
MORTON LAW LLC

184 Main Street Wareham, Massachusetts 02571 · 508-681-2334

August 20, 2020

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

1. Petitioner and Recorded Owner:

Frederick C. Mannix, Trustee
PJM Realty Trust
188 North Street
Boston, MA 02113

2. Certified Abutters List:

Copy Attached as Exhibit A.

3. Current Deed and Trust Information:

The lot is comprised of two Parcels:

1. 238 and 240 Sandwich Road, Plymouth County Registry of Deeds Book 31159 Page 205 (Deed) and Copies of relevant Trust Information attached as Exhibit B.

4. Building Inspector's Denial Letter:

Denial Letter attached here as Exhibit C from the Building Commissioner referencing two Variances necessary: (1) as to exceeding the height requirements (2) regarding the allowed side setback requirements. We are also seeking a full site plan review.

5. Recorded Plan of Parcel:

Attached as Exhibit D is a copy of the Relevant Plan from JC Engineering. Please note our Parcel is in the CS district.

6. Architectural Renderings of the Project Exhibit E

7. Letter of Support:

Re: Attorney Opinion Letter in Support of the Petition for Variance/ Special Permit for 238 & 240 Sandwich Road, Wareham, MA 02571.

Dear Board:

I represent Mr. Frederick Mannix regarding the above application to build an assisted living facility on Lots *1100A & 1101A* on Assessors MA 133, Address: 238 & 240 Sandwich Road, Wareham, MA 02571.

Background:

My client has been a successful Real Estate Builder and Developer for over 47 years.

The property in question is comprised of two parcels located on Sandwich Road. He purchased the property years ago with the hope of developing a project that would be appropriate for the location and take advantage of its proximity to highway access, Wareham Center and Tobey Hospital, and the revitalization of Cranberry Highway.

Mr. Mannix has summered here since 1980 and prior to that often worked at various business locations on Cranberry Highway in his capacity as a refrigeration and air conditioning technician in the early 70's.

Mr. Mannix, over the many years, has seen The Town of Wareham continue its steady rise in regaining prominence as a destination community that is truly the gateway to Cape Cod

The proposed development will take place on a lot that contains 83,601+/- square feet with frontage on Sandwich Road of 449.81 lineal feet located in a Commercial Zoning District. We propose to build a building with a footprint area of 23,326 +/- square feet.

The building would house a state-of-the-art Assisted Living Facility that we feel is an appropriate use for the site and will help to fill the current need and expected future need for this essential service in the Town of Wareham.

Having applied for a Zoning Determination with the Building Commissioner we have received a refusal letter that requires a Special Permit/Variance, granted by the Zoning Board of Appeals, regarding the following issues:

1. SIDE SETBACK REQUIREMENTS: “ ...an accessory building does not meet the allowed side setback.”
2. HEIGHT REQUIREMENTS: “Your proposed building will exceed the height requirements allowed by the Town of Wareham Zoning Bylaws.

In addition to these matters, we ask that because we are in front of the Board – a Site Plan review by the Zoning Board of Appeals as part of this application for Special Permit/Variance.

The Law:

The denial letter indicated a need for a Variance for the project. The standards of a Variance are clearly laid out by Statute and our Town bylaws:

M.G.L. 40 A. Section 10:

“[O]wing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

And similar our local By-Law:

1470 VARIANCES

The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a

site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

A. SIDE SETBACK REQUIREMENT: The Statutory requirements are met:

We are seeking a Special Permit/Variance as to the side setback requirement for the proposed accessory building on the property under CS table 623 from 10 feet to 7 feet. The structure will house maintenance activities including staff, equipment, and supplies necessary for operational support of the main building and surrounding grounds.

The Variance is requested to enable additional maneuvering room for fire apparatus as recommended by the Wareham Fire Department. The location of a separate building, to the rear of the lot, provides indoor equipment storage. That coupled with underground parking in the main building fulfills the design intention to maintain an open space in the front of the property along Sandwich Road.

1. Soil conditions, lot shape, or topography of such land creates an impracticality:

The lot is trapezoidal in shape with irregular side lot lines and surrounded by roads.

The road at the East end of the land, Route 28, is much higher in elevation along the lot line. The road is approximately 14 feet higher at the top of an embankment. There is no access to the property.

The road at the West end of the land, Plymouth Road is only 2 feet above the lot elevation at the existing access point, however it is a narrow dead end private road. These conditions make the front of the land, on Sandwich Road, a preferred primary access point for the Wareham Fire Department.

2. Hardship to the Petitioner if Literal Enforcement of the By-Laws:

Due to the access issues created by the topography and location of the land it became necessary to create additional maneuvering space to allow required access by the Wareham Fire Department.

The main building has been sited to allow for the requested access by the Wareham Fire Department and constriction of maneuvering space by the accessory building could hamper the Department in the event of an emergency.

3. Desired relief may be granted without Substantial Detriment to the public good:

This de minimus request for a reduced side lot dimension at the bottom of an embankment that borders a raised highway, Route 28, would not create a substantial detriment to the public good. Due to the elevation of the highway at the proposed accessory building location and the design of the structure we opine that there would be no detriment to the public good.

4. No derogation from the intent or purpose of such Ordinance or by-law:

The purpose of the Zoning By-Law as it relates to side yard dimension is to assure that adjacent properties are provided separation by restricting the placement of structures in the spaces created by the requirement.

In the case of this particular instance the separation from the adjoining property is assured. The Right of Way, the use of the adjacent land as a major highway, and its elevation above the subject lot assures that the intent and purpose of the Zoning Code will be met.

B. HEIGHT REQUIREMENT: The Statutory requirements are met:

We are seeking a Variance as to the height requirement on the property under CS table 623 for Maximum Height being 40 feet. The proposed plan shows a structure that is 69 feet. I submit my analysis of reviewing this Lots under that criteria.

1. Soil conditions, lot shape, or topography of such land creates an impracticality:

As previously stated, parcels 1100A and 1101A form a single lot, trapezoidal in shape, with irregular lot lines at the East and West ends. The land rises from the East end approximately 16 feet to the West end at Plymouth Road. Plymouth Road continues past the side lot line and rises approximately 2.5 feet then dead ends at Route 28.

At the East end of the lot the land rises, abruptly, 14 feet above grade at approximately a 45-degree angle to form an embankment beside Route 28. The embankment runs along the entire property line. This condition was caused by the taking of a large portion of land at the East end for the right of way and layout of Route 28.

The land rises approximately 8 feet from the front lot line along Sandwich Road to the closest rear lot line thereby creating a "hollow" or depression in relationship to the surrounding land and roads. The existing roads along the East and West of the property are at a higher elevation and form a triangle with respect to the subject land with Sandwich Road as the base.

