



April 22, 2016

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BY ELECTRONIC AND FIRST CLASS MAIL

Jennifer Burney, Director of Land Use  
Town of Lincoln  
16 Lincoln Road  
Lincoln, MA 01773

Daniel Walsh, Building Commissioner  
Town of Lincoln  
16 Lincoln Road  
Lincoln, MA 01773

Trustees

Paula Vaughn-MacKenzie  
Administrative Assistant to the  
Planning Board  
Town of Lincoln  
16 Lincoln Road  
Lincoln, MA 01773

Counselors at Law  
Michael J. Puzo  
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Diane C. Tillotson  
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\*Joseph L. Bierwirth, Jr.  
\*Dennis R. Delaney  
\*Mark B. Elefante  
\*John J. Siciliano

Re: 16-22 Bypass Road, Lincoln, MA

Dear Ms. Burney, Mr. Walsh and Ms. Vaughn-MacKenzie:

Dr. Levendusky, Michele Gougeon and I appreciated the opportunity to meet with Ms. Burney and Ms. Vaughn-MacKenzie last week in your beautiful, new Town Hall about the McLean Hospital Corporation's ("McLean") proposed use of the above referenced property. As we discussed, McLean has an accepted contract to purchase the property and intends to use the premises for an educational therapeutic program for up to 12 young adult clients, ages 15-21, who are participating in a program designed to enhance the development of their life skills through educational and therapeutic training.

We believe that the use in question is a permitted use in the Single Family Residence District (R-1) in which the property is located pursuant to section 6.1(g) of the Town of Lincoln Zoning Bylaw ("the Bylaw"), which provides that "religious or educational uses governed by G.L. c. 40A, §3" are permitted in the R-1 Single Family Residence District. As you know, McLean has successfully operated a similar program in Lincoln at 5 Old Cambridge Turnpike since 2010, which was recognized by the former Building Commissioner as a permitted use under Section 6.1(g) of Lincoln's zoning bylaw and G.L. c. 40A, §3. A copy of Mr. Midgley's letter of July 27, 2010 is enclosed. I am writing to request your written concurrence that McLean's

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Of Counsel

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†Also Admitted in NY  
•Also Admitted in MN & RI



proposed use of the above premises as described in this letter similarly meets the requirements of G.L. c. 40A, §3 as a non-profit, educational use.

The McLean Hospital Corporation is a non-profit corporation organized and operated by Partners Healthcare System, Inc. ("Partners"), a Massachusetts charitable umbrella corporation that includes charitable, scientific, educational, research and other institutions and entities including McLean. As the largest psychiatric facility of Harvard Medical School, McLean is a highly regarded educator in clinical psychiatry, widely recognized as an innovator in psychiatric care and research and provides a major training program for mental health clinicians.

McLean intends to use the premises at 16-22 Bypass Road for purposes of a transitional living program providing psychoeducational support for young adults struggling with mood disorders, anxiety and depression. All residents will participate in a highly-structured, closely supervised educational therapeutic program that offers a comprehensive state of the art curriculum integrating behavioral and cognitive skill building experiences to address each resident's mood, anxiety, and related issues. The Bypass Rd. program is carefully designed to provide a wide range of both individual and group skill building protocols. The objective of these competency enhancement exercises is to have residents actively participate and utilize their typically well above average intellectual capacities to acquire a full repertoire of adaptive life management skills that will optimize their capabilities to be fully prepared to productively engage in life opportunities available to them following completion of the program.

The residence will operate under the supervision of a minimum of 2 awake staff 24 hours a day, seven days a week. Residents will primarily be participating in onsite educational, therapeutic and related recreational activities. When off grounds, the residents will be accompanied and closely supervised by the program's well trained staff. The residence will be overseen by a multi-disciplinary clinical education staff including a full time board certified psychiatrist Medical Director and a licensed full time Program Director along with other appropriately credentialed educators and behavioral health practitioners.

All of the program's potential referrals will be carefully screened and evaluated to determine their capacity to make full use of the educational and

therapeutic services that are being offered. Only those that fully meet all of these requirements will be accepted into the program. Services provided in this program will be self paid and not the subject of either third party insurance or public funding. The average length of enrollment in the program is expected to be 90-120 days.

Traffic and related parking considerations for the program will be modest. Residents will not be allowed to have cars while in residence. All activities away from the residence will be supervised and clients will be transported to appointments and other activities in the program's attractive van. The vast majority of program staff work 8 hour shifts. During the work day (7AM-5PM) there will seldom be more than ten cars on the property and after hours and weekends usually fewer than six. The volume of commercial deliveries is expected to be low and will be limited to business hours. There is more than adequate onsite parking available to accommodate the projected parking needs; therefore, there will be no on street impact.

Section 3 of Chapter 40A provides that no zoning by-law shall "prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased...by a non-profit educational corporation; provided, however that such land or structures may be subject to reasonable regulations concerning the bulk and height of the structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

The use of premises for a group home/residence for mentally ill, mentally handicapped or persons with mental disability has long been recognized by Massachusetts courts as an educational use within the provisions of G.L. c. 40A, §3. See, e.g., Watros v. Greater Lynn Mental Health & Retardation Association Inc., 421 Mass. 106 (1995); GAAMHA v. Zoning Board of Appeals of Gardner, 401 Mass. 12 (1987). In this case, the residents will be managed by McLean Hospital, a leader in psychiatric education and a Harvard Medical School affiliate renowned for its contributions to the understanding of psychiatric disabilities and a leader in providing restorative and comprehensive education and opportunities for those struggling with those disabilities. We understand that any potential proposals for interior renovations will need to be submitted to the Building Department of the Town of Lincoln.



We accordingly respectfully request your written concurrence that the proposed use as a group home will be a use permitted as of right pursuant to section 6.1(g) of the Bylaw. Please let me know if there is anything further you need from me or the McLean staff in order to make this determination.

Thank you very much for your consideration of this request.

Sincerely,

Diane C. Tillotson

DCT/mac

cc: Michele Gougeon  
Philip G. Levendusky  
Stephen W. Kidder, Esq.



**TOWN OF LINCOLN**  
MIDDLESEX COUNTY MASSACHUSETTS

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**Earl D. Midgley, Building Commissioner**

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July 27, 2010

Ms. Diane C. Tillotson  
Hemenway & Barnes, LLP  
60 State Street  
Boston, MA 02109-1899

Dear Ms. Tillotson:

I am in receipt of your letter of July 23, 2010 with the information and explanation of the intentions of the McLean Hospital Corporation in their use of the single family residence at 5 Old Cambridge Turnpike, in Lincoln.

Pursuant to Section 6.1(G) of the Town of Lincoln Zoning By-Laws – Religious or Educational uses governed by G. L. 40A §3 are permitted in R-1 single family residential districts as a non-profit educational use.

In viewing this particular piece of property, it appears to be an ideal location – off the road by itself yet close beside Route 2 and Emerson Hospital. The house has 5 bedrooms and baths and is an ideal situation for this type of facility as I understand the intentions.

Sincerely,

Earl D. Midgley  
Building Commissioner

Cc: Timothy Higgins, Town Administrator  
Zoning Board of Appeals  
Planning Board