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Wrentham Town Hall, 79 South Street Wrentham, Massachusetts 02093

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February

RECEIVED AND RECORDED OF FICIA L NORFOLK COUNTY REGISTRY OF DEEDS DEDHAM, MA

CERTIFY Mules PO Grandle WILLIAM P. O'DONNELL, REGISTER Special Permits with Site Plan Approval **Pursuant to Articles 4.2, 7, 9, 13.5** of the Wrentham Zoning By-Laws

635, 635A, 635R Dedham Street Wrentham MA

Project Name:	635, 635A, 635R Dedham St Senior Living Community					
Owner/Applicant:	Wrentham Realty LLC, 65 Benjamin Day Drive, Wrentham, MA 02093 (Owner)					
mari v afa huganan	Wrentham Woods, LLC, 69 Princeton Rd, Arlington, MA 02474 (Applicant)					
Location:	Total Development Area (3 Parcels): 1,108,099 sq. ft. (25.4 acres) Assessors' Map, Block, Lot: O-13-1-2, N-13-1-2, N-13-1-4					
Zoning District:	Commercial-Industrial 1 (C-1), Residential 43 (R-43)					
Permits Sought:	Article Permit Required/Use 4.2 (ZBL) Special Permit for Use: Senior Living Community 7 (ZBL) Site Plan Approval 9 (ZBL) Special Permit 13.5 (ZBL) Senior Living Community ZBL = Wrentham Zoning By-Laws; GBL = Wrentham General By-Laws					
Application Date:	July 13, 2018					
Public Hearing Dates	1. August 1, 2018	5. December 19, 2018				
	2. September 5, 2018	6. January 16, 2019				
	3. October 17, 2018	7. February 6, 2019				
	4. November 7, 2018	8. February 20, 2019				
	5. December 5, 2018					
Record Documents:	Permit Plan Set for a Senion Wrentham, MA" dated J	wenty-eight (28) sheets entitled "Special or Living Community, 635 Dedham Street, fuly 12, 2018, revised January 25, 2019, ing and Landscape Architecture P.C.				

Decision – Wrentham Planning Board
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OFF	Ι	¢	Reports:	"Application and Project Narrative" dated July 13, 2018
С	0	₽	Y	Letter from Serenty Hilf Nursing & Rehabilitation Center dated October 15, 2017
				Community and Environmental Assessment from Stantec Consulting, Inc., dated July 13, 2018
				Narrative Addressing Special Permit Criteria from Stantec Consulting Services, Inc., dated July 13, 2018
				Traffic Memo from Stantec Consulting Services, Inc.,dated July 11, 2018
				Waiver Request from Stantec Consulting Services, Inc. dated July 13, 2018
			•	Letter from Beals + Thomas, Inc. dated July 27, 2018
				Letter from Stantec Planning and Landscape Architecture P.C. to Beals + Thomas, Inc. dated October 5, 2018
				"Operation & Maintenance Plan" dated March 23, 2017 prepared by Stantec Planning and Landscape Architecture P.C.
				Letter from Beals + Thomas, Inc. dated October 16, 2018
				Letter from Serenity Hill Nursing & Rehabilitation Center – no date, received October 17, 2018 meeting.

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In the matter of the Special Permit application filed pursuant to the Wrentham Zoning Bylaws (ZBL) Article 4.2.A.5. "Senior Living Community" and the Site Plan Approval application filed under ZBL Article 7, and pursuant to ZBL Article 13.5. The Planning Board (hereinafter the Board), subject to the requirements of the Town of Wrentham Zoning By-Laws and the provisions of Chapter 40A of the Massachusetts General Laws, has rendered the following decision.

The application, together with the Site Plan and other materials, was filed in the office of the Town Clerk on July 13, 2018. A public hearing was held on August 1, 2018 and continued several times through February 20, 2019, at which time the Board voted. The public hearing was duly advertised and parties in interest were notified in writing, and notice thereof was duly posted in the Town Hall.

Project Summary

The project site is comprised of three parcels: 635, 635A and 635R Dedham Street, located on the northerly side of Dedham Street (Route 1A) in Wrentham. The property is partially within the Watershed Protection District, zoned C-1 and R-43 and shown as Wrentham Assessors' Maps, Blocks and Lots: O-13-1-2, N-13-1-2, N-13-1-4. The proposed project involves the construction of a 55-unit senior living condominium development, community clubhouse, walking trails and associated roadway and utility infrastructure.

