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December 12, 2022

Conservation Commission by e-mail to concom@wrentham.gov
79 South Street
Wrentham, MA 02093

RE: Sheldon Meadow Senior Living Community (SLC) (20 Hancock Street)
Sheldon West Senior Living Community (SLC) (1139 West Street)

Dear Chair Immonen, Members of the Commission and Agent Luce:

I am writing on behalf of myself and my wife Dyan Rook, long-time residents of 1170 West Street, Sheldonville. As the Commission proceeds with its review of the referenced applications, I ask that you give appropriate consideration to the following issues, among others:

* The abutter Pawtucket Water Supply Board (PWSB), by letter dated July 18, 2022, raised several questions as to how its interests might be affected by the proposed SLCs. Of particular concern to PWSB were onsite wastewater disposal design and maintenance, the design and maintenance of the stormwater system, and lawn care and waste managements practices for the sites. By follow-up letter dated December 6, 2022, PWSB stated that the applicant has satisfactorily addressed its concerns. PWSB is willing to accept, within an Order of Conditions, restrictions on the use of fertilizers, pesticides and other harmful contaminants, enforced through a Homeowner Association (HOA). PWSB is also amenable “to have a special condition granting the Town of Wrentham Conservation Commission to have oversight and approval of the integrity and quality of fill material brought onto the sites.”

It is encouraging that the concerns and questions of PWSB have been addressed to PWSB’s apparent satisfaction. But I think that what the applicant has offered, and PWSB is willing to accept, raises additional issues for this Commission to consider.

By the applicant’s own estimates, there will need to be just under 70,000 cubic yards of fill (more than 4,200 16-yard truckloads) trucked into the sites over a period of at least eight months. The initial applications estimated a construction period of 12-24 months. There is no information as to what company or companies will be used, the nature of the fill, or where that fill will be coming from. Since this amount of fill is a major project

expense, it is reasonable to assume that the applicant will try to do it at the lowest possible cost. The fill will be dumped at various locations over two sites which comprise at least 37 acres, some on portions of the sites within the jurisdiction of the Conservation Commission, and some outside the resource areas or buffer zones.

Is the Commission willing to accept the responsibility (and potential liability) of monitoring and inspecting more than 4,200 truckloads of fill, much of it outside the area of direct Conservation Commission jurisdiction? Who pays for that? How exactly will it work? To my knowledge, there has never been an application in Wrentham for a residential use that required that much fill to be trucked into project sites. That in itself speaks volumes to the complete unsuitability of the sites for the proposed use. Will the Commission know in advance which trucking companies will be used and where that fill is coming from? What reports and documentation will be filed?

To do this right will require a major expenditure of time and effort. Will every truckload be inspected, or will the inspection protocol just be “random sampling?” Will there just be quick visual inspections, or additional testing for chemical and other contaminants not be apparent from a cursory look? What will be the enforcement mechanism if violations are discovered? Will performance bonds or sureties be required if contaminant removal or site remediation is required, or does that become the Town’s problem as well? These issues need to be discussed and decided in advance.

It seems that if the inspections are random, infrequent and/or superficial, they will accomplish very little. This applicant seems very quick to try to delegate responsibility to either the Town of Wrentham or to the HOA. The applicant has stated for several issues, “that can be addressed with conditions.” But as Agent Luce noted at the last Conservation Commission meeting, contractors do not bid on an Order of Conditions. They bid on an annotated plan set. It is not apparent to me why this Commission should accept essentially full responsibility and possible liability for ensuring the quality and integrity of more than 4,200 truckloads of fill over at least eight months and at least 37 acres. It is not even apparent to me that it can effectively do so, considering its other responsibilities and limited resources. I caution the Commission against putting itself in a situation where, if something goes wrong, someone will point the finger and say, “Well, you should have caught that.”

* My personal and professional experience tells me that relying upon a HOA to properly enforce a Board or Commission’s decision can in many cases (certainly not all) be an exercise in wishful thinking. HOAs frequently are comprised of unit owners who lack the time, willingness, money and/or expertise to do so. If an HOA is financially strapped, as many are, it may not be willing or able to hire a professional property manager. Given a choice between raising unit owner monthly fees, imposing special assessments, or “deferred maintenance,” I believe most choose deferred maintenance or “looking the other way.” Residents of a condominium development are not hunting for ways to spend more money or enforce Bylaws or permit conditions against their

neighbors. Some do an excellent job; some do not. The smaller the number of unit owners paying HOA fees, the higher the risk that proper maintenance is not done. I served for years on a Condominium Association and have had extensive professional involvement with them. In my opinion, this is the reality of HOAs. Has this Commission even seen a proposed set of HOA Rules and Regulations? And if the HOA wishes to amend its Rules and Regulations, will this Commission require that it review and approve those changes first? Otherwise, what is to keep the HOA from changing the language and weakening or even eliminating the protections in permit conditions, without you even knowing it?

In my opinion, delegating critical oversight and enforcement responsibilities to HOAs sounds like a better solution than it frequently is. There is a lot at stake here - protecting the interests of the residents of the sites and abutting properties; and protecting the water supply for more than 130,000 people in Rhode Island as well as potentially the entire population of Wrentham if the abutting Burnt Swamp Road site (now identified as the "optimal site") is selected for the West Wrentham Town Well. There is little margin for error.

* While removing the undersized culverts and "earthen dam" by daylighting the perennial stream sounds like an excellent idea, it will also alter existing drainage characteristics and increase the volume of water flow and drainage directed off-site. It also will alter the recharge to groundwater on the project sites. Without knowing all the details, I respectfully request that the Commission fully evaluate possible impacts on down gradient properties and assess compliance of this proposed action with all applicable stormwater management regulations.

As always, thank you for your ongoing careful review of these applications.

Sincerely,

/s/

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cc. Wrentham Board of Health

