

TOWN OF LINCOLN
MINUTES OF THE PLANNING BOARD

MAY 24, 2016

TOWN OFFICES

PRESENT: Margaret Olson (Chair) (MO), Lynn DeLisi, (Vice-Chair) (LD), Richard Rundell (RR), Gary Taylor (GT), Steve Gladstone (SG).

STAFF: Jennifer Burney, Paula Vaughn-MacKenzie

7:00 PM PUBLIC HEARING, Section 18.5 Fence Permit: Codman Community Farms, 58 Codman Road, Parcel 161-23-0. Public Hearing for the extension of an existing fence to within twenty feet of a public way. 05/24/2016

LD Opened the Public Hearing.

Fan Watkinson, Trustee of the Codman Farm and Pete Lloyd, the Farm Manager appeared before the Board and presented the plan. Ms. Watkinson explained that the family at Codman Farm would like to extend their fence 23 feet to the stone wall which is the approximate lot line. The family has a toddler and is concerned with his safety. They have already had an incident where the toddler wandered into the road. The existing fence is a six feet high cedar fence that runs perpendicular to Codman Road and does not impede site lines. The fence will run approximately 90 feet from the house to the stone wall. Photos of the existing fence and the location of the extension were submitted to the Board.

The Board noted that a fence permit was required under Section 18.5 of the Bylaw because the fence will be located within twenty feet of Codman Road which is a public way and is higher than 3.5 feet. Appropriate notice was published in the Lincoln Journal and notices were sent to abutters. No abutter has come forward with any objections. Since all of Codman Farm is considered a Historic District, approval from the Historic District Commission will be required. An application will be reviewed by the Historic District Commission on June 7, 2016. The Board had no objections to the fence.

LD made a Motion to close the Public Hearing. SG Seconded. Passed 3-0.

LD made a Motion to approve a fence permit for the location, height, and materials presented subject to the approval by the Historic Commission. SG Seconded. Passed 3-0.

7:05 PM APPROVAL NOT REQUIRED, SECTION 2.0 OF THE RULES AND REGS GOVERNING THE SUBDIVISION OF LAND AND LAYING OUT OF WAYS: Hawkins, 69 Page Road,

Parcel 146-3-0. Request for endorsement of an ANR plan to subdivide a lot which will create a new building lot. 5/24/2016

David Crispin, PLS, from BSC Group appeared before the Board and presented the plan. Mr. Crispin explained that this is a request for endorsement of a plan that divides 69 Page Road to create one additional building lot. The new lot will contain 84,647 square feet and the remainder of the lot is 10 acres. The new lot has more than the required 120 feet of frontage required by the Zoning Bylaw Section 6.5.3. The required frontage is on Page Road which is a public way.

Mass General Laws Section 81L provides that the division of a tract of land into two or more lots is not a subdivision for purposes of the Subdivision Control Law if each proposed building lot fronts on a qualified way and has the required frontage as specified in the Subdivision Control Law. The division of 69 Page Road is not a subdivision for purposes of the Massachusetts Subdivision Control Law.

The Plan also complies with Section 2.0 of the Town of Lincoln's Rules and Regulations governing the Subdivision of Land.

1. The date of submission is May 24, 2016.
2. Identification of the plan by name of owner of record and the names of abutters are shown on the plan.
3. The location of all structures, ways, easements, and the extent of any residue of the land divided is shown on the plan.
4. The statement "Approval Under the Subdivision Control Law Not Required" and sufficient space for the date and endorsement of the Board is detailed on the plan.

69 Page Road was originally part of a large tract of land which was subdivided into four lots. The deed to the owner of record Deborah Hawkins dated August 30, 2000 contained the following restrictions:

1. The original large parcel of land could never be subdivided into more than 6 lots.
2. For a period of ten years from the date of the deed, the land designated as 69 Page Road could only be subdivided into four lots. This restriction lapsed in 2010.

The Board noted that there are now five total lots subdivided from the original parcel. A Corrected and Restated Restrictive Covenants for 69 Page Road dated March 17, 2003 placed a conservation Restriction on a portion of the land at 69 Page Road. This Conservation Restriction does not affect the area of the new lot. Mr. Ken Bassett, trustee of the Rural Land Foundation noted that this new lot would be a good addition to existing Conservation Land and would be desirable to protect the streetscape. PV-M stated that she has reached out to Geoff McGeon about the ANR plan at the request of Mr. Bassett to make the Rural Land Foundation aware of the available lot.