2. Hardship to the Petitioner if Literal Enforcement of the By-Laws:

Due to the shape and topography of the land a building located in accordance with Zoning requirements of the Town of Wareham Zoning Code would locate the outdoor recreation space for use by the residents, to the rear of the main building.

The space would be in constant shadow, with limited air circulation and subject to poor air quality due to the aforementioned topography and surrounding roadways. Granting of the height variance would allow for an elevator lobby space with a large vertical volume.

The tower design of the elevator lobby creates an unconfined and high air quality central gathering place connecting a solarium to the East and exercise/activity rooms to the North.

The planned structure in conjunction with the proposed roof deck would create a healthy year-round indoor/outdoor activity space located high enough above the low lying land to overcome the impracticability of locating this amenity at ground level.

3. Desired relief may be granted without Substantial Detriment to the public good:

The proposed main structure, with the exception of the tower portion and its adjacent spaces, is in full compliance with the Town of Wareham Zoning Code. The portion of the main building that will exceed the height requirement covers only 29% of the roof surface and is located on the rear half of the building roof.

The design intent is to setback the rooftop structure and create a minimal visual impact from the public way. The tower or “spire” will be of sufficient height to conceal the necessary elevator machine room and over travel space. A traditional elevator penthouse is excluded in calculation of building height but is certainly visible.

The construction of a solarium, which by definition, allows therapeutic exposure to light will contribute to a healthy environment for the residents. The much needed assisted living facility will benefit the Town of Wareham by making available a state of the art facility located a short distance from Tobey Hospital.

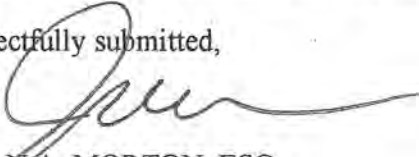
4. No derogation from the intent or purpose of such Ordinance or by-law:

The stated purpose of the Zoning By-Law includes providing light and air along with encouraging the most appropriate use of land throughout the Town of Wareham.

This project will provide a much-needed facility that takes into consideration safe and effective building design with regard to the current pandemic. The aging population of Wareham and surrounding communities would benefit greatly from the proposed appropriate use of this land.

When all things are considered allowing this Special Permit/Variance on this parcel of land, with significant special characteristics, would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By- Laws.

Respectfully submitted,



JULIAN A. MORTON, ESQ.

Attorney for the Petitioner

TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$80.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 238 + 240 Sandwich Road MAP: _____ LOT: _____
 ZONING DISTRICT: CS
 USE REQUESTED: assisted living facility *as trustee of the PSM Realty Trust*
 OWNER OF LAND & BUILDING: Frederick Mannix TEL.# 617 792 5539
 ADDRESS OF OWNER: 188 North Street
 PERSON(S) WHO WILL UTILIZE PERMIT: Frederick Mannix *Portland Building Associates*
 ADDRESS: P.O. Box 85, Boston MA 02113
 DATE: 8/10/2020 SIGNATURE: [Signature] *By his attorney*
 This application was received on the date stamped here:

Town Clerk: _____ Date: _____
 Tax Collector: _____ Date: _____
 Planning/Zoning Dept.: _____ Date: _____
 Application fee paid: _____ Check #: _____ Receipt: _____
 Advertising fee paid: _____ Check #: _____ Receipt: _____
 Abutters fee paid: _____ Check #: _____ Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Mr. Frederick Mannix

Applicant's Address: 188 North St, Boston, MA 02113

Telephone Number: 1-617-792-5539

Cell Phone Number: _____

Email Address: nextbgc@yahoo.com

Address of Property/Project: 238 + 240 Sandwich Rd, Wareham MA

Landowner's Name: Frederick Mannix, Trustee of RJM Realty TRU

Owner's Address: Same as Above

Telephone Number: _____

Contact Person: Jilian Morton Telephone Number: 508-681-2334

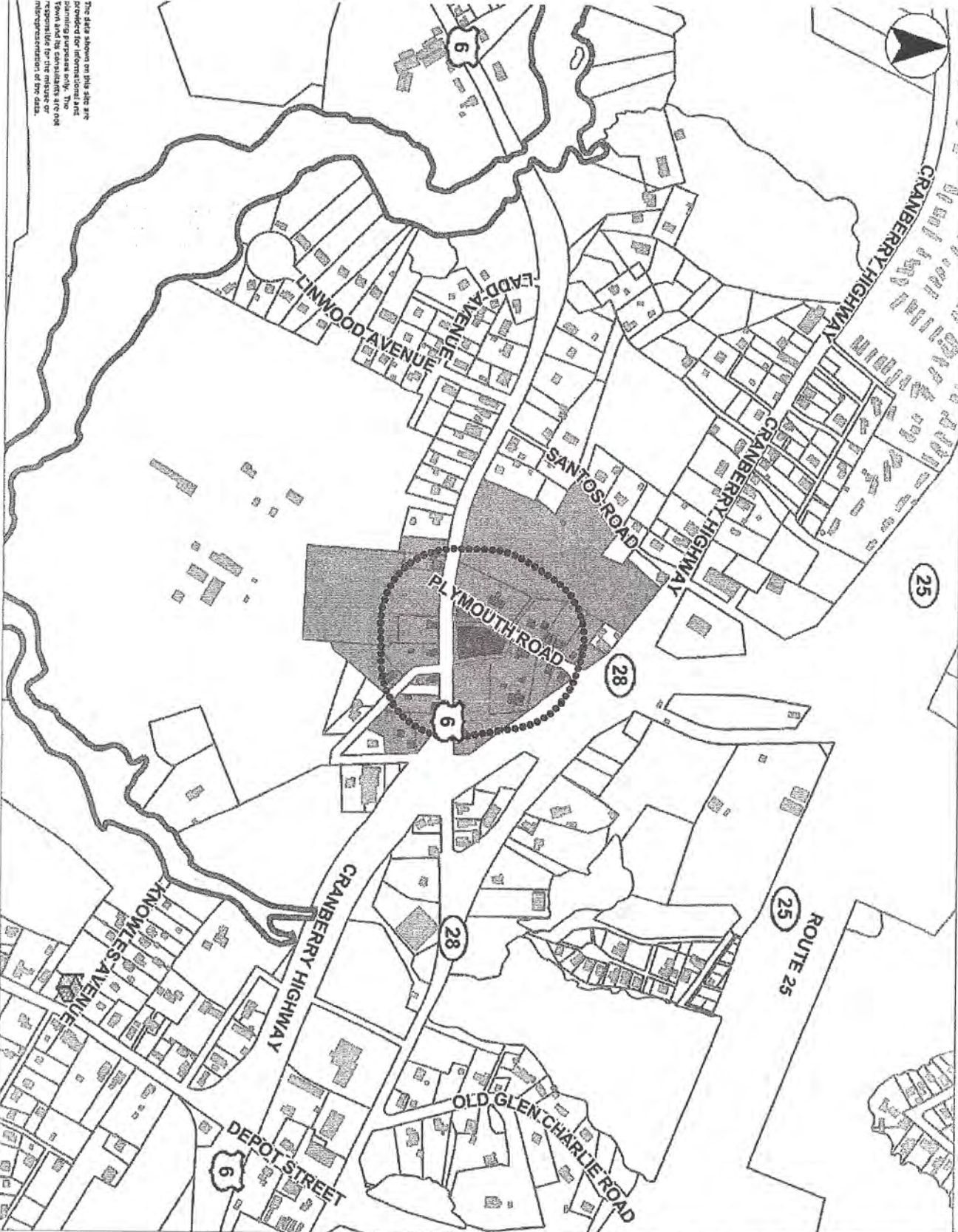
Map 133 Lot 1100A and 1101A Zone commer cal. zoning district

Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT A

TOWN OF WAREHAM ABUTTERS									
MAP 133-1100/A									
OWNER FREDERICK MANNIX									
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
133-1006/B	ZEOLI GREGORY A		233 SANDWICH RD	WAREHAM	MA	02571			
133-1085/B	AMES WILLIAM D	AMES ANNE M	219 SANDWICH RD	WAREHAM	MA	02571			
43-1007	ZEOLI GREGORY A		233 SANDWICH RD	WAREHAM	MA	02571			
133-1094	COMPREHENSIVE MENTAL HEALTH	SYSTEMS INC	331 STATE RD	N DARTMOUTH	MA	02747			
43-1008	MCJ MANAGEMENT LLC		10 WINDSOR DR	WAREHAM	MA	02571			
133-1099	WESTGATE LEON ALLEN		1 PLYMOUTH RD	WAREHAM	MA	02571			
133-1090	MONTEIRO GREGORY L	MONTEIRO FLORENCE R	PO BOX 97	E WAREHAM	MA	02538			
133-1089	VASCONCELOS GINO TRUSTEE OF THE	VASCONCELOS IRREV TRUST	8 PLYMOUTH RD	WAREHAM	MA	02571			
43-1009	MATOS SALVADOR	CABRAL-MATOS PAULA	239 SANDWICH RD	WAREHAM	MA	02571			
133-1088	VASCONCELOS GINO		8 PLYMOUTH RD	WAREHAM	MA	02571			
133-1087	ELICIER JOSE R		10 PLYMOUTH RD	WAREHAM	MA	02571			
43-1010	DASILVA LIVIA		PO BOX 226	E WAREHAM	MA	02538			
43-1011	CAMPINHA JESSE		PO BOX 623	E WAREHAM	MA	02538			
133-1097	DIXON DAVID A	DIXON DEBORAH A	5 PLYMOUTH RD	WAREHAM	MA	02571			
133-1096	PETRONE MICHAEL A	PETRONE JESSICA N	7 PLYMOUTH RD	WAREHAM	MA	02571			
133-1095	PLUDRA CARON J		9 PLYMOUTH RD	WAREHAM	MA	02571			
43-1012	GOMES ANTONE JR JR	GOMES JULIE A TRUSTEES	PO BOX 327	E WAREHAM	MA	02538			
43-1013	DASILVA JOANNA C		PO BOX 226	E WAREHAM	MA	02538			
43-1014/A	MORSE JOHN W		ROGERS AVE	E WAREHAM	MA	02538			
43-1015	BLANCHETTE RICHARD D	BLANCHETTE ELIZABETH	247 SANDWICH RD	WAREHAM	MA	02571			
43-5R4	BLANCHETTE RICHARD	BLANCHETTE ELIZABETH + ANDREW	245 SANDWICH RD	WAREHAM	MA	02571			
43-1018	MALLEY JOHN E	MALLEY KAREN J	1 ROGERS AVE	WAREHAM	MA	02571			
133-1078	ANGUS NANCY S	ANGUS NANCY C TRUSTEES	PO BOX 270	BUZZARDS BAY	MA	02532			
CERTIFIED ABUTTERS AS									
THEY APPEAR ON OUR TAX ROLLS									
AS OF 12/31/2019									
<i>G. P. P. Akis</i>									
ASSESSORS OFFICE									
REQUESTED BY									
JULIAN A MORTON, ESQ.									
JAM@MORTONLAWLLC.COM									



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for any errors or misrepresentation of the data.

730

1460 ft

Printed on 08/24/2020 at 08:38 AM

MapOnline by PeopleGIS

- MA. Place
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Precincts
- Town Boundary
- MA Highways
- US Highway
- Numbered Road
- Streets
- Barnstable
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-70 ft
 - 80-70 ft
 - 70+ ft
- Abutting Towns
- Abutting Town Labels



The data shown on this site are provided for informational and planning purposes only. The town and its constituents are not responsible for any errors or misrepresentation of the data.

730
1460 ft

Printed on 08/24/2020 at 08:49 AM

MapOnline by PeopleGIS

- MA Post
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Streets
- Parcels
- Town Boundary
- M.A. Interstate
- US Highway/Numbered Route
- Streets
- Bathymetry
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns

EXHIBIT B



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David E Morris
Director of Inspectional Services

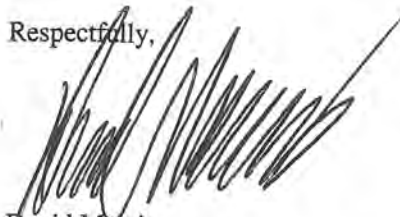
Frederick Mannix
C/O Zazzara Assoc.
188 North St.
Boston, MA 02113

August 6, 2020

RE: 238 Sandwich Rd.

After careful review of your documents, with the information provided, I must deny application B-20-471 at this time. Your proposed building will exceed the height requirements allowed by the Town of Wareham Zoning Bylaws. Also, an accessory building does not meet the allowed side setback. These will require a Special Permit and/or a Variance granted by the Zoning Board of Appeals. The proposed addition\alteration is located in the CS district.

