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Via Email

March 19, 2024

Mr, Michael McKnight, Chair
c/o Rachel Benson, Town Planner
Town of Wrentham Planning Board
79 South Street
Wrentham, MA 02093

Re: **Wrentham Business Park, 10 Commerce Boulevard
Response to Comments**

Dear Mr. McKnight & Members of the Planning Board:

I am writing to respond to comments sent to the Board with respect to our applications. The comments below are in direct response to the assertions contained in the correspondence from Attorney Nicholas Shapiro dated March 13, 2024 (Shapiro Letter), and the correspondence to the Board of Selectmen from Rio Sacchetti and Beth Bryson, dated February 6, 2024.

Helping Hands and 574 Washington (the "Objectors") curiously argue that we are some how rushing the Board to make decisions on our applications. These applications were filed on June 29, 2023 and hearing dates have been scheduled on the following dates:

- August 16, 2023
- September 9, 2023
- October 18, 2023
- November 15, 2023
- December 20, 2023
- January 17, 2024
- February 21, 2024
- March 6, 2024

At all of the public hearings, everyone has been provided ample opportunity to present their objections. Appropriately, the Chair has admonished every participant to present new information; this admonition and its imposition on the participants has not in any way interfere with the Board's ability to receive new relevant information. Numerous other larger and more impactful applications have been filed and determined by this Board during the pendency of these applications. Similar and much more complex applications have been resolved in far less time.

On behalf of the Applicant, I have repeatedly requested that the hearing be closed and a vote taken. It has been several months since new information within purview of facts and factors properly relevant to the Board's authority has been provided. The Board has continued the hearings over my objections and without proper reason. The Objectors, who are not abutters to the project, allege speculative and remote impacts that these applications supposedly pose to their properties (one of which is vacant land).

We have brought forward a development plan for a **convenience store and six gas pumps on 2.6 acres on Route 1**. The impact of the actual development alleged by these objectors relative to their current use (and potential impacts on Hawes Street) are illusory red herrings.

There is no new relevant, appropriate information necessary for the Board to make a determination. Accordingly, and in accordance with the Wrentham Zoning Bylaws and State Law, we respectfully request the hearing be closed and a vote taken on the applications – forthwith.

Specific responses, where necessary, are to follow.

So-called “Eleventh-Hour Data Dump”

On March 6, 2024, in conjunction with the National Development group responsible for permitting 15 Commerce Boulevard, the Supplemental Final Environmental Report was filed with the Commonwealth of Massachusetts. This filing has been in preparation for months and should not have been a surprise to any of the participants. The filing was not made to the Planning Board as the Planning Board has no jurisdiction or authority to determine the status or outcome of the filing. It was filed under, and properly belongs within the jurisdiction of the Commonwealth of Massachusetts MEPA Division.

An update relative to the intersection design options presented in the SFEIR, that were coordinated through multiple sessions with the Massachusetts Department of Transportation (DOT) was provided to the Planning Board at the March 6, 2024, hearing at their request and as a courtesy only. The state road intersection design is not, and never will be within the jurisdiction of the Town of Wrentham Planning Board in this or any other permit application.

“Consideration of the Traffic is Well Within the Purview of the Jurisdiction of this Board When Approving or Denying Applications for Special Permits.”

We agree with Attorney Shapiro. We have never suggested otherwise. We provided a Traffic Impact Analysis (TIA) to the Planning Board and submitted to extensive (and expensive) peer review of that TIA. Beals & Thomas, acting on the Board's behalf, provided a comprehensive review of the TIA to the Board on September 11, 2023. Moreover, we have provided unlimited access to the Board and its staff to our Traffic Engineer at, and in between all of the public hearings. Traffic impacts have been extensively and appropriately analyzed and considered by this Board.

The Board Cannot Delegate its Local, Zoning Decision-Making Power to the Commonwealth

Again, as a matter of law, we completely agree with Attorney Shapiro.

However, the Board has no decision-making power with respect to an intersection design on a State Highway. That decision-making authority resides entirely within the DOT. This Board cannot, as a matter of law, delegate power it does not have. Moreover, matters related to the intersection design that are outside of the Board's authority, while naturally within the realm of curiosity, have no legal role as factors in this Board's decision-making.

Continued delay in closing the hearing and voting on these applications is legally untenable. Please close the hearing and hold a vote on the applications.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen E. Meltzer", with a stylized flourish at the end.

Stephen E. Meltzer, Esq.
Vice President of Project Development

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