RR made a Motion to endorse the ANR plan as presented. LD Seconded. Passed 5-0.

7:15 PM DETERMINATION OF MINOR CHANGE, Section 17 Site Plan Review: Care Dimensions, 121, 129 Winter Street, Parcels 167-1-0, 167-2-0, 167-3-0, & 167-4-0.

Determination of Minor Change for changes to an approved site plan. 5/24/2016

Al Crepeau, EGA Architects appeared before the Board on behalf of Care Dimensions. Mr. Crepeau previously submitted a list of changes to the approved plan to the Board on April 12, 2016. At that meeting, John Vancor, the Town's engineering consultant provided a letter outlining five concerns and the Board requested that Care Dimensions revise their plans to address Mr. Vancor's concerns. Mr. Joel Freedman, Chair of the ZBA had also detailed his concerns with the main entrance configuration and rumble strip and the color of the gate at the service entrance. Finally, there were inconsistencies in the plans that were raised by the Planning Board staff. The Board continued the hearing so that Care Dimensions could revise their plans to address all the issues.

The Planning Department staff held a meeting on May 5, 2016 attended by the Care Dimensions team, John Vancor, Jennifer Burney, and Paula Vaughn-MacKenzie to review the revised plans.

Mr. Crepeau submitted a revised set of plans dated May 13, 2016 which addressed all of the outstanding issues as follows:

1. The note regarding the stone wall was changed from boulder to fieldstone. See sheet C4.1
2. The inlaid granite at the main entry gate was redesigned. Beals + Thomas state that a detail will be submitted by John Vancor to Elizabeth at B+T.
3. The detail of the granite inlay is consistent on sheets C4.1, C5.1, C6.1, L-2, L-3, and L-12.
4. The detail of the emergency gate is shown as all black as originally requested by Joel Freedman but the note states that the color will be a color acceptable to the Town of Lincoln. This will give the Town some flexibility to address the safety concerns raised by John Vancor in the May 5, 2016 meeting. Beals + Thomas will forward to the Town shop drawings from the contractor for final approval of the color.
5. The add/delete section allowing the change of the stone walls to block has been deleted. See Sheet L-1. A note was added to L-1 stating: THESE PLANS DO NOT INCLUDE ANY INVASIVE SPECIES.
6. Plantings around the transformer have been revised to reflect a columnar evergreen variety that will grow approx. 5 feet wide by 12 feet tall.
7. Beals + Thomas will maintain the proposed concrete collar specification. Mr. Vancor agreed that this was an acceptable method to prevent slippage of the up-gradient pipe.
8. John Vancor has submitted a letter stating that his drainage concerns have been addressed.

The Board noted that Mr. Freedman had noted his approval via a telephone conversation with the Planning Staff and John Vancor on May 5, 2016.

The Board asked if there were any comments from the public. There were none.

RR made a Motion to determine the changes presented at the April 12, 2016 meeting and the revised changes presented at this meeting as minor changes to the approved site plan. GT Seconded. Passed 5-0.

RR made a Motion to approve the changes as detailed in the revised plan set entitled Hospice Care Facility in Lincoln/Waltham, Massachusetts Revised Per Town Comments May 13, 2016. SG Seconded. Passed 5-0.

The Board noted that a pre-construction meeting is scheduled for May 27, 2016 in the Town Offices. The Planning Director is reviewing the Construction Mitigation Plan in preparation for the meeting.

PV-M requested that Care Dimensions submit to the Planning Office all approvals that had been required from Waltham and Cambridge. Mr. Crepeau stated that he would. The applicant is still in the process of obtaining a curb cut and an engineering review from Waltham and will forward those final approvals when received.

7:30 PM PUBLIC HEARING CONT'D, Section 17 Site Plan Review: Zeis Lincoln One LLC, 0 Lexington Road, Parcel 144-19-0. Site Plan Review to construct a new home. 5/24/2016

Mr. Zoltan of Zeis Lincoln One LLC and Paul Mahoney, the architect for the project appeared before the Board. At the initial meeting held on May 12, 2016, the Planning Board reviewed the project. After much discussion and abutter input, MO suggested that the main issue raised is whether or not relocating the driveway makes a substantial improvement to the property. MO noted that if the driveway is moved to the far right corner and the garage stays on the left side, then there will be a great increase in impervious pavement and landscape areas would have to be eliminated. Clearly, no one thinks that is a good solution. If the garage is flipped to the right side, Mr. Juhasz contends that there will be a 13 foot drop in elevation to create a garage under which is too steep for a driveway. In order to evaluate the conditions, the Board decided to conduct a site visit on Saturday, May 21, 2016 and continue the public hearing.

