

Manager Comments

Alta Behavioral Health LLC
400 Donald J. Lynch Blvd.

Special Permit Application
In Urban Affairs
April 29, 2024

City Council

From: City Council
Sent: Tuesday, April 23, 2024 5:39 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Mark Vital; Mark Oram; Mike Ossing; Robert Preciado; Sean Navin; Trey Fuccillo; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: Comment from Fire Chief Breen: Alta Behavioral Health, 400 Donald Lynch Blvd, Proposed Draft Decision

From: Kevin Breen <kbreen@marlborough-ma.gov>
Sent: Tuesday, April 23, 2024 5:36 PM
To: City Council <citycouncil@marlborough-ma.gov>
Subject: RE: Comment for Detox facility special permit to be heard next Monday in Urban Affairs

Hi Karen:

No comments from fire.

Thanks,

KJB

City Council

From: City Council
Sent: Tuesday, April 23, 2024 4:58 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Preciado; Samantha Perlman; Sean Navin; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: Comment from Police Chief Giorgi: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

From: David Giorgi <dgiorgi@marlborough-ma.gov>
Sent: Sunday, April 21, 2024 8:37 PM
To: City Council <citycouncil@marlborough-ma.gov>; Tin Htway <thtway@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Paul Dinwoodie <pdinwoodie@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Mike Ossing <atlarge_3@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jeremy McManus <jmcmanus@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: RE: 2nd: TO MANAGERS FOR COMMENT: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

Good Evening,

My initial concern regarding safety at the facility and the potential for outside congestion was addressed in D.8, in that the facility will be locked during hours of operation and the waiting area will be inside the facility to minimize the potential for loitering outside of the facility while waiting for an appointment.

Thank you,
D. Giorgi

City Council

From: City Council
Sent: Tuesday, April 23, 2024 5:01 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Preciado; Samantha Perlman; Sean Navin; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: Comment from Conservation/ Sustainability Officer Ryder: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

From: Priscilla Ryder <pryder@marlborough-ma.gov>

Sent: Friday, April 19, 2024 2:38 PM

To: City Council <citycouncil@marlborough-ma.gov>; Tin Htway <tthtway@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Paul Dinwoodie <pdinwoodie@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>

Cc: Mike Ossing <atlarge_3@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jeremy McManus <jmcmamus@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>

Subject: RE: 2nd: TO MANAGERS FOR COMMENT: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

To: Urban Affairs Committee

I have reviewed the draft Special Permit decisions and have no comments.

Thank you.

Priscilla Ryder

Conservation/ Sustainability Officer

140 Main St., City Hall, Marlborough, MA 01752 tel: 508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun

City Council

From: City Council
Sent: Tuesday, April 23, 2024 4:20 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Mark Vital; Mark Oram; Mike Ossing; Robert Preciado; Sean Navin; Trey Fuccillo; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: From Board of Health Director: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

From: Paul Dinwoodie <pdinwoodie@marlborough-ma.gov>
Sent: Monday, April 22, 2024 9:49 AM
To: City Council <citycouncil@marlborough-ma.gov>; Tin Htway <tthtway@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Mike Ossing <atlarge_3@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jeremy McManus <jmcmamus@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: RE: 2nd: TO MANAGERS FOR COMMENT: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

Good Morning all,

The BOH has reviewed the draft Special Permit decisions and have no comments.

Best,
Paul

City Council

From: City Council
Sent: Tuesday, April 23, 2024 4:56 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Mark Vital; Mark Oram; Mike Ossing; Robert Preciado; Sean Navin; Trey Fuccillo; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: Comment from Building Commissioner: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

From: Tin Htway <tthway@marlborough-ma.gov>
Sent: Friday, April 19, 2024 5:26 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: City Council <citycouncil@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Paul Dinwoodie <pdinwoodie@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jeremy McManus <jmcmamus@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: Re: 2nd: TO MANAGERS FOR COMMENT: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

I defer my comments to the City Solicitor for any determinations that their office may make in regards to any relief from use or dimensional requirements that the applicant may have to comply with.

Best Regards,

Tin Htway, CBO
Building Commissioner
Marlborough Building Department
140 Main St. 2nd Floor, City Hall
Marlborough, MA 01752
(508) 460-3776 option 3

City Council

From: City Council
Sent: Tuesday, April 23, 2024 5:14 PM
To: David Doucette; Don Landers; Donald Landers (donald_landers@msn.com); John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Mike Ossing; Robert Preciado; Samantha Perlman; Sean Navin; Teona Brown
Cc: Steven Kerrigan; Wilson Chu
Subject: Comment from City Engineer DiPersio: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Sent: Monday, April 22, 2024 7:49 AM
To: Tin Htway <thtway@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: City Council <citycouncil@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Paul Dinwoodie <pdinwoodie@marlborough-ma.gov>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jeremy McManus <jmcmamus@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: RE: 2nd: TO MANAGERS FOR COMMENT: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application

It would be helpful if the draft decision specified which dimensional requirements in 650-31(C) are not met (distance from what, and by how much?). Absent this information, I too will have to defer to the Solicitor as to whether the "Reasonable Accommodation" standard sufficiently applies.

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



City Council

From: atine tinelaw.com <atine@tinelaw.com>
Sent: Wednesday, April 24, 2024 8:11 AM
To: City Council
Cc: Karen Boule
Subject: Re: Comment from City Engineer: Alta Behavioral Health, Donald Lynch Blvd. - Proposed Decision on Special Permit Application
Attachments: Alta Behavioral - draft special permit 4-24-24.docx

**I hope this addresses the issue, please let me know.
The distancing requirement of subsection C of Section 650-31 is not met. Below is the text from that section.**

(2)

Within 1,000 feet of:

(a)

A school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;

(b)

A recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or

(c)

A park (as defined in § 517-2 of the Code of the City of Marlborough, as amended);

I added the bolded language to paragraph 9 in the revised proposed findings.

9. Applicant has requested a reasonable accommodation under State and Federal Law with respect to its proposed use at the Premises, specifically, relief from Marlborough Zoning Ordinance Article VI, Section 650-31 C, which imposes distancing requirements for the proposed use at the Premises, which may impair or prevent the proposed use due to the proximity of facilities of the type identified in subsection C of Section 650-31 of Article IV. **The Premises do not meet the distancing requirements of subsections C(2)(a) and C(2)(b) as the Premises will be located within 1000' of a school (Crossroads School Inc., 295 Donald Lynch Blvd, Marlborough, MA 01752) and likely a recreational facility (given the broad definition in § 517-2 of the Code of the City of Marlborough).**

Andrew J. Tine, Esq.
18 Maple Avenue, #267
Barrington, RI 02806
401-396-9002 tel.

PRIVILEGED AND CONFIDENTIAL

On Apr 23, 2024, at 4:51 PM, City Council <citycouncil@marlborough-ma.gov> wrote:

Dear Atty. Tine:

Thank you for the plans to be included in the draft decision for the Alta Special Permit as requested by President Ossing.
The plans have been distributed to all and will be included in the meeting packet.

In addition, I circled back to the City Engineer for a clarification to his comment below regarding dimensional requirements.
As requested by the City Engineer, please provide revised language that includes which dimensional requirements in 650-31(C) that are not met (distance from what, and by how much).
Again, I will include the additional language in the meeting packet.

Let me know if you have any questions or comments.
Thank you.
-Karen

Karen A. Boule, Secretary
Marlborough City Council
City Hall, 2nd Floor
Marlborough, MA 01752