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Special Permit and Site Blam Approval Criteria and Findingsy

Article 9.1 of the Zoning By-Law contains the general purpose of Special Permits, including six (6) criteria to be used for the grant thereof so that the requested use will be conducted consistent with the Town's land use objective. Article 9.2 provides for eleven (11) criteria to be considered for the grant of all Special Permits. Article 13.5 includes four (4) criteria required of a Senior Living Community. In granting the Special Permit, the Planning Board finds that the project meets the following criteria:

Criteria for Special Permit Decisions (ZBL Article 9.1)

- a. Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.
- b. Shall not have a number of residents, employees, customers, or visitors so as to adversely affect the immediate neighborhood.
- c. Shall not have a greater LOT COVERAGE than allowed in the ZONING DISTRICT in which the premises are located.
- d. Shall not be dangerous to the immediate neighborhood or the premises through fire, explosion, emission of WASTES, or other causes.
- e. Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, or glare or other NUISANCE or serious hazard so as to adversely affect the immediate neighborhood.
- f. Shall not adversely affect the character of the immediate neighborhood.

Criteria for Special Permit Decisions (ZBL Article 9.2)

- a. The project's overall compliance with Articles 4 and 6.
- b. The impact of vehicular and pedestrian traffic on the neighborhood and the primary and secondary roads and intersections serving the project area and further the environmental effect of the estimated additional residents, employees, customers or visitors will have on the immediate neighborhood.
- c. Provisions made by the applicant to control litter and to reduce, separate, recycle and/or compost SOLID WASTE generated at the site
- d. The impact of the proposed project on the quality of SURFACE WATERS, GROUND WATER, soil, and the environment to include noise, vibration, dust, heat, smoke, fumes, odor, glare or other NUISANCE or serious hazard so as to adversely affect the immediate neighborhood.
- e. Danger to the immediate neighborhood and/or the community or premises through fire, explosion, emission of WASTES or runoff, or other causes.
- f. The adequacy of proposed water and sewer utilities serving the site.

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- g. Provisions made by Ithe applicant to allevents or eliminate Additional demands on the municipal PUBLEC safety services including water, sewer, police, fire protection and ambulance services.
- h. The relationship of the proposed architecture of the proposed BUILDINGS with the surrounding neighborhood (including, without limitation, the ZONING DISTRICT and all abutting ZONING DISTRICTS).
- i. The visual impacts to the surrounding neighborhood (including, without limitation, the ZONING DISTRICT and all abutting ZONING DISTRICTS).
- j. The impact of the project shall not adversely affect the character of the neighborhood.
- k. The overall economic impact on the town, its residents and surrounding properties beyond those impacts/mitigations outlined in application relating to municipal services. The board shall consider the need for an economic review or similar study to focus on the overall viability of the proponents, tenants, proposed USES, employment, any local area benefits and any other items the Board shall require based on the initial application.

Criteria for Special Permit Decisions (ZBL Article 13.5)

- 13.5.2.a. The proposed Senior Living Community will be operated in conjunction with the contiguous nursing home, Serenity Hill located at 655 Dedham Street for so long as a nursing home is operated at said location. In the event that the nursing home ceases operations at said location, this Special Permit shall remain in full force and effect except that this Section 13.5.2.a. shall no longer be applicable. The Senior Living Community shall operate in conjunction with the nursing home at 655 Dedham Street via the following:
 - 1) a walking path leading directly from Serenity Hill to the proposed Clubhouse and connecting with the walking trail system to be installed on the subject property.
 - 2) nursing home information shall be provided to all perspective buyers in the marketing materials for the Senior Living Community.
 - 3) nursing home residents shall have access to the Senior Living Community clubhouse for certain community events such as blood drives, flu shots, and other wellness programs.
 - 4) The Senior Living Community condominium association shall, to the extent economically beneficial to the Senior Living Community, work with the nursing home management to achieve operations and vendor savings, such as trying to achieve economies of scale by shared snow removal, landscaping, trash removal, and "in-home aide" services.
 - 5) The Senior Living Community condominium association shall, to the extent that the nursing home management is reasonably cooperative, work with the nursing home management to work on neighborhood improvements such as slowing traffic on Dedham Street with the assistance of Mass DOT and the Town of Wrentham.