The Board noted that in preparation for the site visit, the applicant had the house staked out and a balloon which showed the height of the structure. During the site visit the Board viewed the proposed driveway opening and alternative plans for the driveway. The retention of large trees was discussed and a resolution was proposed to reduce the driveway from 14 feet to 12 feet and center the opening between two mature trees. Native species will be added along the edge of the driveway. Primary access for construction will be limited to the far right corner of the property.

LD noted that her impression from the site visit was that a garage under on the right side was impractical and that keeping the driveway on the left and moving the driveway to the right corner would create a very large area of impervious surface and would require many more trees to be taken down. LD and SG noted that if the driveway was located between the two mature trees as proposed at the site visit, the view from the field would not be affected. Ken Hurd noted that the submitted plan did not accurately affect the new width of the driveway and the distance between the stone walls that will be located along the driveway. Mr. Hurd noted that he was concerned that the mature trees would not survive. Mr. Mahoney stated that with the decrease in the width of the driveway, there will be 8-10 feet between the stone walls and the trees which will be enough room for their survival. The Board next discussed the stone walls that line the driveway. Mr. Juhasz stated that there is a 2'4" cut from the highest point. Mr. Hurd stated his concern for the root system of the trees in light of this cut. RR noted that it may not be necessary to have the stone walls

continue to the street opening because the grade may not require a retaining wall there. Mr. Juhasz stated that the walls were to be constructed of dry laid stone and that if the part of the wall that abuts the street is not necessary then he would not build it.

RR requested that the applicant submit a site plan that accurately reflects the driveway location, topography, stone walls, and plantings. Ken Hurd suggested that sections be submitted and a plan that shows the driveway in a larger scale. Mr. Juhasz agreed to submit an accurate site plan and sections of the driveway as well as a plan that details the driveway in a larger scale.

SG made a Motion to close the public hearing. LD Seconded. Passed 5-0.

LD made a Motion to approve the changes as proposed subject to the submission of a revised site plan that accurately reflects the changes presented and details the driveway location, topography, stone walls, and plantings, two additional drawings that reflect cuts of the driveway, and a plan with a larger scale that will detail the driveway entrance. GT Seconded. Passed 5-0.

7:45 PM DETERMINATION OF MINOR CHANGE, Section 17 Site Plan Review: McLean, 22 Bypass Road, Parcel 109-16-0. Determination of Minor Change for changes to an approved site plan. 5/24/2016

LD recused herself explaining that she is a psychiatrist with a relationship with Harvard University as does McLean.

Attending for McLean were Philip Levendusky, Michele Gougeon, Andy Healey, and their attorney Steven Kidder. Mr. Levendusky gave an overview of the project. He explained that McLean does not intend to make any exterior changes to either 16 or 22 ByPass Road. The only change will be finishing the basement at 22 ByPass Road. McLean is submitting a plan that delineates spaces for 20 cars. 3 of the 20 cars will be housed inside the garage at 22 Bypass and 2 more of the 20 cars will be housed inside the garage at 16 ByPass Road. The parking plan shows 7 outdoor spaces at 16 ByPass and 8 outdoor spaces at 22 ByPass.

Mr. Levendusky explained that the program is psycho-educational for boys ages 15-early 20's. The capacity for the program is 12. The profile for the program is for boys having difficulty with depression, anxiety, low self-esteem, and bullying that can result in self-destructive and/or suicidal behaviors. The program will draw from across the country. The program will be highly structured and the boys will stay 60-120 days. They will be living and taking classes inside the house which will be fully staffed 24/7. There will never be less than two staff that will be fully awake on the premises. The boys will not be allowed to have cars. If they leave the house, they will always be supervised. None of the boys will have criminal records and there will be no court mandated clients. The program operates under an Early Education and Care (EEC) license which is issued by the Department of Education. Mr. Levendusky stated that McLean is recruiting high level staff for the program and that it is very similar to one that has been operating on the Mclean Campus for approximately 5 years that focuses on young women. The program consists of behavior and group therapy which is taught in a class environment throughout the day. The staffing will consist of a Program Director who will have a 40 hour a week position. A full time psychiatrist will be hired as well as a full time RN who will work Monday through Friday. There will be Group Community

