. Okay.
 23 Congratulations. Is there any other business to
 24 come before the Board? Hearing none, do I have

1 be needing to get the written decision signed.
 2 MR. FLICK: I would suggest in the
 3 interest of time having the signed written
 4 decision filed by the Town Clerk by May 12th.
 5 You don't need a subsequent meeting to sign the
 6 decision. You can sign it each individually
 7 going to the Town Clerk's office. If there are
 8 any substantive changes that would require
 9 discussion.
 10 THE CHAIR: Okay. So by May 12th we
 11 should have a signed decision and preferably
 12 filed with the Town Clerk. I think as long as
 13 we've signed it we're probably covered. She
 14 only has hours on Mondays.
 15 MR. EATON: Let's try to get it to
 16 her a Monday before May 12th.
 17 MR. FLICK: That would be May 11th.
 18 THE CHAIR: May 11th.
 19 MR. FLICK: That's May 4th, that
 20 would be Monday.
 21 THE CHAIR: I think we're closed.
 22 Anything else before we adjourn? Okay. Do I
 23 have a motion to adjourn.
 24 MR. MacEWEN: I make a motion to

1 adjourn.
2 MR. EATON: Second.
3 THE CHAIR: All in favor?
4 MR. EATON: Aye.
5 MR. MacEWEN: Aye.
6 THE CHAIR: Aye.
7 (The hearing then recessed.)
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1 CERTIFICATION
2
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4

5 I, DENISE O'LEARY, hereby certify the
6 foregoing to be a true and complete transcript
7 of the oral evidence presented at the subject
8 hearing.
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<p>1</p>	<p>29:3, 29:5, 29:12</p>	<p>43:1, 43:19, 74:5</p>	<p>65:17</p>	<p>17:1, 20:11, 22:12,</p>
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