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October 13, 2021

Zoning Board of Appeals of Wareham

Memorial Town Hall

54 Marion Road

Wareham, Ma 02571

*Re: Application for Special Permit/Variance and Site Plan Review, Assessors Map 133,
Lots 1100A & 1101A*

Address: 238 & 240 Sandwich Road Wareham, MA

Dear Board,

Please find enclosed the response letter to Mr. Rowley's comments by our engineers JC Engineering, as well a revised full plan set dated October 11, 2021.

Please direct any and all questions to my attention.

Very Truly Yours,

Jilian A. Morton, Esq.

Cc Planning Department
Client

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

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October 2, 2021

Town of Wareham Board of Appeals
Memorial Town Hall
54 Marion Road
Wareham, MA 02571

Re: 238/240 Sandwich Road
Crossroads Care Center
Site Plan Review

Attention: Nazih Elkallassi, Chairman

Dear Chairman Elkallassi:

I have reviewed the site plan application and plans prepared by JC Engineering dated as revised through August 10, 2021 and the stormwater calculations for the project. I have also reviewed the other supporting documents to the application for site plan review. The following comments are with respect to the plans and response letter received from JC Engineering dated August 12, 2021 and the documents cited below.

Plans

General Comments

1. Plymouth Road is now shown as a public way and as such would be open to all traffic.
With regard to its status, Plymouth Road is shown as an Undocumented Public Way. It is in fact a dead end street that ends abruptly at its terminus approximately 15 feet above Route 28. It is in effect a long driveway that allows access to the limited amount of residents located on the undocumented public way.
2. Multiple items referenced for the project are subject to approval by Mass. DOT. Should the Board of Appeals issue a Special Permit for the project it is recommended that a copy of the written approval of Mass DOT for all related work be filed with the Board prior to the issuance of a Building Permit.
All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.
3. If there are any changes in the site work due to the decision of Mass DOT the applicant should file a written request with the Board as to whether the changes would be considered substantial and require a public hearing to approve.
All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.

Sheet 3 of 11

1. The utility pole relocation required for the construction of the secondary entrance onto Sandwich Road should be confirmed prior to the issuance

of a Building Permit. If the change is such that the site plan requires modification or adjustment, a written request should be filed with the Board to consider whether the modification or adjustment is substantial and would require a public hearing to approve.

The utility pole is not located on the property. A relocation of the pole would not involve any substantial change to the Site Plan.

All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.

2. The generator location has not been revised. Noise attenuation would be best done with a location away from the building. The only significance would be the wiring necessary to connect the generator to the building but this would also be necessary for the sewer lift station. A relocation is highly recommended.

The location shown, as determined by an Electrical Engineer, is in its best location for the anticipated requirements of the project. A sound attenuation enclosure has been and continues to be shown along with acoustic panels on sheet 3 of 11 on the site plan.

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3. It was requested that the plan designate the parking spaces that are dedicated to visitors and staff as well as for residents. There was no response to this request.

There was a response to this request.

Paragraph 2 under Introduction in the Technical Memorandum submitted for Site Plan Review clearly states that there are 48 parking spaces in the garage and 12 at-grade spaces for visitors. The building is a limited access facility and the garage would be available only to residents, staff and authorized users.

Visitor parking designation, to our knowledge, is not a requirement. It is now shown on the site plan in response to the comment.

4. The site does not show any sidewalks that would allow residents to access outside areas without walking in areas designated for vehicle traffic. The only access to the two patio areas on the north side of the building other than access from first floor doorways in the building is via a two-foot wide stone dust path. The path is not wide enough for pedestrian traffic or the use of wheel chairs or by persons who might want to use a walker.

A three-foot-wide path is now shown

5. The plan of the garage floor as shown in this set is not consistent with the plan of the garage floor as depicted by the architect. The latter plan shows two elevators and an adjacent petition wall that reduces the overall vehicle lane width to 20 feet at a column location. It should be confirmed that the corner can safely allow vehicles to turn and get into the handicap designated spaces shown.