Residential Counselors who are young adults between their Bachelors and Graduate School degrees and wish to gain experience in the field. During the day, there will be up to 7 teachers, and 5 clinicians such as social workers and psychologists. There will be almost a 1/1 staffing during the day. The afternoon staff will straddle the evening hours when another group of counselors will arrive. On the weekends there will be 5 counselors per shift along with a senior supervisor. There will be three shifts: 7am-3pm, 3pm-11pm, and 11pm-7 am. There will be no visitors allowed during the night shift.

Mr. Levendusky noted that the house at 22 ByPass is sized appropriately so that no additions are required except for finishing rooms in the basement. The adjoining property at 16 ByPass may be remodeled in the future to add meeting or classroom space. Mr. Levendusky stated that as many as 13 vehicles could be parked at any one time. The house van would be used to make Costco runs for the house once or twice a week. Food service from a restaurant in Lexington will deliver breakfast and lunch in the morning and will send a chef in the evening to cook supper.

Margaret Olson, Chair of the Planning Board next outlined the meeting process and how the Planning Board process will fit into the rest of the Town process for the considerable audience present for the meeting. She explained that there is an existing approved site plan for the new construction at 22 ByPass Road. Because there is a change in the parking, McLean submitted an application for a Determination of Minor Change to the approved site plan. There are no changes that materially change the footprint of the building or hardscape. The Planning Board has consistently considered such changes minor changes to an existing site plan which do not require a public hearing. Furthermore, the Planning Board does not determine whether or not the use is a permitted use under Chapter 40A, Section 3 of the Massachusetts General Laws. When the applicant applies for a Certificate of Occupancy, a determination will be made by the Building Inspector. The result of that determination will allow any party to appeal his decision to the Zoning Board of Appeals. The Board of Health has jurisdiction over septic issues and safety issues are determined by the Police and Fire departments. If anyone has concerns about such issues, there will be an opportunity to address them in front of the appropriate Board.

MO noted further that the Planning Board has authority to review parking and traffic under the Zoning Bylaw. The Board will discuss these issues here at this meeting and then discussion will be opened up to the public. The Planning Board will make a determination at this meeting as to whether the submitted changes are minor, in which case they can be reviewed and decided on tonight or whether the submitted changes are major, in which case they will be reviewed at a public hearing with proper notice to the abutters.

RR questioned the need to review the project at all since it seems like the use for parking and traffic may be more intense but that there are no physical changes to the site plan. MO responded that if the project had come before the Board initially, they would have addressed the parking and traffic issues. If the applicant was not specifying spaces along their driveway with paint, then the Board could still review traffic and circulation. GT suggested that this is a close call for the Planning Board. If a family moved in with a large family of teenagers who all had cars, the intensity of the use and circulation would be the same and he was wary of making a distinction between the two. MO suggested that the trigger for the conversation with the Planning Board was the traffic and she

noted that the parking of so many cars facing the abutting property to 22 ByPass could result in an adverse impact on the neighbor which should be reviewed. Joel Bard, Town Counsel noted that access to the properties was by an easement located between ByPass Road and the properties and stated that the Board could review circulation where the easement meets the public road. Circulation and traffic along the easement would be a private matter. SG agreed that the Town cannot mandate the use of a private way.

Attorney Michael Fee introduced himself as representing 18 abutters and neighbors. He agreed that the question of use would not be determined by the Planning Board. He suggested that under Section 17.4 of the Bylaw, the Board could review circulation and parking. He suggested that the impact to the neighborhood is significant and that the Planning Board review should not be treated as an amendment but as a new site plan review to look at issues of lighting and screening. He also disagreed with the Board of Health decision regarding the capacity of the septic system.

Joel Bard noted that the private easement area would not be in the jurisdiction of the Planning Board but that the Board could look at where it meets the public way. GT asked for Mr. Bard to clarify whether the proposed use would qualify as a residence. Mr. Bard responded that it is a hybrid use both residential and educational. For site plan review purposes, Mr. Bard was confident that a court would find that it is being used as a residence for the 12 people sleeping and living there.