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- 6) The Senion-Living Conamunity is encouraged to work in the residents of the Senior Living Community and the nursing home
- 13.5.2.b. The units shall be arranged in buildings containing two (2) to no more than six (6) single level dwelling units per building, and each unit shall contain no more than two (2) bedrooms and no more than three (3) additional rooms, excluding kitchens, bathrooms, basements and utility rooms.
- 13.5.2.c. The head of household for each unit shall be restricted to age fifty-five (55) or older. 13.5.3. All improvements shall comply with the dimensional, sewage treatments and parking requirements of the Wrentham ZBL Section 13.5.3.

Therefore, in accordance with Article 9.2, the Planning Board makes the following Findings:

- a. The use shall be in harmony with the intent and purpose of the By-Law
- b. The use shall not be in conflict with public health, safety, convenience and welfare
- c. The use shall not adversely affect the neighborhood, including the zoning district and all abutting districts

Criteria for Site Plan Approval (ZBL Article 7.7)

- a. The provision of adequate storm water retention on the site
- b. The provisions of adequate access on the site for PUBLIC safety vehicles
- c. Minimizing disturbance of existing natural features, including vegetation
- d. Minimizing air and water pollution
- e. Facilitating collection and disposal of SOLID WASTES
- f. Maximizing pedestrian and vehicular safety and convenience with the site, and between the site and adjoining ways
- g. Minimizing the visibility of parking, storage or outdoor service areas from PUBLIC view, and minimizing glare from headlights and facility lighting, through planting or other buffers
- h. Minimizing intrusion of light from stationary fixtures on the site into adjoining properties
- i. The character or architectural appearance and arrangement of BUILDINGS

Waivers

Article 18 - Waiver of the signage regulations to allow two one-sided signs instead of one two-sided sign and allow the increase in size to 15 square feet per sign.

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Article 13.5_E3 F Waiverrofthe 24-foot wide requirement for driveways associated with collector street down to 22-feet wide for driveways throughout the project to promote a more rural character for the neighborhood.

Decision

Upon consideration of all of the evidence presented by the Applicant and its representatives, the comments and recommendations of the Town Planner and other Town departments, comments from members and persons appearing at the public hearing, the criteria and findings discussed above, and any and all reasonable inferences and conclusions made therefrom, the Board voted to **GRANT** a Special Permit under Article 4.2. (A.5) "Senior Living Community", pursuant to ZBL Article 13.5. This permit and approval is based upon specific findings required by General Laws, Chapter 40A, Section 9 and the Wrentham Zoning By-Law. With reference to all Special Permits granted the Board finds pursuant to Articles 9.1 and 9.2 of the Zoning By-Law, that the use in each case is in harmony with the intent and purposes of the zoning by-law; will not be in conflict with public health, safety, convenience and welfare; and will not adversely affect the neighborhood, including the zoning district and all abutting zoning districts.

The Board further voted to **GRANT** a Site Plan Approval under Article 7, as shown on a Site Plan entitled "Special Permit Plan for a Senior Living Community, 635 Dedham Street, Wrentham, MA" dated July 12, 2108, revised January 25, 2019, prepared by Stantec Planning and Landscape Architecture, consisting to twenty-eight (28) sheets.

Conditions of Approval

After deliberation and discussion, the Board voted to impose the following conditions:

A. Standard Conditions

- 1. This Special Permit shall run with the land and shall be binding upon the property owners as well as their administrators, successors, and assigns.
- 2. The Applicant shall adhere to the Wrentham Zoning By-Laws and all other applicable provisions of municipal law and regulation, federal and state statutes and related regulations promulgated by federal and state agencies.
- 3. Approval is contingent upon curb cut permits being issued by the Massachusetts Department of Transportation (MassDOT) in accordance with the endorsed plan. Copies of said permits shall be provided to the Planning Board and Building Commissioner prior to the issuance of any building permit.
- 4. Any modifications affecting the approved use, structure(s), and / or site improvements, this decision or any other action or condition approved under this decision shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than the presented materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town Boards, Departments and Committees, as well as its

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consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require either a Mimor or Major Modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Insubstantial modifications, such as minor field changes, slight variations in building or site layout and changes that are deminimis in nature shall not require additional review and approval of the Planning Board and may be approved by the Town of Wrentham Building Commissioner.