Spaces in the garage level can be relocated and/or removed to allow for safe vehicle maneuverability if necessary.

Sheet 4 of 11

1. The recommendation of the site engineer is to have the large trees reviewed by a landscape architect. The landscape architect suggested

the trees be removed but defers to the Board for a second opinion utilizing the services of an arborist to establish whether the trees can or should be saved. An arborist should submit a recommendation.

The Landscape Architect defers to an arborist to review trees that he feels should remain.

2. The plans show a detail for a railing behind a block retaining wall at the north end of the building. A note should be placed on the plan detail sheet for this item referring it to the Building Inspector for approval.
3. All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.

Sheet 5 of 11

1. It should be confirmed that there is sufficient difference in elevation for the floor drains in the garage area so that water will not back up in the drains due to the elevation of the outlet pipes during heavy storm events.
The drainpipes in the garage are sloped at 0.5% to provide sufficient change in elevation. The floor drains in the garage are not hydraulically connected to the exterior drainage system, nor are they expected to receive any storm water flows. The purpose of the garage drains is to collect excess runoff from snow melt off of vehicles and other anticipated flows within the garage only.
2. Sewer Connection and Lift Station: The response refers to a letter from Water Pollution Control dated August 13, 2021 specifying a list of requirements for final connection to the sewer system for the project. It is recommended that the Special Permit, if granted, be subject to the receipt of a written report from Water Pollution Control that all items have been satisfactorily addressed prior to the issuance of a Building Permit.
3. All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit. Water Pollution Control requirements will be met as part of the permitting effort.
4. The location of CB 3A should be adjusted to be at the flow line of the curb to avoid the possibility of the basin being by-passed by stormwater. We have addressed the location and layout surrounding CB-3A to reduce the possibility of storm water bypass. We would note that this catch basin is located between a sewer pipe and the forced main, and that there is little flexibility in the location of the sewer pipe. Therefore, the catch basin cannot be located along the linear gutter line of the access aisle. To prevent storm water bypass, we have modified the curb/gutter line to flow directly into CB-3A. To reduce the required offset as much as possible, CB-3A will require an eccentric top. With these changes, it is anticipated storm water will not bypass the grate. As always, in every project, the Engineer of record will review and make field modifications in order to maintain design intent and accommodate field conditions.
5. Northerly secondary access driveway: The driveway slope continues to be in excess of 8% with no flat landing area before reaching the travel lane of Sandwich Road. This is an unacceptable condition that could result in safety issues due to ice and snow accumulation. With Plymouth Road being a public way, it is recommended that this secondary access driveway be eliminated.
The driveway entrance has been revised to address this comment. The maximum slope has been reduced to 7.5% and a 15 foot wide landing area

has been provided at the bottom of the sloped driveway and the gutter line of route 6.

In order to achieve this the building entrance has been modified to redirect ingress/egress to the northwest of the entrance doors. A short wall is provided at the remainder of the entrance in order to accommodate the grade change required to meet the first-floor entrance elevation of 30.5. A safety rail will be incorporated into the entrance area as needed.

All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.

Sheet 7 of 11, Landscape Plan

1. The landscape plan shows three clusters of trees that will have a mature height of 25-35 feet and a mature spread of 26 - 25 feet. The trees are deciduous pear trees that will lose leaves in the fall months. The height and breadth are such that there is very limited blending of these landscape features with the mass of the proposed building. It is stated that these trees will also tolerate air laden with auto exhaust.

The Landscape Architect took into consideration the existing conditions at the site in order to determine his recommendations.

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2. There are no significant areas included within the landscape plan that allow for outside sitting or congregating. One of the two patios shown on the northerly side of the building is not accessible from the outside as noted by the fence enclosure.