The Board opened the discussion to the public. MO requested that each speaker not be interrupted and stated that everyone who wishes to speak will be given a chance to do so.

David Mrakovich, 26 ByPass Road.

Mr. Mrakovich stated that the access road is private and the increased number of cars would destroy the road which would be the responsibility of the other property owners. Daily traffic will result in the need for a major update to the shared driveway. Ernest Taylor Mrakovich, his son, stated that during the last two weeks, traffic has increased because of the possibility of the McLean project. He suggested that the Board conduct a traffic study.

Steven Kanner, 12 ByPass Road.

Mr. Kanner stated that exiting onto Bypass Road was already dangerous. At his end of the shared driveway, the early morning and evening commute hours were difficult. He stated that in the winter with the addition of snow, it will create a dangerous situation to access the public road. If the property was accessed from the other end then the cars will have to pass several properties. He thought this was problematic because there would be three shifts of staff coming and going.

Xiuhong Li, 32 ByPass Road.

Ms. Li noted that two vehicles can barely fit to pass each other and that the increase in the number of cars will be dangerous.

Doug Elder, 38 Brooks Road.

Mr. Elder asked if the change in use should have come before the Planning Board. The Board responded that the Planning Board does not make that determination. The Board also noted that any discussions that take place by the Board regarding a project must be done in a public meeting.

Benjamin Kanner, 12 ByPass Road.

Mr. Kanner stated that his home is at the highest point in the area and that they have a heated driveway because it is difficult to control a vehicle driving down the driveway in the winter. He stated further that is dangerous exiting onto the public road from his driveway. He suggested that the Board conduct a site visit to see for themselves.

Ernest Taylor Mrakovich, 26 ByPass Road.

Mr. Mrakovich questioned the ability of cars parked at 22 ByPass to turn around in the existing driveway. He also suggested that the Board conduct a site visit. Mr. Mrakovich stated that the parking plan shows the cars pointed towards his parents' property and therefore would directly impact them. Mr. Mrakovich stated that since the facility at 22 ByPass would be a lockdown facility, his parents would no longer be able to leave their windows and doors open. He also stated that the existing house at 22 ByPass would only be sufficient for a single family.

Dan McCarthy, 34 Brooks Road.

Mr. McCarthy stated that at the neighborhood meeting hosted by McLean, they had said that the residents would only leave the house if accompanied by staff. Mr. McCarthy believes that this is to protect the public and that he does not think that two security guards are enough to protect the neighborhood. He went on to state that McLean was putting the residents at serious risk and in fact a patient at McLean's had left a program there and then killed someone at Lincoln-Sudbury High School. He suggested that McLean would keep "incrementing" the Board and expand in the neighborhood.

The Board responded that safety issues are handled by the Police. SG asked that the discussion remain civil. The Planning Board's role is not to address safety concerns. The Board will however continue to listen to input from the neighbors until everyone has spoken.

JB noted that even under Section 6.2 of the Zoning Bylaw, a hospital would be a permitted use under a Special Permit from the ZBA. RR suggested that concerns that can be dealt with by the Planning Board should be the focus of this discussion.

Lisa Elder, 38 Brooks Road.

Ms. Elder wanted to know if the existing site plan could be rejected by the Board and/or would a challenge to the use qualifying as a Chapter 40A, Section 3 permitted use be the basis for rejecting the site plan. The Board responded that the question of whether or not the use qualifies as a 40A, Section 3 permitted use is not before the Board. The Planning Board has a very limited role in reviewing the site plan. If the use is challenged, it will ultimately be the Zoning Board of Appeals to make the determination. The question of use would not be the basis for rejecting a site plan.

Theoretically, the Board could reject a site plan but only in very limited circumstances such as incompleteness.

Sholeh Razavi, 19 ByPass Road.

Ms. Razavi proposed that McLean fence in the entire property especially since the neighbors were concerned with safety. The Board responded that they could require heavy screening but have never required a property owner to put up a fence.

Bob Domnitz, 21 Mill Street.

Mr. Domnitz suggested that McLean was attempting not to change anything in the existing approved site plan but stated that he expected the pavement to be expanded for the parking. In addition he asked McLean if they believed they could operate without signage. Mr. Levendusky responded that they do not have signs at the other property and will not have any signage associated with this property.

