

INSIGHTS + NEWS

Worcester Medicine publishes “Teaching as Healing”

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The Worcester District Medical Society published an article by Peter Martin in the November/December 2019 edition of its quarterly publication, *Worcester Medicine*. Below is an excerpt from the article.

In Massachusetts, the so-called “Dover Amendment” statute exempts from certain zoning restrictions uses of land and buildings for educational purposes. McLean Hospital Corporation proposed to site in Lincoln a residential program for young males with “emotional dysregulation.” A town commissioner’s determination that the proposed use was educational was challenged by several nearby residents before the town’s zoning board of appeals, which reversed the commissioner’s determination and ruled that the project was medical or therapeutic. Does the Dover Amendment construe “educational” so broadly that it encompasses a program addressing “emotional dysfunction”?

In *The McLean Hospital Corporation vs. Town of Lincoln & others*, the Massachusetts Supreme Judicial Court answered this question in the affirmative, ruling that the McLean Hospital program was not a conventional educational curriculum but a “skills-based curriculum” that fell within the Dover Amendment’s meaning of “educational purposes.” At the same time, the court rejected the Land Court’s analysis that the proposed program focused on “inward-facing skills” that address internal manifestations of symptoms of a mental disorder rather than “outward-facing skills” that improve individuals’ ability to engage in society. The SJC noted that the ability to cope with everyday problems is an educational process that also serves a therapeutic purpose. “We accordingly agree with McLean that, in situations of this type, an attempt to sever that which is educational from that which is therapeutic is ordinarily a rather futile exercise.

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