Respectfully,


David Morris
Director of Inspectional Services
Code Enforcement Officer

In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

EXHIBIT C

QUITCLAIM DEED

I, Brock P. Tacy, as President and Treasurer of Tacy Enterprises, Inc., a Massachusetts Corporation with a principal place of business at RTD#2, East Wareham, Plymouth County, Massachusetts, which Massachusetts corporation is the Trustee of the BKT Realty Trust u/d/t dated July 3, 2001, recorded with the Plymouth County Registry of Deeds in Book 20141, Page 104 of 16 Siasconnet Drive, Sagamore Beach, Plymouth County, Massachusetts

for consideration paid and in full consideration of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00) and other good and valuable consideration

Grant to Elaine M. Flynn-Marrux, Trustee of the RM Realty Trust, u/d/t dated August 4, 2005 recorded herewith with quitclaim covenants

A certain parcel of land with all the buildings and improvements thereon situated on the northerly side of Agawam Road a/k/a Sandwich Road (Route 6) in the Town of Wareham, County of Plymouth, and Commonwealth of Massachusetts, bounded and described as follows:

The land in said Wareham, with the buildings thereon consisting of Lots 1098, 1100, 1101 and 1102 as shown on a Plan of Land at Sandwich Road, Wareham, Mass., prepared for Tacy Enterprises, Inc. by J.C. Engineering, Inc., 2854 Cranberry Highway, East Wareham, Mass., dated May 11, 2005, Scale 1"=20', and recorded with Plymouth County Registry of Deeds, as the same is recorded with the Plymouth County Registry of Deeds, and bounded and described as follows, to wit: Beginning at a point on the northerly sideline of Agawam Road a/k/a Sandwich Road (Route 6) as shown on said plan, at the southwesterly corner of Lot 1100 on said plan being eight-nine and 22/100 (89.22) feet easterly from Plymouth Road measured along Sandwich Road, then running NORTHERLY by Lot 1099, now or formerly of Westgate, one hundred and 46/100 (146.46) feet then running NORTHEASTERLY by Plymouth Road, one hundred twenty-six and 76/100 (126.76) feet; then running EASTERLY by Lot 1097 now or formerly of Dixon, eighty-two and 09/100 (82.09) feet; then running SOUTHERLY by Lot 1097 now or formerly of Dixon, seventy-five and 36/100 (75.36) feet; then running EASTERLY by Lot 1097 now or formerly of Dixon, twenty-nine and 54/100 (29.54) feet; then running NORTHERLY by Lot 1097 now or formerly of Dixon, seventy-nine and 46/100 (79.46) feet; then running SOUTHEASTERLY by Elm Street a/k/a Route 28, one hundred sixty-six and 76/100 (166.76) feet; then running WESTERLY by Lot 1078, now or formerly of Angus, twenty-five and 96/100 (25.96) feet; then running SOUTHERLY by Lot 1078, now or formerly of Angus, one hundred (100) feet; then running WESTERLY by Agawam Road a/k/a Sandwich Road (Route 6), four hundred forty-nine and 81/100 (449.81) feet to the point of beginning.

Page 1049

Containing 83,001 square feet of land, more or less, according to said plan. This conveyance is subject to easements and restrictions of record, if any, as far in same are in force and applicable.

For grantor's title, see deed recorded in Plymouth County Registry of Deeds in Book 20141, Pages 112-119 and the Estate of Clayton Paul Tacy (Plymouth Probate Docket No. 01P2059EP1).

Witness my hand and seal this 4th day of August, 2005.

* Grantee mailing address:
66 Harvard St., Chelsea, MA 02150

Brock P. Tacy, President and Treasurer of Tacy Enterprises, Inc., Trustee of BKT Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

August 4, 2005

On this 4th day of Aug., 2005, before me, the undersigned notary public, personally appeared Brock P. Tacy in his capacities as President and Treasurer of Tacy Enterprises, Inc., Trustee of the BKT Realty Trust, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a state or governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

My commission expires

RUBENBAND
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 3, 2011

PLYMOUTH
DEEDS REGISTRY
PLYMOUTH
CANCELLED

06/17/05 3:07PM
030223 96206
FEE \$148.00
CASH \$148.00

103310

PJM REALTY TRUST
APPOINTMENT OF SUCCESSOR TRUSTEE

We, the beneficiaries of the PJM Realty Trust, under Declaration dated August 4, 2005, and recorded at the Plymouth County Registry of Deeds on August 17, 2005 as Document No. 103310, hereby appoint, unanimously, Frederick C. Mannix of Boston, MA, as Trustee of said PJM Realty Trust as the successor trustee and filling the vacancy left by the resignation of Elaine M. Flynn-Mannix. Tr 311598200

IN WITNESS WHEREOF Thomas Zazzara and Frederick C. Mannix.

EXECUTED under Seal this 5th day of August, 2005

Beneficiaries: *Frederick C. Mannix* Trustee
 Frederick C. Mannix
 Successor Trustee as aforesaid and not Individually

Thomas Zazzara
 Thomas Zazzara

Notary Public
 My Commission Expires: 7/22/2010

RECEIVED & RECORDED
 PLYMOUTH COUNTY
 REGISTRY OF DEEDS
 AUG 2005 09:45AM
 JOHN R. BUCKLEY, JR.
 REGISTER
 PK 31189 Pg 22

On the 5th day of August 2005, before me, the undersigned notary public, personally appeared Frederick Mannix, proved to me through satisfactory evidence of identification, which was based on personal knowledge of the identification of said *Frederick Mannix*, to be the person whose name is signed on the preceding document, who acknowledged to me that he signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public
 My Commission Expires: 7/22/2010

COUNTY: Suffolk, SS

On this 5th day of August 2005, before me, the undersigned notary public, personally appeared Thomas Zazzara, proved to me through satisfactory evidence of identification, which was based on personal knowledge of the identification of said *Thomas Zazzara*, to be the person whose name is signed on the preceding document, who acknowledged to me that he signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public
 My Commission Expires: 7/22/2010

Notary to
 David A. Davey, PC
 770 Washington Street
 Chelsea, MA 02155



103309
Received & Recorded
Plymouth County
Registry of Deeds
23 AUG 2005 09:45AM
R. B. B. JR.
REGISTRAR
Bk. 31188 Pg 21

CERTIFICATE OF RESIGNATION OF TRUSTE

I, Elaine M. Flynn-Mannix, hereby resign as Trustee of PFM Realty Trust under Declaration of Trust dated August 4, 2005 and recorded herewith with Plymouth County Registry of Deeds.

This resignation shall be effective immediately.

EXECUTED as a sealed instrument this 5th day of August, 2005.

Elaine M. Flynn-Mannix
Elaine M. Flynn-Mannix

COPIES

COMMONWEALTH OF MASSACHUSETTS

Notary
Public, ss.