There are significant areas that allow for outside sitting or congregating at the rear of the building and along the East lot line shown as lawn area on the landscape plan. The unique and innovative deck/solarium level portion of the building has been the subject of each and every ZBA hearing to date. It allows simultaneous indoor and outdoor use.

The opportunity to permit outside sitting, congregating and socialization in fresh air and sunshine is significant.

Sheet 9 of 11

1. Change the Pavement Detail to indicate 1-3/4" binder and 1-1/4" wearing surface.

The original total pavement thickness of 3" consisting of 1-1/2" binder and 1-1/2" wearing surface will remain at a total thickness of 3". The distribution of product will be changed to 1-3/4" binder and 1-1/4" wearing surface in order to respond to the inexplicable comment contained in Mr. Rowley's letter dated 10/2/2021.

2. Where will the Handicap Ramp Detail as shown be used on the site?

The handicap ramp detail has been updated to be more reflective of handicap ramps that will need to be provided on the existing sidewalk along Route 6. As previously noted, final configuration is at the discretion of Mass DOT. The general detail is provided as it is anticipated that these ramps will need to be constructed.

All applicable Town, State, and Federal Codes will be met prior to issuance of permits.

Sheets 10 and 11i

1. Denote the size of crushed stone to be used as structure and/or pipe bedding for all details.
All details have been revised accordingly to specify a 6" crushed stone base (M2.01.4 or approved equal) over a compacted subgrade.
2. Specify the depth and material for gravel base shown in the Trench Detail.
This detail has been revised accordingly.

Traffic Report

A Technical Memorandum on traffic was prepared by Howard Stein Hudson (HSH) for the project.

The memorandum is based on ITE (Institute of Traffic Engineers) trip generation data for a Congregate Care Facility, defined by Land Use Code 253 as a facility of independent living. As such the study does not reflect the actual use as proposed by the applicant and should be considered as non-responsive to the request for a traffic study.

There is no Land Use Code for Intermediate Care. Intermediate Care Center as defined in the Town Zoning By-Law is "*A facility providing accommodations and needed medical care and supervision at a lower level than a nursing home. Intermediate Care Home shall have the same meaning as Convalescent Home.*" HSH felt that Land Use Code 235 was the closest description to Intermediate Care Center.

If the parking demand of 26 spaces as suggested by the report is to be used, the number of parking spaces needed (60) is exceeded substantially.

Stormwater Calculations

A test pit was dug and observed near the location of the proposed subsurface infiltration system on July 8, 2021. The conditions found support the design of the system with no changes in elevation proposed. The system is sited at least two feet above the maximum high ground water elevation as observed by the mottles in the sidewalls of the test pit.

The calculations are satisfactory and have been done in compliance with the DEP Stormwater Regulations.

No response needed.

Comments on Building Plans

As was noted in my report of June 17, 2021, the building features were subject to a variance for height which exceeds the maximum allowed under the Wareham Zoning By-Law. It is presumed, therefore that other aspects of the building such as size, mass, bulk would be addressed under the Site Plan Review of Article 15.

Section 1542 of the By-Law (Relation of Building to Environment) states that the proposed development "shall relate to its environment and consideration shall be given to the scale, mass and height to ensure that the architecture is in harmony with the surrounding environment and the neighborhood."

There are several features of the proposal that do not fit the requirements of Section 1542.

1. The building is substantially larger in footprint and height than any other building within the general area of the project site. Most buildings are

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single family residences or small businesses located in small structures of similar one and two floor design.

No response needed.

2. The mass of the building overwhelms the single-family dwelling that is located in the adjacent lot and the real estate office located easterly of the project site.

No response needed.

3. The building size and location along with the access driveway to the front door has made it impossible to include outside pedestrian facilities including sidewalks and congregate uses. Of the outside areas that have been shown one is a bocci court, one is a patio that cannot be accessed from the outside and the others are located in areas that are subject to constant shade.

