

November 8, 2023

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

**Re:** Second Peer Review  
Angela McKeown  
Special Permit, Variance, and Site Plan  
Review Application  
ZBA Case 21-23  
386 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 Angela McKeown's Special Permit, Variance, and Site Plan Review application associated with the Proposed Site Plan at 386 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 Plan at 386 Main Street Wareham, Massachusetts prepared for Angela McKeown prepared by JC Engineering, Inc. dated March 21, 2023, revised through November 2, 2023;
- Architectural Elevation and Floor Plan entitled "New Duplexes" prepared for Angela McKeown 386-388 Main Street Wareham, MA prepared by Walter A. McKinnon Associates, Inc. (WAM). dated June 6, 2022;
- Site Plan Review Application, Impact Statement & certified abutters list prepared by JC Engineering, Inc. dated March 21, 2023;
- Drainage Calculations & Stormwater Report at 386 Main Street Wareham prepared for Angela McKeown prepared by JC Engineering, Inc. dated November 2, 2023 as revised;
- Building Department denial letter dated March 27, 2023;
- E-mail correspondence from Guy Campinha Sr., Director WPCF;
- Correspondence letter from the Wareham Planning Board dated June 14, 2023, entitled Comments on Site Plan Review Referral, Petition # 21-23, Angela McKeown;
- Response letter to the Wareham Planning Board letter dated June 14, 2023, prepared by JC Engineering, Inc. dated July 11, 2023;
- Response letter to the Wareham Zoning Board of Appeals dated September 13, 2023, prepared by JC Engineering, Inc.;
- Response letter to the Wareham Zoning Board of Appeals dated November 2, 2023, prepared by JC Engineering, Inc.;

- Memorandum in Support of Granting of Special Permit Site Plan Review and Variance for Petition # 21-23 for a Variance/Site Plan Review for 386 Main Street Wareham, MA 02571 dated November 8, 2023, prepared by The Law offices of Bello & Morton Law LLC.

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 6: Density and Dimensional Regulations;
  - Article 7: Design Standards and Guidelines;
  - Article 8: Alternative Residential Site Development;
  - 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 project seeks a variance and special permit to allow for multiple buildings as shown on the site development drawings in accordance with Sections 1460 and/or 1470 of the Zoning Bylaw. The application is silent on the specific details of the Special Permit and how it comports to the criteria set forth under the Bylaw. A&M recommends the applicant provide an updated statement relative to the application as proposed to document for the Board's record.

**Updated comment:** A supplemental memorandum has been provided by Attorney Morton as dated November 8, 2023 for the Board's review. In terms of compliance with the Bylaw, the applicant has provided their justification of the variance to allow for review by the Board. A&M has no further comment on the information.

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

2. The proposed project is located within the Wareham Village 2 Zoning District and is subject to Article 7: Design Standards and Guideline, subsection 730 Wareham Village Districts. The architectural plans provided are dated June 6, 2022, and do not match the dimensions shown on the most recent set of site plans. Updated floor plans should be provided. The architect should provide a statement for the

record on how the proposed new duplexes have been designed to conform to the applicable section of the Zoning By-Laws. The ZBA may consider a condition of approval requiring the architectural design of the buildings to be in compliance with subsection 730 of the Zoning By-Laws.

**Updated comment:** The applicant indicates that additional architectural information is being prepared but makes no indication on the submission of the materials to the Board for review. A&M defers the adequacy of the information previously provided and whether additional detailing is necessary for the Board to render a decision.

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 has provided the additional information as noted. A&M defers to the Board's opinion to the additional landscaping as provided; however it should be noted that relatively minimal new landscaping is provided along the westerly property boundary/right of way that if provided could minimize the project's visual impact to the existing residence at 181 High Street. 171 High Street currently has a fence separating the projects.

**Second Updated Comment:** The applicant has provided a row of arborvitaes along the property line. Issue resolved, no further comment.

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

9. Issue resolved, no further comment.
11. Issue resolved, no further comment.
12. Issue resolved, no further comment.
15. Issue resolved, no further comment.
22. Issue resolved, no further comment.
24. The soil conditions below the stormwater system require an onsite verification to confirm the design assumptions. To the Board's discretion, a condition of permit may read "Engineer is required to provide verified soil conditions conducted via test pit within the footprint of the proposed stormwater management system. The test pit logs should be accompanied by a statement by the Professional Engineer of record confirming the design assumptions or denoting any changes that may be required if encountered conditions vary from the assumptions." Issue resolved, no further comment.
27. Issue resolved, no further comment.
29. The applicant provides a statement regarding illicit discharges, however a signed statement by the responsible party is not provided and should be included for record.

**Updated comment:** A signed illicit discharge statement should be provided for record prior to construction.

**Second Updated Comment:** The applicant has affirmed that a sign illicit discharge statement shall be provided prior to construction. A&M has no further issue , but should the Board wish to consider a

condition that reads "A signed illicit discharge statement shall be provided prior to any construction activity onsite".

33. Issue resolved, no further comment.

As of the latest revised drawings and supplemental information, the applicant's engineer has addressed the engineering comments and no further changes are recommended for compliance to the Town of Wareham Bylaws or the Massachusetts Stormwater Standards. A&M does recommend the Board consider the conditions noted above as outlined to allow for confirmation of items during the construction process.

Very Truly Yours,

**ALLEN & MAJOR ASSOCIATES, INC.**

Philip Cordeiro, PE  
Branch Manager