On this 5th day of August, 2005, before me, the undersigned notary public, personally appeared, Elaine M. Flynn-Mannix, proved to me through satisfactory evidence of identification, which was M.A. D. [unclear], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Thomas Hand Brown
Notary Public Thomas H. Brown
My commission expires: 12/13/2010

COPIES

Mail 6
Kathryn & Sanders

Wellesley MA

02461



CHANGE OF TRUST ADDRESSES

57830

As of June 1, 2007, Newton MA THE CONSENT OF THE
BENEFICIARIES, THE TRUST ADDRESS OF THE
PTM REALTY TRUST RECORDED IN BOOK 31159
PAGE 200 AT THE PLYMOUTH COUNTY REGISTRY
OF DEEDS SHALL BE AS FOLLOWS:

137 RUSSELL ROAD
NEWTON MA 02465

EXECUTED AS A SEALED INSTRUMENT THIS SIX DAY OF JUNE, 2007

By ITS TRUSTEE
SIGNATURE Frederick C. Mannix
PRINT NAME FREDERICK C. MANNIX

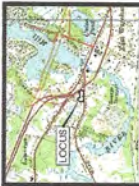
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
06 JUN 2007 03:25PM
JOHN R. BUCKLEY, JR.
REGISTRAR
BK 34639 Pg 29-30

Mrs. To: 1

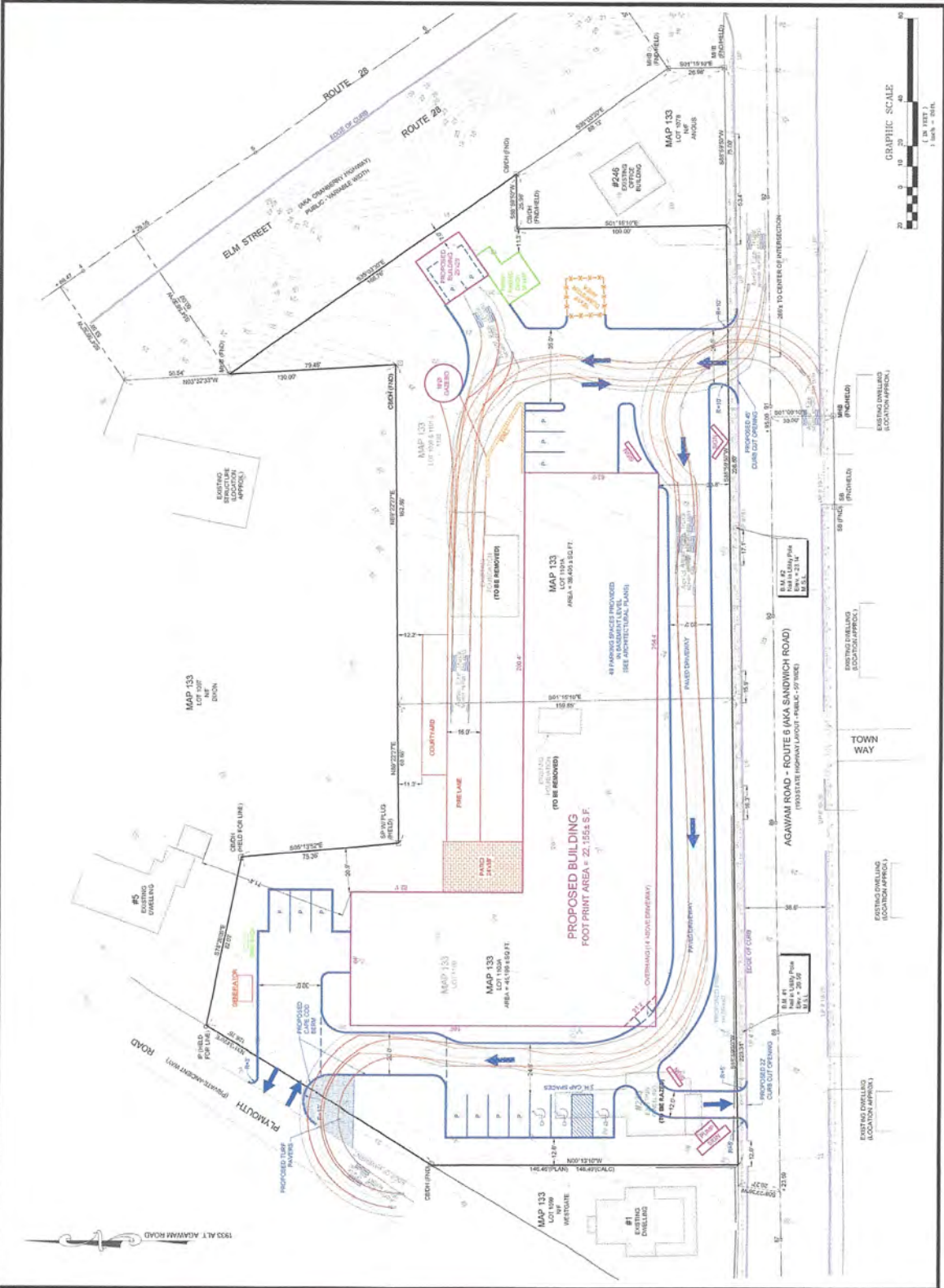
FRCD, MANNIX
99 D KUSTICK RD
NEWTON MA 02465

page 1 of 2

EXHIBIT D



LOCUS MAP SCALE 1" = 2000'	
DATE	AUG 12, 2009
FIELD	CRMB
CALC/DESIGN	MP
DRAWN	MP
CHECK	JAC
JOB NO.	432
SHEET 5 OF 7	



SITE PLAN
 239-240 SANDWICH ROAD
 WAREHAM
 MASSACHUSETTS
 FIRE TRUCK ACCESS

REVISIONS:

No.	DATE	DESC.

PREPARED BY:
 F.C. MANNIX
 BOSTON, MA 02113
 617-752-5239

REFERENCED BY:
 JC ENGINEERING, INC.
 2854 CRANBERRY HIGHWAY
 EAST WAREHAM, MA 02538
 508-273-0377

DATE

FIELD

CALC/DESIGN

DRAWN

CHECK

JOB NO.

