



September 15, 2021

Ref: 73170.00

**VIA EMAIL [sraposo@wareham.ma.us](mailto:sraposo@wareham.ma.us)  
AND FIRST CLASS MAIL**

Nazih Elkallassi, Chairman  
Town of Wareham Board of Appeals  
Memorial Town Hall  
54 Marion Road  
Wareham, MA 02571  
c/o Sonia Raposo

**VIA EMAIL [crsr63@verizon.net](mailto:crsr63@verizon.net)  
AND FIRST CLASS MAIL**

Charles L. Rowley, PE, PLS  
Engineering Consultant to Wareham Board of Appeals  
5 Carver Road  
PO BOX 9  
West Wareham, MA 02576

Re: Special Permit and State Plan Review  
First Hartford Realty Corp, (Reign Car Wash, 3005/3013 Cranberry Highway  
Peer Review No. 2

Dear Honorable Members of the Zoning Board of Appeals and Mr. Rowley:

Below please find the Applicant, First Hartford Realty Corporation's, responses to comments dated August 18, 2021 made by Engineering Consultant to Wareham Board of Appeals. Comments are reiterated below with VHB responses following in italics for your convenience.

**Variations Initially Requested**

Comment 1. Section 763.4 Design Standards for a 15' wide buffer. The applicant should demonstrate why the 15' buffer was not continued around the curved portion of the state highway layout at the northwest corner of the property. Effectively the lines are boundaries of possible development even though the Commonwealth may have taken easements against the land courted portion of the site.

*Response: Pursuant to the Board's request at the August 11, 2021 public hearing, representatives of the Applicant met with David Riquinha, Building Inspector, on September 8, 2021 to discuss whether*



any variances were required pursuant to the plans dated June 28, 2021 and filed with the Board in connection with Applicant's applications for Special Permit and Site Plan. On September 8, 2021, Mr. Riquinha, after review of the June 28, 2021 plans, issued an updated letter which held that the following relief and/or review must be secured prior to issuance of a building permit:

- a. Special Permit from the ZBA for Motor Vehicle Service Use, pursuant to Section 320 of the Bylaws;
- b. Site Plan Review from ZBA pursuant to Section 1520 of the Bylaws; and
- c. Variance from ZBA concerning Section 763.4 of the Bylaws regarding 15' Landscape Buffer.

(See copy of Mr. Riquinha's September 8, 2021 letter attached hereto as **Exhibit A**).

Mr. Riquinha finds that pursuant to the Site Plan, a 15' Landscape Buffer is shown along the Cranberry Highway property boundary, with the exception of a small section along the radius that reduces down to approximately 7 feet. This reduction is due to the MassDOT's taking of certain property on the site for easements in connection with road work that is currently being conducted on Cranberry Highway. It is the Applicant's position that Section 763.4 provides that a 15' landscape buffer is shown on its plans as the front street line is interpreted to be the property line and not the MassDOT easement line. In order to address Mr. Riquinha's findings in his September 8, 2011 letter, the Applicant, to the extent necessary, intends to file with the ZBA a request for a variance of the 15' Landscape Buffer requirement set forth in Section 763.4 of the Bylaws for the small section along the radius due to the irregular lot size and hardship that was created due to MassDOT's taking of an easement in this area. Additionally, it is Applicant's position that a variance should be granted as the desired relief, as it pertains to this project, can be granted without substantial detriment to the public as the work being conducted on Cranberry Highway which necessitated the taking was for the betterment of the public way and would not be detrimental to the public good.

Comment 2. Section 1042 Landscape Buffer: This calls for a landscaped buffer to be either preserved or constructed when the site is adjacent to other commercial properties. A regraded stormwater area does not constitute a 10' wide buffer as defined in this section. Side and rear 10' wide setbacks are identified on the plan but are not landscaped as implied by section 1042 and 1050.

*Response:* The Applicant respectfully disagrees with this comment. It is the Applicant's understanding based on their meeting with the Building Inspector and pursuant to his September 8, 2021 letter that the Applicant's plans comply with Section 1042 of the Bylaws. As shown on the plans, the lawn and shallow vegetated stormwater management areas comply with the 10' wide buffer in Section 1042 and 1050 and the Planting Plan (L1.01) shows a landscape buffer of at least 10' being provided between the proposed use and the abutting commercial uses. The Project further provides for a buffer in excess of 10' on the east side of the Site and existing trees are to remain.