- 5. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utility installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals / permits shall be obtained by the Applicant prior to construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Wrentham Board of Health, Wrentham Department of Public Works and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
- 6. The granting of this Special Permit does not supersede the necessity of the Applicant to obtain all other applicable Federal, State and Local permits/approvals for conducting the use authorized by this Decision. Failure by the Applicant to maintain all other permits/approvals required for said use shall void this Special Permit.
- 7. In accordance with Article 7 of the ZBL, this Special Permit shall lapse within two (2) years from the date of the expiration of the appeal period if substantial use or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Minor Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Article 9 of the ZBL.
- 8. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Norfolk County Registry of Deeds (NCRD) and proof of filing provided to the Planning Board and Building Department within thirty (30) days after the appeal period.
- 9. By recording this Special Permit and Site Plan Approval Decision in the NCRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.
- 10. Any inability, failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, may be grounds for immediate denial of building construction or occupancy permit with respect to this project.
- B. Conditions to be Met Prior to the Start of Construction

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- 1. Prior to the issuance of a building permit, the Applicant shall submit a final plan set to be reviewed and approved by the Planning Board or its designee to include:
 - a. Revise Sheets L-0400 L-0401 and WW-01 WW-03 to show the revised building layout.
 - b. Revise Sheet A-0001 to show elimination of Loft area.
 - c. The Conditions set forth in the Decision shall be inscribed on a sheet of the Plans.
 - d. Locations of two (2) vertical control benchmarks (see Condition #B.4)
- 2. Prior to the commencement of work, the Planning Board shall be provided with the following:
 - a. Five (5) full size, 24" x 36", plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
 - b. An electronic copy of the plan set in a PDF compatible format.
- 3. Prior to the issuance of a building permit, the Applicant shall submit a statement and / or legal agreement, to be reviewed by Town Counsel, attesting to their compliance with ZBL Article 13.5.2.a. for the SLC to operate in conjunction with the existing nursing home known as "Serenity Hill".
- 4. Prior to the start of any construction activity on the Site, an initial inspection of the delineated limits of work, erosion control a site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/Developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant received written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures. At any time during the construction process should the Planning Board, Conservation Commission or their agent(s) deems such measure necessary. The Applicant/Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice.
- 5. Prior to commencement of any site work, a minimum of two (2) vertical control benchmarks (one permanent) shall be established and maintained on the North American Vertical Datum of 1988 (NAVD88).
- 6. Prior to commencement of any site work, a copy of the project's National Pollutant Discharge Elimination System (NPDES) filing, including at a minimum, a copy of the Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Planning Board.
- 7. Prior to construction the applicant shall create a plan that divides the land for the multi-family home located on Assessor's Map, Lot: O-13-1-2 into a separate conforming lot to be reviewed and endorsed by the Planning Board and recorded with the NCRD. Said plan

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shall be prepared in accordance with the Section 3.2 of the Wrentham Rules and Regulations Governing the Subdivision of Land (June #6,2016).

8. Prior to the start of any construction activity on the Site, the Applicant shall submit to the Town (through the Planning Board) a bond or other type of security acceptable to the Board, in an amount to be determined by the Board and is agent, for the purposes of ensuring adequate stormwater management and erosion control / site stabilization during the construction process. Said bond/security shall not be released until the Site is stabilized an all stormwater management facilities are functioning to the satisfaction of both the Planning Board and Conservation Commission.