4. No response needed.

5. The building consists of five floors of occupancy if the roof deck and solarium are included. Most, of not all other buildings in the nearby area are no more than two stories in height.

No response needed.

6. One of two access driveways on Sandwich Road has a grade in excess of 8%. As noted above, this is not a safe condition for vehicles leaving the site in conditions that include ice and snow. If the project was reduced in scope, a more favorable location or even a single access might be made possible.

Access driveway grade been reduced to 7.5%

Impact Statement

All applicable Town, State, and Federal Codes will be met prior to issuance of a use and occupancy permit.

The building itself is of concern with respect to the interior spaces and the proposed use. The Impact Statement suggests that the facility will be an Intermediate Care Facility with the potential to offer nursing care and congregate care services as determined by community need. This statement needs clarification as to what kind of care will be included at the outset.

No response needed.

According to the definition of an Intermediate Care Facility in Section 340.5 of the Zoning By-Law it includes medical care but at a lower level than a

nursing home. If no medical care is included at the outset the use of the building should be clarified

No response needed.

Congregate care, on the other hand is a different kind of living environment, usually suited for independent living where residents can care for themselves. In that setting, a congregate care facility does not usually involve nursing care and is more closely related to a residential setting. (Refer to the ITE definition of a Congregate Care Facility noted in the Traffic Study)

Congregate care as defined in the Technical Memorandum *"provides centralized amenities such as dining, housekeeping, communal transportation, and organized social/recreational activities"*

It is in fact provided for residents who cannot care for themselves.

It is recommended that the Board request a clarification of actual use including whether there will be a need for licensing the facility if that is required. In case of licensing, the name of the operator should be known.

No response needed.

The Impact Statement suggests that fresh air and sunshine will be provided with the exterior rooftop deck and presumably the solarium. The visual aspects of this feature will limit the potential benefit that might be derived from it. The building includes a perimeter fence that surrounds the deck area. While no details of the fence are shown, it is assumed that the fence will need to be of sufficient height to prevent anyone from falling off (42" minimum?) and it will be either an open or a closed design.

Drawing A-13 in the submitted architectural plans clearly show an open baluster fence

All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.

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This feature has two aspects that detract from the benefit of having it.

1. It is assumed that much of the activities associated with the solarium and deck will be for residents to be able to take advantage of the views surrounding the area and to allow for group activities. However, from a sitting position, it would be impossible to look through a solid fence to anything but what is above it either from inside or outside.
No answer - This comment includes conjecture and supposition.
With regard to the fence it is just plain wrong.
2. If the fence is open for reasonable observation, the wind generated at a height of five floors above the ground could make use of the roof deck area undesirable, especially for elderly residents.
3. No answer - This comment includes conjecture and supposition.

Having sufficient space for residents to enjoy a living environment at ground level would be a more preferable way of accommodation and the need for a rooftop area might be eliminated which, in turn, would reduce overall height. No answer - This comment is an opinion.

The Impact Statement references a day care center and real estate office that are nearby but does not go into any detail of how these particular buildings relate to the project proposal as required by Section 1542.

The particular buildings are not related to the project. They are mentioned in the part one description of the surrounding neighborhood.

The Impact Statement under the Environmental heading includes a one sentence statement with respect to noise and makes no reference to how the project fits into the neighborhood. Both the Impact Statement and Traffic Memorandum make mention of air "laden with vehicle exhaust" but no other information is provided as to what environmental impact this has.

There is no mention of air "laden with vehicle exhaust" in the Technical Memorandum.

"laden with vehicle exhaust" in Part Two of the Impact Statement makes reference to how the trees were chosen, by the Landscape Architect, due to the proximity of Route 6 and Route 28.

Building Floor Plans

First Floor

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

- No space is designated as office space for the facility manager or staff. The area should include spaces set aside for family and medical conferences and for prospective residents to meet with the facility manager.

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

- The kitchen presumably includes a stove, refrigerator, dishwasher, sinks and counter space but none are shown. No space is shown for where food goods and supplies will be stored or cared for.