SHEET 5 OF 7

EXHIBIT E

L B Graves
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 lbgravesarchitect@comcast.net
 Phone: 781.248.4845
 Fax: 781.391.1842

PROJECT NAME:
**WAREHAM
 ASSISTED LIVING**

CONCEPT DESIGN

PROJECT ADDRESS:
**240 SANDWICH RD.
 WAREHAM, MA**

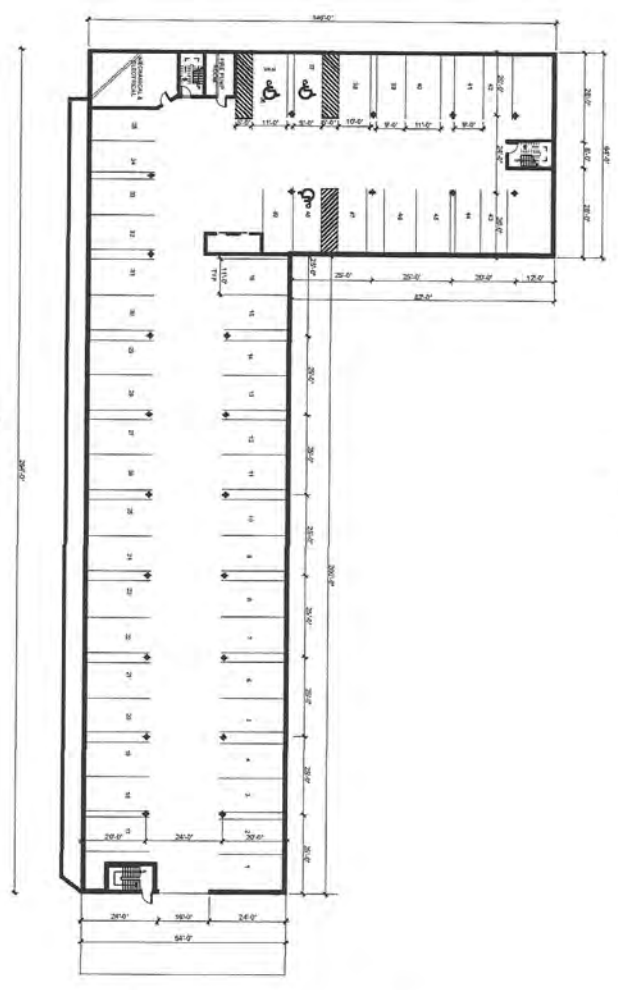
CLIENT:
F. C. MANNIX

DRAWING NAME:
**BASEMENT PLAN-
 MAIN BUILDING**

SCALE:
1/8" = 1'-0"

REVISIONS	
REV. NO:	REV. DATE:

A-02



BASEMENT PLAN

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PROJECT NAME:

WAREHAM
 ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD.
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

FIRST FLOOR PLAN-
 MAIN BUILDING

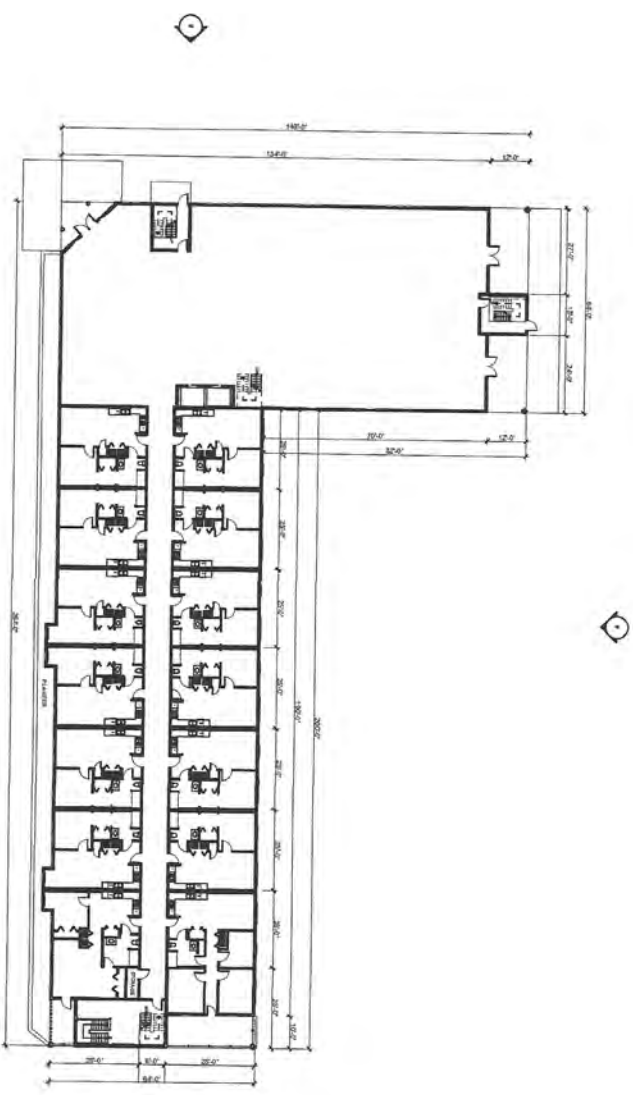
SCALE:

1/4" = 1'-0"

REVISIONS

REV. NO. REV. DATE: ARCHIT. 18-2009

A-03



FIRST FLOOR PLAN

L B Graves
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PROJECT NAME:

WAREHAM
 ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD.
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

SOLARIUM PLAN-
 MAIN BUILDING

SCALE:

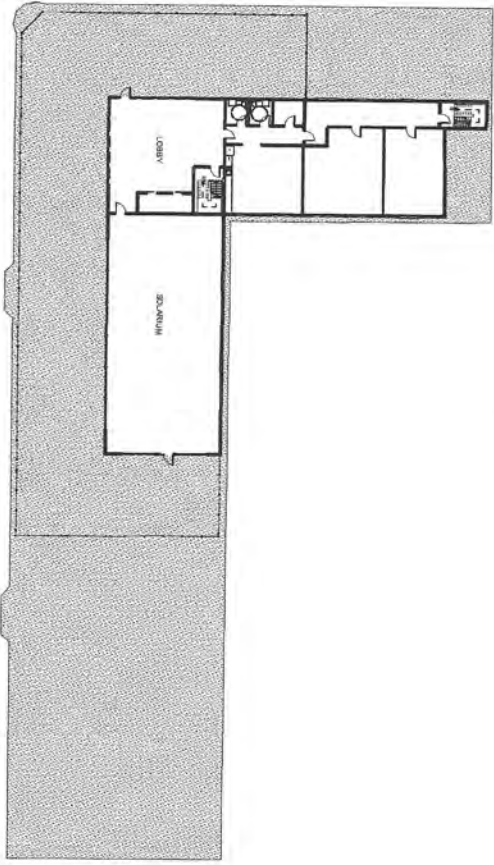
1/16" = 1'-0"

REVISIONS

REV. NO: REV. DATE: REVISIONS

1 10/19/11

A-07



SOLARIUM & ROOF DECK PLAN

L B Graves
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PROJECT NAME:

WAREHAM
 ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD.
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

ROOF PLAN-MAIN
 BUILDING

SCALE:

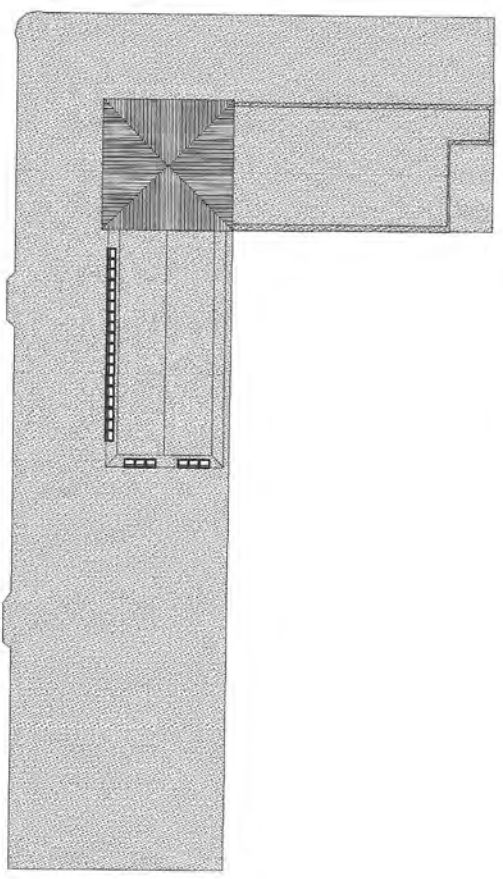
1/8" = 1'-0"

REVISIONS:

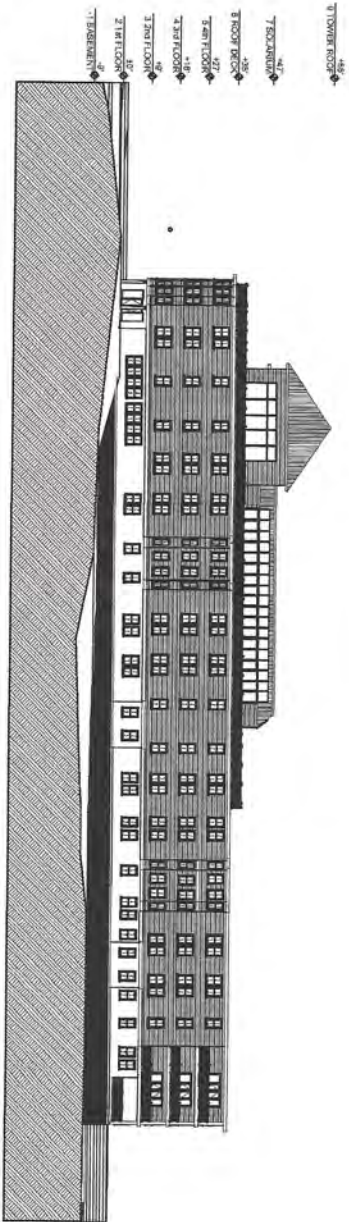
REV. NO. REV. DATE:

MARCH 14, 2009

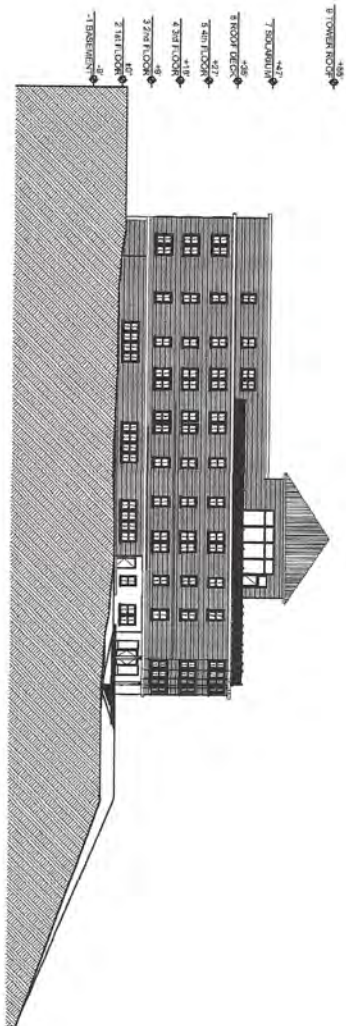
A-08



ROOF PLAN



SOUTH ELEVATION



WEST ELEVATION

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PROJECT NAME:
WAREHAM
ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:
240 SANDWICH RD.
WAREHAM, MA

CLIENT:
F. C. MANNIX

DRAWING NAME:

ELEVATIONS
 SOUTH & WEST

SCALE:
 1/16" = 1'-0"

REVISIONS	REV. NO.	REV. DATE:	APPROVED BY:

A-09

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PROJECT NAME:
**WAREHAM
 ASSISTED LIVING**

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD.
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

SOUTH & WEST
 ELEVATION 3D

SCALE:

1/16" = 1'-0"

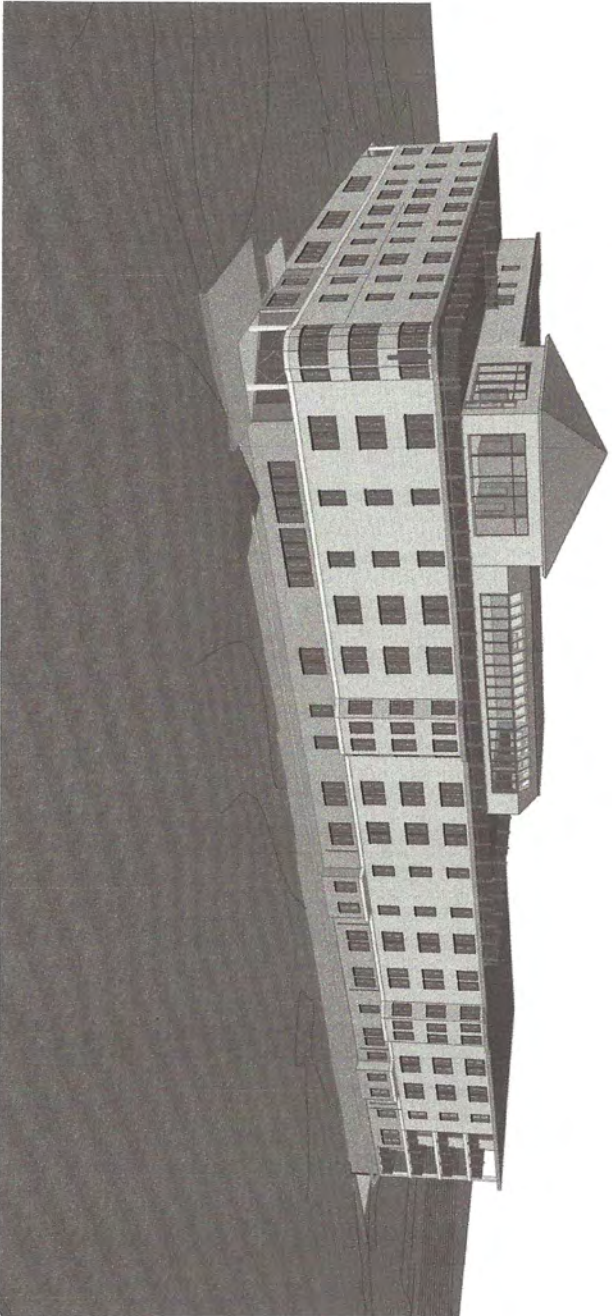
REVISIONS

REV. NO. REV. DATE

MARCH 9, 2020

A-11

SOUTH & WEST ELEVATION 3D



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PROJECT NAME:
 WAREHAM
 ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD,
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