Mr. Domnitz went on to state that site plan review is a mitigation package and was predicated on residential use. He stated that this was the first time a property that has had site plan review changed the use and wondered what the Planning Board would have done differently if McLean had been the initial owner.

Benjamin Kanner.

Mr. Kanner stated that deliveries already get mixed up in the neighborhood and the addition of McLean as a neighbor would result in strangers knocking on neighbor's doors.

Michael Gurrie, 40 ByPass.

Mr. Gurrie questioned McLean's ability to use the parking area at 16 ByPass Road for the program at 22 ByPass even if they own both properties.

Arthur Anthony, 35 Brooks Road.

Mr. Anthony stated that having McLean in the neighborhood would be the same as having a prison. The McLean property would have residents who were unstable and medicated. He believes having a prison instead would be more normal. He further stated that Town Counsel was there to give legal cover to the Board.

The Board responded that whether or not the use is considered a residence or a hybrid residence/educational use that would qualify as a permitted use under Chapter 40A, Section 3 is not an issue that is before the Planning Board. The Planning Board's jurisdiction is restricted to parking, traffic, and screening.

Steven Kanner, 12 ByPass.

Mr. Kanner asked the Board to re-open the site plan review and asked if the use should be an integral part of the site plan review process.

MO explained that the property had already been through site plan review. The process going forward would be to determine if the proposed changes would be considered minor or major changes to the existing site plan. If the changes are determined to be minor then the Board can consider them and vote at this meeting. If the Board determines the changes to be major, then the review will take place at a public hearing with required notice given to abutters and published in a newspaper.

Jay Gregory, 46 ByPass.

Mr. Gregory stated that he thought the change in use mandates a full site plan review. He stated that there will be litigation and he suggested getting the issues out of the way so that the litigation could move forward.

Tim Christenfeld, 50 Old Winter Street.

Mr. Christenfeld asked how McLean can apply for site plan review if they do not yet own the property. The Board responded that this is common practice as long as the applicant and the owner sign the application. In this case, the owner has signed the application.

Robyn Laukian, 12 Smith Hill.

Ms. Laukian asked if 16 ByPass could be renovated for classrooms what can stop them from expanding the residential program or using the property to support other programs at McLean or using the property for fundraising etc. MO noted that if McLean decided to tear down 16 ByPass they would be subject to a new site plan review. Ms. Laukian asked what the Town of Lincoln does to monitor the use. Joel Bard stated that "use" is a general zoning enforcement issue and any complaint would go to the Building Inspector who would investigate.

Steven Kanner, 12 Bypass, asked if there was any way to restrict expansion at 16 ByPass. Mr. Bard stated that right now McLean is intending only to use 16 ByPass for parking. If that changes and any proposal triggers site plan review, then McLean would have to come before the Planning Board.

A gentleman then spoke without giving his name and stated that if he wanted to operate an educational facility for ISIS sympathizers or an ISIS training camp, would that be a permitted use under Chapter 40A, Section 3.

Michael Fee, Attorney for some of the abutters and neighbors asked that the Board conduct a site plan review for 16 ByPass Road as well.

Ernest Taylor Mrakovich, 26 ByPass Road.

Mr. Mrakovich asked if McLean had submitted a copy of their license to the Planning Board. Steve Kidder, attorney for McLean stated that a license is issued after the Certificate of Occupancy is granted by the Town. Mr. Mrakovich asked how a determination that the use will qualify as permitted under Chapter 40A, Section 3 can be made without reviewing the license.

Mr. Mrakovich noted that there have been no issues with the group home at 5 Old Cambridge but stated that this would be three group homes in this neighborhood and he feels that the Town of Lincoln has cut off this neighborhood. He asked the Board to look at the number of group homes in the Town and suggested that they will keep coming to Lincoln and are changing the nature of the Town.

Steve Durante, 7 Brooks Road.

Mr. Durante asked how large could McLean make the structure. MO responded that if they add on to the footprint, they would need to come back to the Planning Board and that the structure would be subject to the setbacks and other regulation of the Zoning Bylaw. Mr. Durante stated that he believed that it is likely that McLean will expand the structure.

Adam Knochowski, 36 ByPass.

Mr. Knochowski asked how many residents would be allowed at the McLean house. He also asked who is responsible for the damage to the shared driveway easement caused by trucks coming in.

Ted David, 5 Smith Hill.