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

- There is no space for maintenance equipment except for a very small space labeled as storage on the far east end of the floor near the stairwell.

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

There is also, on-site, a separate maintenance building as shown on the Site Plan documents.

- The access to the small rectangular patio is through the living space of one of the units and does not have a separate access.
As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

First Floor Alternative for Memory Care

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

- Although not labeled as such it is assumed that the entire first floor could be utilized as a memory care facility. In critical instances this could include a lockdown feature that prevents patients from leaving the facility unaccompanied.
- No response needed.

This feature might mean that the small outside patio area would be off limits entirely as the site plan shows that it is enclosed on the outside by a fence.
No response needed.

- As noted above there are no facility manager spaces that are suitable for family or medical conferences.

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".

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- If the facility were to be used as a memory care unit, then the need for full kitchen services is that much more important and should include laundry facilities to be managed by the staff.
As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".
- If a memory care facility is included, it would seem necessary to increase the amount of space dedicated to nursing and support staff over the amount shown.

- As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase to the building dimensions".
- In the event such space is needed, the number of parking spaces dedicated to staff may have to increase.
No response needed.

Second Floor

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without any exterior changes to the building or any increase to the building dimensions".

- There are no restrooms on the floor for staff or visitors
- The staff area is only an open space at the end of the corridor and is not secure.
- There is no storage area for maintenance equipment. Cleaning equipment would have to be brought in from a different floor.
- There should be a restroom in the common area at the east end of the building.

Third and Fourth Floors

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".

- The same comments apply to these two floors as were noted for the second floor.
- One unit on the fourth floor has been changed to a staff room with an adjacent stairwell that presumably leads to the roof deck.

Roof Deck

- All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.
- The roof deck includes an elevator and two stairwells as access and egress. It should be confirmed that the stairwell width is sufficient for emergencies including the need to accommodate a stretcher in case of elevator failure.
All applicable Town, State, and Federal Codes will be met prior to issuance of a building permit.
- Details of the fence enclosure of the roof deck should be known.
Details of the fence are known.

Garage Floor Plan

- The garage floor plan shows the location of two elevators and an adjacent space that protects occupants from walking directly into the line of traffic from the elevator opening. This feature reduces the vehicle travel lane from 24 feet to 20 feet due to the location of a structural column on the opposite side from the elevators. This needs to be corrected.
As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".

- For this same area of the garage floor it should be shown that there is sufficient clearance for vehicles to make a turn and to be able to maneuver a vehicle into the handicap designated spaces as shown on the plan.
- As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".
- The site plan indicates that the main building sewer exits the foundation at a point 4.5 feet above the garage floor. While a concern for length of run and pitch for plumbing is not a typical issue of site plan review it is in this case due to the headroom required for the space to be used for vehicles parking. It is possible that utilities will have to be run above and cross over the vehicle lane to get to the point of exit on the south foundation wall.
- As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".
- It needs to be confirmed where the location of the duct work, water lines and plumbing including waste plumbing will be since there is only a

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difference of 9 feet between the garage floor and the surface of the floor above it. The actual clearance will be less because of the thickness of structural members that will hold up the first floor. At this time the minimum clearance is not known. If the parking spaces were external this would not be an issue of concern.

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".

As stated in the Impact Statement "The ability to reconfigure interior space has been designed to be accomplished, if the need arises, without exterior changes to the building or any increase the building dimensions".

This concludes my review of the site plan and supporting documents as received from the Planning Office.

Please feel free to contact me if you have any questions.

Very truly yours,

Charles L. Rowley

Charles L. Rowley, PE, PLS

Cc ZBA Board Members

Ken Buckland, Town Planner

Jillian A. Morton, Esq.

John Churchill, PE, PLS

David Riquinha, Building Commissioner

Richard Swenson, Planning Board

Alan Slavin, BOS Liaison