

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

September 13, 2020

Albert LaValley, Chair
Worcester Planning Board
Worcester City Hall
455 Main Street, Room 404
Worcester, MA 01608

Re: Salisbury Hill (aka 0 or 727 Salisbury Street);
Amendment to Special Permit for Continuing Care Retirement
Community (CCRC) & Definitive Site Plan Approval

Dear Chairman LaValley and Members of the Planning Board:

I submit this letter on behalf of the applicant, Salisbury Holdings, LLC. As you know, the Salisbury Hill project was approved as a Continuing Care Retirement Community (CCRC) by special permit in 2002, with several amendments to the special permit over the years to extend completion deadlines and modify aspects of the project. The current application seeks further amendments to the project's design and the number of units.

This letter is in response to questions concerning Salisbury Hill's operation/use as a CCRC and the modified community amenities proposed as part of this application. This letter is an update of the letter I provided to the Board dated January 7, 2020.

In summary, Salisbury Hill complies with the CCRC requirements of the Worcester Zoning Ordinance and the Planning Board's special permit conditions concerning resident services, and will continue to do so with the proposed modifications to the community amenities.

CCRC Requirements Under Article X of the Worcester Zoning Ordinance:

The Worcester Zoning Ordinance provides in Article X, Section 2.A, that a CCRC shall mean:

[A] development on a parcel of land five (5) acres or greater, comprised of a dwelling or dwellings with a minimum of three (3) residential services operated or sponsored as a coordinated unit, by a corporation or organization having among its principal purposes, the provision of housing and associated services for retired and aging persons with occupancy of dwelling units limited to persons, at least one of whom shall have attained the age of fifty-five (55) years. Coordinated unit

means a building or group of buildings under common management and serving purposes which assist retired and aging persons in maintaining an independent lifestyle.

(Emphasis added).

Further, Article X, Section 2.A, sets forth various resident services that may be provided at a CCRC.

CCRC Special Permit Requirements:

The amended special permit for Salisbury Hill issued by the Planning Board in 2016 and recorded with the Worcester District Registry of Deeds in Book 55314, Page 209, provides in Condition #1 that all previous conditions of approval for the project are re-affirmed. The amended special permit for Salisbury Hill issued by the Planning Board in 2014 (and re-affirmed by the 2016 decision) provides in Condition #9 that resident services to be provided at Salisbury Hill shall include at a minimum:

- a. Transportation services to adequately meet the transportation needs of the residents;
- b. Wellness programs;
- c. A community center with library, computer/media room, game room, function space with caterer's kitchen and exercise area with lockers and showers;
- d. Walking trails, tennis courts and a putting green;
- e. Cleaning and other personal services;
- f. Through a service provider agreement with Jewish HealthCare Center (or other health care provider):
 - i. Priority admission to the Jewish HealthCare Center (or other center) for sub-acute care;
 - ii. Seasonal health-care services such as flu shots and out-patient clinic; and,
 - iii. Supervised conditioning and strength training programs.

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The applicant proposes changes to this list as part of the current application (discussed below).

Master Deed and Trust Provisions:

The Master Deed for Salisbury Hill, recorded with the Worcester District Registry of Deeds in Book 33936, Page 46, provides in its "Statement of Purpose" (Paragraph 10) that:

Salisbury Hill is a continuing care retirement community limited to occupancy by individuals fifty-five (55) years of age or older ... and their spouse, including the surviving spouse of a deceased Qualified Person. A Unit Owner shall not occupy or use the Unit or permit the same or any part thereof to be occupied or used for any purpose other than as a private dwelling for Qualified Persons or the spouse of a Qualified Person, it being understood and agreed that the property is to be used solely for such housing restricted by age.

The Master Deed provides in Paragraph 3 that the unit owners of Salisbury Hill shall manage and regulate the community through the Salisbury Hill Condominium Trust, established by a Declaration of Trust recorded with the Worcester District Registry of Deeds in Book 33936, Page 77. The Declaration of Trust has a requirement in Section 5.1(q) that the Trust provide the following services to unit owners at Salisbury Hill, with the costs of such services to be common expenses of the unit owners:

1. Transportation services to adequately meet the transportation needs of the Unit Owners;
2. Wellness programs;
3. A Community Building with library, a computer/media room, game room, function space with a caterer's kitchen and exercise area with lockers and showers;
4. Walking trails, tennis courts and a putting green;
5. Cleaning and other personal services, on request;
6. Through a service provider agreement with the Jewish HealthCare Center, Inc. or other facility for sub-acute care;
 - (i) Priority admission to the Jewish HealthCare Center or other facility for subacute care;

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- (ii) Seasonal health-care services such as flu shots and out-patient clinic, and;
- (iii) Supervised conditioning and strength training programs.

The Master Deed and the Declaration of Trust, therefore, provide that Salisbury Hill is operated by a “coordinated unit” (as defined in the Worcester Zoning Ordinance) that operates or sponsors at least three residential services designed to assist retired and aging persons in maintaining an independent lifestyle.