C. Conditions to be Met During Construction

- 1. The Site shall be inspected by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant/Developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures. The frequency of inspections may be increased or decreased by the Planning Board and/or its agent based on construction activities. The Applicant/Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Commission.
- 2. Excavation, earthwork or disturbance within 100 feet of any state-regulated wetland shall be prohibited, except by authorization of the Conservation Commission.
- 3. The location of the informal nature trails shall be determined in the field and shall be installed to meet the Massachusetts Architectural Access Board (MAAB) requirements for accessibility, or the applicant shall obtain the appropriate variance(s) from MAAB for such portions of the trail that cannot strictly comply with MAAB requirements.
- 4. All grading and construction shall be performed in accordance with the Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction, and after completion.
- 5. The hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 A.M. to 5:00 P.M. and Saturdays 8:00 A.M. to 5:00 P.M. There shall be no construction activity on Sundays or State and Federal holidays.
- 6. The Applicant shall be responsible for ensuring that any trucks involved in on-site construction activities are properly covered and otherwise secured from spilling material along any street outside the site. In the event that such spillage occurs, the Applicant shall be responsible for immediately removing the material from the traveled way. The intersection of along the proposed private way at along Dedham Street (Route 1A) where trucks enter and exit the site shall be inspected and swept clean whenever necessary.

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- 7. Wetting and stabilization of exposed grades shall occur as necessary to suppress dust generation. The use of municipal water for wetting exposed grades and for other purposes associated with this approved operation shall require the prior written authorization of the Wrentham Public Works Department. Copies of said authorization must be filed by the Applicant with the Planning Board and the Building Inspector prior to its use. Otherwise, the water supply shall be transported to the site from a lawful source outside of the Town of Wrentham or provided by private well.
- 8. For purposes of controlling erosion, all grades exposed for greater than a 30-day period shall be stabilized.
- 9. No driveway opening shall enter over any catch basin nor otherwise serve to preclude the installation of the granite inlet curb and granite transition curbing on either side of the catch basin.
- 10. The use of salt or other potentially corrosive agent for treatment of snow and/or ice is prohibited on the areas of porous pavement and grass pavers, as shown on the approved site plan.

D. Conditions to be Met After Construction

- Prior to applying for a building permit, the Operation and Maintenance Plan for Stormwater Management (O&M Plan), including its schedule for inspections and maintenance, shall be submitted as a separate document and filed with the Planning Board and Department of Public Works. Said O&M Plan, and all requirements contained therein, is hereby incorporated by reference as a requirement of this Special Permit.
- 2. Unless modified by the Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the Plans or as modified by the Conditions of this Special Permit. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copes of all pertinent documents regarding said permits and approvals shall be submitted to the Planning Board in a timely manner.
- 3. All final grades and installation of improvements authorized by this Decision, or approved modifications thereto, shall be shown on an as-built plan prepared, stamped and signed by a professional land surveyor registered within the Commonwealth of Massachusetts. Copies of said plan shall be submitted to the Planning Board and the Building Commissioner prior to the issuance of a Certificate of Occupancy for the final building on the property.
- 4. The rights granted by the Special Permit, under Article 9 of the Zoning By-Law, shall lapse within two (2) years from the date of this decision being filed with the Office of the Town Clerk, exclusive of such time required to pursue or await an appeal referred to in Section 17 of Chapter 40A, MGL, unless construction of the proposed improvements has commenced. Further, that the Approvals granted hereunder shall not be effective until:

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a) Twenty 1(20) days shall have lapsednext following the fiting of this decision in the office of the Town Clerk.

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- b) The applicant obtains a copy of this decision from the Town Clerk bearing a certification that no appeal therefrom has been taken.
- c) And until any required documents/plans, and/or actions outlined in the decision have been completed to the satisfaction of the Board, no work authorized herein shall proceed.

On February 20, 2019 members of the Planning Board voted via roll call on the aforementioned Special Permit/Site Plan Approval motion as follows:

Michael McKnight, Chairman	AYE	Steve Schwarm, Member	AYE
Charles Woodhams, Vice Chairman	AYE	Everett Skinner, Jr. Member	Absent
James Lawrence, Clerk	AYE	Thomas Wrynn, Member	Absent
Robert Cass, Member	AYE		

And further approved that the Chairman and a member sign this Decision and Approval on behalf of the Board.

Appeals, if any, from this decision shall be made pursuant to MGL c. 40A and shall be filed within 20 days after the date of filing in the office of the Town Clerk.

Signed on behalf of the Wrentham Planning Board:

Michael McKnight, Chairman

Planning Board Member

Date:

NO NOTICE OF APPEAL RECEIVED 20 DAYS FOLLOWING RECORDING OF NOTICE AND APPROVAL OF PLANS FROM PLANNING BOARD OR BOARD OF APPEALS.