

October 6, 2023

Nazih Elkallassi, Chairman  
Town of Wareham  
Zoning Board of Appeals  
54 Marion Road  
Wareham, MA 02571

**Re:** Second Peer Review  
Warren 176 Main St QOZB, LLC  
Special Permit, Variance, and Site Plan  
Review Application  
ZBA Case 31-23  
176 Main Street  
Wareham, MA

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Dear Mr. Elkallassi and Members of the Zoning Board of Appeals:

In accordance with our contract to conduct a peer review of Warren 176 Main St QOZB, LLC's Special Permit, Variance, and Site Plan Review application associated with the Proposed Site Improvements Plan at 176 Main Street in Wareham, Massachusetts, Allen & Major Associates, Inc. (A&M) is pleased to provide the following comments. The comments presented below are based on the review of the design documents provided to A&M by Wareham Planning and Community Development. A&M did not conduct a field assessment of the project but can do so if the ZBA requires.

In conducting the peer review, A&M reviewed the following documents:

- Proposed Site Improvements Plan at 176 Main Street Wareham, Massachusetts prepared for Warren 176 Main St QOZB, LLC prepared by G.A.F. Engineering, Inc. dated July 18, 2023 revised through September 22, 2023;
- Stormwater Report for 176 Main Street Site Development 176 Main Street Wareham, MA prepared for Warren 176 Main St QOZB, LLC prepared by G.A.F. Engineering, Inc. dated July 18, 2023;
- Cover letter, Impact Statement, Applications, Building Department denial letter, certified abutters list, Quitclaim Deed and checklist prepared by G.A.F. Engineering, Inc. dated July 20, 2023;
- Response to Comments dated September 12, 2023 by G.A.F. Engineering;
- Letter from the Wareham Fire Department dated August 8, 2023.

A&M reviewed the information/materials, listed above in conjunction with the applicable requirements of:

- Town of Wareham By-Laws revised October 25, 2021;
  - Division IV, Article III Earth Removal Regulations;
  - Division V, Article XI, Article I Stormwater Management & Article II Illicit Discharge;
  - Division VI, Article I Wareham Wetland Protective By-Law.
- Town of Wareham Zoning By-Laws Revised April 24, 2023;
  - Article 4: Overlay Districts
  - Article 6: Density and Dimensional Regulations;
  - Article 7: Design Standards and Guidelines;
  - Article 9: Parking;

- Article 10: Landscaping;
- Article 12: Performance Standards;
- Article 15: Site Plan Review.
- Massachusetts Stormwater Handbook, Volumes 1 through 3, as applicable under the Massachusetts Wetlands Protection Act (310 CMR 10.00) with focus on the Stormwater Management Standards.
- National Fire Protection Association (NFPA 1) and the Massachusetts Amendments (527 CMR 18) as applicable to site development plans.

The following represents A&M's review comments. A&M may submit additional comments based on supplemental information provided after the initial peer review.

### **Variance Request**

The proposed project is seeking a variance request for a reduction to the required landscape buffer (Article 10: Landscaping). Based on the Zoning By-Laws §1040 Landscape Buffers, the proposed commercial use is required to provide a minimum 20-ft landscape buffer to the adjacent uses consisting of single and two-family houses located on the southwesterly and westerly side of the property and 10-ft to adjacent commercial uses on the remainder of the property. The submitted material does not provide any explanation or narrative on the variance request. Please note that no landscaping is being proposed, fence or otherwise.

A&M defers to the Zoning Board of Appeals as to the merits of the application as provided as to whether it meets the statutory requirements of section 1470.

### **Wareham By-Laws and Zoning By-Laws**

1. The proposed site improvements are located within the Floodplain Overlay District, therefore subject to subject to Article 4: Overlay Districts, subsection 420 Floodplain Overlay District. A permit is required for development in the Floodplain Overlay District, per §420.10. The applicant should provide an update to the ZBA on the status of the permit. The plans should be updated to note and refer to the overlay district. If the proposed improvements costs are equal to or greater than 50 percent of the structure's market value, then the project would be considered a substantial improvement and the structure would need to be brought into compliance with current FEMA and building code regulations. Has the applicant considered the impacts that may be required to the building and what the potential impacts will be to the site to accommodate the improvements?

**Updated comment:** The Cover sheet zoning data does not appear to include the Flood Plain overlay district as noted in the response letter. Additional issues regarding the applicability of permit have been addressed by the applicant's response.

2. Issue resolved, no further comment.
3. The proposed project is located within the Wareham Village 1 and 2 Zoning District and is subject to Article 7: Design Standards and Guideline, subsection 730 Wareham Village Districts. No architectural plans have been submitted; therefore A&M is unable to review for compliance with subsection 730 Architectural Design Guidelines. The applicant/architect should provide a statement for the record on how the proposed modifications will conform to the applicable section of the Zoning By-Laws. The ZBA may consider a condition of approval requiring the architectural modification of the building to be in compliance with subsection 730 of the Zoning By-Laws.

**Updated Comment:** A&M defers the need for architectural information to the Board to aid in rendering a decision to the application.

4. Zoning By-Law Section 1031 requires "new projects or expansions exceeding 5,000 square feet of non-residential development or more than three multi-family dwelling units, the landscape plan shall be prepared by a registered landscape architect whose seal shall appear on the plan." Landscaping is currently shown on the site plans but has not been prepared by a Landscape Architect. A landscape plan should be provided in accordance with the Zoning By-Law. Please provide a landscape table showing the requirements and what is being provided.