Mr. David stated that he believed the approach by the Planning Board to the project should be holistic in nature. He stated that he believes that the facility is dangerous and would like all of the issues to have public input.

Benjamin Kanner, 12 ByPass.

Mr. Kanner stated that he heard the screaming of an adult women crying for her mother that he believes came from another group home. He is afraid of having men next door and that he would need to be the enforcer of the neighborhood. He stated that the neighborhood will be destroyed.

Sharon Antia, 165 South Great Road.

Ms. Antia stated that she was concerned hearing all of the fear in the room. She stated that the facts do not support the fear. Statistics show that people with mental illness are no more dangerous than the general population. People with mental illness are everywhere in our community and they live with us and are present in our everyday lives. She further stated that McLean was in a no win situation. If McLean stated that there was no need for locked doors or monitoring, the neighborhood would say they were irresponsible. If McLean is willing to have the residents monitored and chaperoned when they leave the house, then the neighborhood considers the residents dangerous and violent. It is not up to the Town to decide that McLean cannot operate another group home in the Town as that question has already been decided by the State Legislature.

Michael Fee, Attorney for the Abutters.

Mr. Fee stated that site plan review is required because of the change in use.

Jackie Drummond, 1 Brooks Road.

Ms. Drummond stated that she lives near Route 2 and is very aware of traffic safety issues. She believes that there was a major impact to the end of Brooks Road because of the Route 2 project which is the same issue here. She asked the Board to save the people and their families on ByPass Road from the same traffic safety impact.

Linda Kanner, 12 byPass.

Mrs. Kanner stated that she has a Masters in Social work and her close friend has a daughter who attended the girls program that is located on the McLean campus. She said that the daughter pulled a gun on her stepfather. McLean was unable to contain the child and that this is a dangerous situation. She stated that the neighbors are right to be frightened. She noted that 30 children play in the meadow that is accessible to all of the properties.

Mr. Tam, 11 Brooks Road.

Mr. Tam stated that he was frustrated with the discussion and thought the Board was trying to find a way to make this project not their problem.

Ernest Taylor Mrakovich, 26 ByPass.

Mr. Mrakovich thanked the Board for listening to everyone that asked to speak. He noted that everyone was frustrated including McLean who is in the business of helping people. He hoped that the Board would take the neighborhood's voice into account.

Michael Gurrie, 40 ByPass.

Mr. Gurrie stated that he and his wife use the shared driveway for a walking path and that the increase traffic from McLean would make walking there dangerous.

The Planning Board after hearing all of the public input discussed the project. RR noted that he was still confused as to why there was an application in front of the Board at all since no physical changes were being made to the site. He did understand that the applicant intends to use the premises in a different way and in that light could not support considering the parking change as a minor change. SG stated that the increase in traffic made it necessary for the Board to review the project in light of traffic safety concerns and would consider this a major ramification. LD noted that while she has recused herself from voting, her opinion is that there should be a full site plan review because there are major impacts to the neighborhood regarding traffic and lighting. GT noted that the traffic safety issue only pertains to the access to ByPass Road which is the public way and not traffic safety within the shared driveway easement. GT cautioned the Board not to inadvertently violate anti-discrimination laws and State law while they take the neighborhood concerns into account. MO noted that screening is also an issue. GT responded that he did not think there was a difference in the screening the Board would require for a strictly residential use or this hybrid residential/educational use. RR noted that he hoped that the neighbors would not be disappointed in what the Planning Board would ultimately review and decide. He suggested that there are cases to be made by the neighborhood in other places. The Board can review screening,

traffic, lighting, and parking. The Board will ask Town Counsel whether 16 ByPass should be included in the site plan review since there is nothing that triggers review in the Bylaw. Joel Bard will address the question of whether the process by the Board should be a major change to the existing site plan or a new site plan review.

RR made a Motion to determine the proposed changes to the existing site plan not to be minor changes and therefore require review at a public hearing. SG Seconded. Passed 4-0.

The Planning Board decided to conduct a site visit. Some members would try and visit the site during rush hour to determine the traffic at those hours. Other members of the Board will conduct a site visit on Sunday morning May 29, 2016 at 9:30am.

10:15 PM RR made a Motion to Adjourn. LD Seconded. Passed 5-0.

Submitted by Paula Vaughn-MacKenzie

Approved as amended June 14, 2016