NORTH & EAST
 ELEVATION 3D

SCALE:

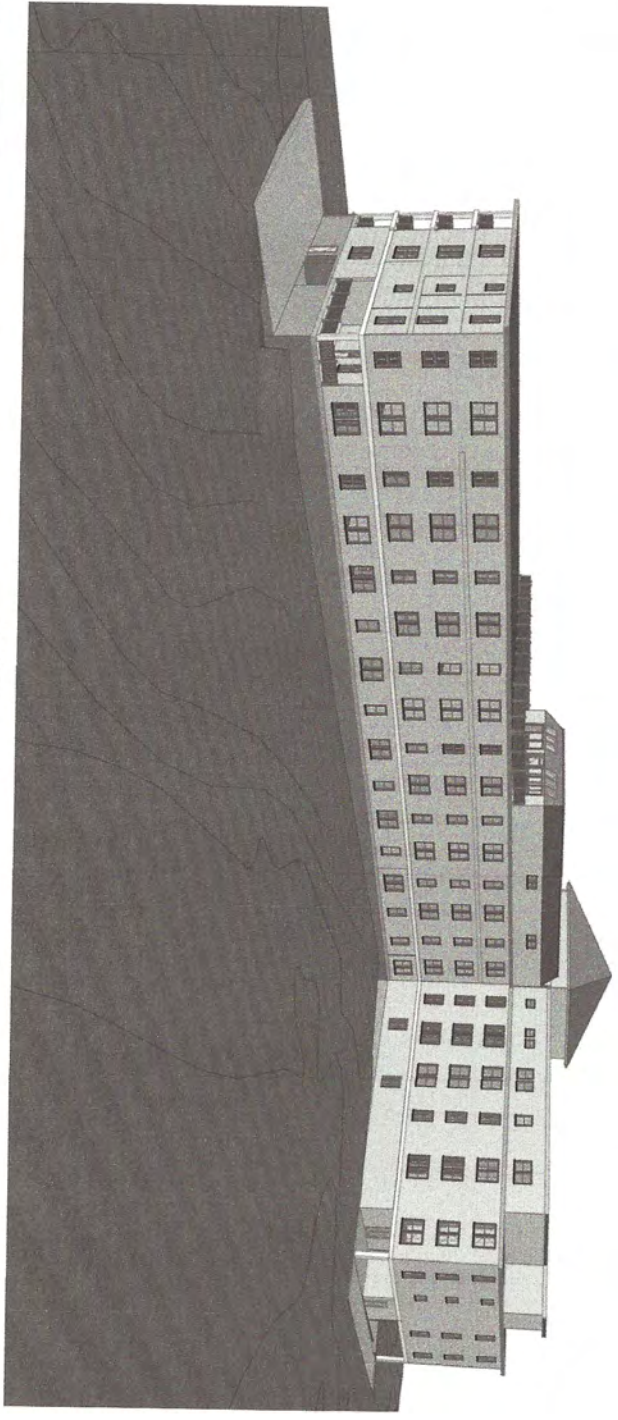
1/8" = 1'-0"

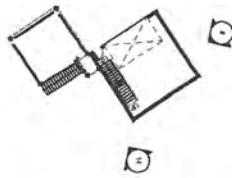
REV. NO.	REV. DATE

MAJOR: 19, 2019

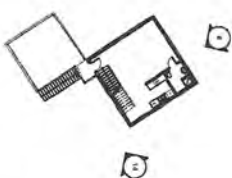
A-12

NORTH & EAST ELEVATION 3D

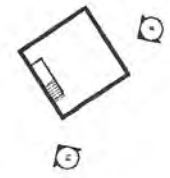




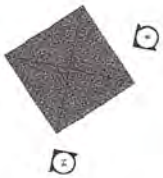
BASEMENT PLAN MAINTENANCE



FIRST FLOOR PLAN MAINTENANCE BLDG



SECOND FLOOR PLAN MAINTENANCE



ROOF PLAN MAINTENANCE



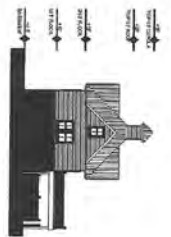
SOUTH ELEVATION MAINTENANCE



EAST ELEVATION MAINTENANCE



WEST ELEVATION MAINTENANCE



NORTH ELEVATION MAINTENANCE

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PROJECT NAME:
**WAREHAM
 ASSISTED LIVING**

CONCEPT DESIGN

PROJECT ADDRESS:
**240 SANDWICH RD.
 WAREHAM, MA**

CLIENT:
F. C. MANNIX

DRAWING NAME:

**MAINTENANCE
 BUILDING**

SCALE:	
1/16" = 1'-0"	
REVISIONS	REV. DATE
REV. NO:	INVOICE NO. 288

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PROJECT NAME:
 WAREHAM
 ASSISTED LIVING

CONCEPT DESIGN

PROJECT ADDRESS:

240 SANDWICH RD.
 WAREHAM, MA

CLIENT:

F. C. MANNIX

DRAWING NAME:

RENDERINGS

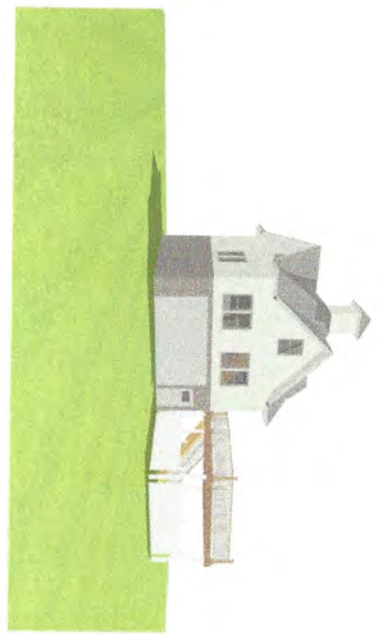
SCALE:

1" = 1'-0"

REVISIONS

REV. NO.	REV. DATE

A-14



MAINTENANCE BUILDING



SOUTHWEST CORNER STREET VIEW