**Updated comment:** The applicant had requested a variance from the landscaping requirements. However with some new material added to sheet 6 of 8, it is unclear if the variance request remains. Please clarify. The addition of landscaping, wherever possible, is an improvement to the prior plan.

5. Issue resolved, no further comment.

### **Site Plan & Drainage Calculations**

6. Issue resolved, no further comment.
7. Issue resolved, no further comment.
8. The applicant proposes restriping an area of existing pavement to remain along the Main Street portion of the site adjacent to the 6 parking stalls. There appears to be an opportunity to remove the excess asphalt and reduce the impervious area on this site improving the overall runoff condition. Would the applicant be willing to remove the excess asphalt in this area? If the applicant is amenable to this suggestion, the opportunity exists to regrade the site driveway to promote runoff into the drainage trench versus directly into Main Street also improving the general runoff condition.

**Updated comment:** A&M defers to the Zoning Board regarding the intended use for snow management in lieu of additional landscaping as suggested. No further comment.

9. Test pit symbols should be added to the Drainage & Grading plan. It appears that the drainage system is located within the estimated seasonal high-water table, based on redoximorphic features (elevation 5.5) in Test Pit #2. The design engineer should review the elevations and revise the plans accordingly.

**Updated comment:** The test pits have been added as suggested. The redox features noted at a depth of 70" (elevation 5.67) have not been reconciled and still conflict with the elevation of the drainage field (elevation 3).

10. After the estimated seasonal high groundwater elevation is confirmed under Comment 9, the applicant is required to provide a groundwater mounding assessment if less than four feet of separation is provided from the bottom of the stormwater system to the confirmed seasonal high water table.

**Updated comment:** Comment remains outstanding.

11. Issue resolved, no further comment.
12. The design engineer should review the proposed watershed divide line between watersheds "1S" & "2S" on the northerly side of the building. The grading indicates the dividing line should be adjusted.

**Updated comment:** The applicant indicated a revision to the watershed divide and its de minimus nature. A&M is unable to confirm as no updated drainage calculations or watershed plans were

provided as part of the revisions. Spot grades were added to the drainage plan but depict a level area at elevation 12.3 on the north side of the building.

13. Issue resolved, no further comment.
14. It appears that the design engineer is utilizing pond storage in the HydroCAD model in addition to the proposed subsurface leaching pits. The plans do not depict the intended location of this storage on the plan. It appears the parking lot is being used as the ponding area in all storm events. Based on the peak elevations reported in the HydroCAD report, water will be ponding against the building during the 10-year event and greater storm events. This should be clarified or revised. The rear door elevation is listed at 12.5 while the 100 year ponding in this area is at 12.79.

**Updated comment:** The response letter notes the use of a broad crested weir at elevation 12.3 on the northerly side of the building. A&M concurs with this from the prior HydroCAD model. However, the model notes that with the weir discharging during the 100-year storm, the water elevation will rise to elevation 12.79 and conflict with the door elevation. Understanding that during a 100-year event there are large areas of ponding that do occur, but the model directly indicates the building entry will be unusable as well as the rear parking areas that includes the only accessible parking spaces onsite.

A&M acknowledges that the entirety of the property is within the floodplain and will be inundated during the 100-year event but drainage backups/parking lot flooding occurs on all storm events. Given the approach to redevelopment, the intent should be to facilitate drainage to the maximum extent practicable which may entail 100% containment of lower events.

The applicant can elect to accept the conditions as proposed with the acknowledgment that a large portion of the site may be potentially unusable during rain events, including the minimum 2-year storm event.

15. Issue resolved, no further comment.
16. The proposed infiltration drawdown calculation reports that the system will take approximately 416 hours to completely drain after a 100 year storm event occurs. That would render the system unavailable to receive additional stormwater for nearly 17 days after significant precipitation. It is acknowledged that the design is based on redevelopment of a site where limited stormwater controls currently exist, however the potential for increased and repeated flooding of the property should be evaluated and the design revised accordingly. The design statement refers to the use of 0.27 inches per hour as the "conservative" rate of the soil as indicative of the drawdown time. Additional evaluative measures should be performed to further determine the underlying soils condition and consider the use of a double ring infiltrometer, or similar test, to determine the infiltrative ability of the soil.

**Updated comment:** Acknowledging that the site is located within the floodplain for the higher storm events, but the stormwater system ponds within the parking area in all storm events. As noted above, the applicant may accept this condition but should be aware of the potential for adverse ponding during rain events. The stormwater regulations allow for compliance to the maximum extent practicable for redevelopment but standards 2 and 3 are required to be met for compliance.

17. Issue resolved, no further comment.
18. Issue resolved, no further comment.
19. Issue resolved, no further comment based on approval by the Wareham Fire Department.
20. Issue resolved, no further comment.

21. Issue resolved, no further comment.

In order to track any changes made to the proposed project, A&M recommends the applicant/engineer provide a written response to the items identified above and/or supplemental information necessary to review the application.

Very Truly Yours,

**ALLEN & MAJOR ASSOCIATES, INC.**

Philip Cordeiro, PE  
Branch Manager