Agreement with Jewish HealthCare Center, Inc.:

The original developer of Salisbury Hill, Bailin and Associates, Inc., entered a Healthcare Service Provider Agreement (“HSPA”) with Jewish HealthCare Center, Inc. (the “Center”) on November 12, 2001. Under the terms of the HSPA, the Center agreed to make the following services available to residents of Salisbury Hill on a fee basis:

1. Use of existing van transportation services available through the Eisenberg Center, an affiliate of the Center;
2. Supervised conditioning and strength training through the rehabilitation department of the Center;
3. Supervised rehabilitation services;
4. Admission to the Center, subject to available space, for sub-acute care;
5. Use of the Center’s outpatient clinic;
6. Provision of seasonal healthcare benefits such as flu shots and;
7. Access to lectures, programs, and wellness offerings at the Center.

The HSPA remains in full force and effect. Salisbury Hill residents use the services available through the Center on a regular basis. The applicant has previously provided the Board with data on resident use of the Center.

Other Services Available at Salisbury Hill:

In addition to the new community center at Salisbury Hill, a majority of unit owners utilize various “handyman services” made available through the Trust and designed to assist retired and aging residents.

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Further, twice each year the Trust distributes a list of outside contractors (plumbers, electricians, painters, and cleaners) that are pre-approved to work for unit owners at Salisbury Hill. The Trust also sends quarterly homeowner maintenance reminders to all unit owners regarding preventative maintenance, seasonal maintenance, and battery and filter changes.

Modifications to Community Amenities:

Through the 2016 special permit amendment, the site's community center / clubhouse was reduced from 6,500/7,500 square feet to its current size of approximately 3,300 square feet, based upon resident input. Through this current application, we propose that the project's conditions on community amenities should be further modified to reflect the current design of the completed community center, which provides function spaces with a caterer's kitchen and bar, a game and media room, and a library, but not an exercise area with lockers and showers. The final design of the community center and amenities was determined by a residents clubhouse committee working with the developer.

Condition #3 of the 2016 special permit amendment provides that "an additional 4,200 SF of amenity space, to be determined at a future time and subject to required approvals, be provided once 252 units are sold." This application proposes a total unit count of 201, compelling an amendment to Condition #3. We are also happy to specify the additional amenities at this time, rather than leaving them "to be determined."

The proposed new project amenities (replacing the amenities eliminated through the 2016 special permit amendment) would be constructed in two phases, as follows:

Phase 1 Amenities, Rear Side of the Existing Clubhouse:

1. Pickelball court along with fencing around the court (pickelball is one of the fastest growing sports in the U.S. and is preferred by many seniors over tennis, as it is less strenuous on the body).
2. Bocce court.
3. Horseshoe pit.
4. Stonedust path running from south to north between the pickelball, bocce, and horseshoe courts with backless benches allowing for viewing of ongoing events taking place on the various courts.
5. Expansive recreational lawn area outside the northwest corner of clubhouse, which will be used for lawn sports, fitness, social gathering, and activities

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such as:

- a. Croquet;
 - b. Group yoga and other coordinated group wellness activities; and
 - c. Large community and private events.
6. Brick patio (1,100 square feet) off the rear deck of the clubhouse, with seating areas and a fire pit with seating.
 7. On the north side of the pickleball court and to the rear of units 61 through 64, a natural surface walking path to be weaved in between existing mature trees, preserving the wooded setting in this area.
 8. Three picnic areas to be used for passive activities such as picnics, reading, and small group gatherings.

The collective square footage of the clubhouse amenity areas described numbers 1 through 8 above is approximately 20,088 square feet, which far exceeds the 4,200 square feet for future amenity space referenced in Condition #3 of the 2016 special permit amendment. In addition, these amenities will be part of Phase 1 of the new construction, benefitting not only new residents to the community but also longtime residents of Salisbury Hill.

Phase 5 Amenities, Pocket Park:

The pocket park will be accessed via pedestrian stonedust and grass walking paths running between units 91 and 90 on the eastern side of the park and units 77 and 117 on the western side of the park. The park will include a brick patio with a seating area, a brick patio with a pergola covered seating area, a lawn area, a circular stonedust path surrounding the patios, and landscaping. The pocket park is designed for small group gatherings or as an area to sit and rest while on a walk through the community.

The collective square footage of the pocket park area is approximately 8,973 square feet. The pocket park amenity will be part of Phase 5 of the new construction, as the pocket park location would be used as a staging area for excess materials during Phases 1 through 3 of the construction process.

Status as a CCRC:

Based upon the forgoing, Salisbury Hill operates as a CCRC in compliance with the Worcester Zoning Ordinance and the applicable special permit conditions, with various resident services designed to assist retired and aging persons in maintaining an independent lifestyle

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sponsored by the Trust and used by the unit owners. That status will continue upon approval of the changes proposed as part of this application.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "BF", with a horizontal line extending to the right.

Brian R. Falk

BRF/ljk

cc: Client