Comment 3. Section 1061.1 requires in part that the perimeter of the site be landscaped based on one tree for every 40 feet of parcel perimeter. The approximate perimeter of the combined lots 1 and 2 is 1152



feet which would require 28.8 trees. The plan shows 6 new trees proposed along with 8 existing trees that are not necessarily on the project site. This leaves 14 trees that the by-law requires to be incorporated into the landscape plan.

Among the 6 proposed trees are 3 American elms. According to the US Department of Agriculture these trees may be susceptible to Dutch elm disease as well as other fungi. Other sources say it is not recommended for landscape purposes. It is recommended that a suitable substitute species of tree replace the elms.

**Response:** *It is the Applicant's understanding based on their meeting with the Building Inspector and pursuant to his September 8, 2021 letter, that no variance is required pursuant to Section 1061.1 of the Bylaws. Section 1061 is applicable only when a parking lot is located adjacent to a public street. Because this project does not propose a parking lot adjacent to a public street Section 1061.1 is not applicable.*

*However, in response to the comment with regard to the concern about certain proposed trees being susceptible to Dutch elm disease, the Applicant will agree to substitute the Elm trees with Shademaster Honey Locusts (Gleditsia) trees, which are an excellent urban tree tolerant of heat, salt and dry conditions while providing an attractive leaf crown.*

**Comment 4.** Section 1062.3 Landscaped Islands: It is questionable as to whether the landscape plan succeeds in meeting this requirement within the parking area shown on the plan. The applicant should be prepared to present evidence that shows compliance with this section.

**Response:** *The Applicant respectfully disagrees with this comment. It is the Applicant's understanding based on their meeting with the Building Inspector and pursuant to his September 8, 2021 letter that the Applicant's plans comply with Section 1062.3 of the Bylaws. Section 1062.3 requires parking areas containing 25 or more vehicles shall be designed with landscape islands to contain at least 1 tree per eight cars. As shown on the Planting Plan (L1.01) The parking / vacuum area contains 6 parking spaces, 2 handicap spaces, and 20 vacuum spaces. The 28 spaces require 4 trees. As shown on plan sheet L1.01 there is 1 UA at the north east corner, 2 AR along the southern edge, and 1 JV at the south west corner of the parking lot for a total of 4 trees.*

**Comment 5.** Section 1520 Site Plan Review: Whenever a Special Permit Granting Authority is other than the Planning Board, it is required that a copy of the site plan be submitted to the Planning Board (Permitting Authority) under Section 1564 of the Zoning By-Law. It is required to be submitted immediately upon filing the application to the SPGA. The applicant should present proof that this was done.

If the submission was not done in a timely manner, it is recommended that the site plan together with the building plans be submitted to the Planning Board at the next regularly scheduled meeting of the Board and to allow it 35 days in which to respond to the Board of Appeals regarding the project.

**Response:** *The Applicant has complied with section by providing a copy of the Applicant's application for Special Permit and Site Plan review to the Planning Board in connection with the Applicant's July*



*12, 2021 filing. It is also the Applicant's understanding that the Planning Board has already conducted an initial meeting on Applicant's project on August 23, 2021 and held a meeting on September 13, 2021.*

**Sheet C3.01, Grading, Drainage, Erosion Control**

Comment 1. The plan shows a construction entrance directly onto Cranberry Highway. This is unacceptable. The construction entrance could safely be placed at either of the two rear entrances to the site where there would be no interference with heavy traffic on the state highway.

*Response: A construction exit onto Cranberry Highway poses no more of a safety concern than a typical vehicle entrance/ exit. Construction vehicles will enter and exit as right turns only.*

Comment 2. The plan indicates that the site is to be graded to match the proposed grades of Cranberry Highway. What are those grades that could be used to compare with the proposed site grades? It was inferred at the last public hearing that the highway grade is to be raised approximately one (1) foot. If proposed highway grading is available, it should be shown.

*Response: Spot grades are shown on plan sheet C3.01 at the right in right out access. These grades were taken directly from the design plans for the reconstruction of Cranberry Highway. Additional spot grades will be shown on the revised plan.*

Comment 3. The plan shows the 100-foot wetlands buffer but does not indicate the site as being in Flood Zone AE 14. Section 420 of the Zoning By-Law indicates that all new construction in a flood zone should have the building floor grade set to at least the minimum flood elevation (in this case 14) unless the building is otherwise protected against flooding. The proposed building floor is at elevation 12. Either the floor grade needs to be raised 2 feet or other flood proof prevention measures must be included in the building plan.

*Response: The Flood Zone reference is made on the Existing Conditions Plan sheet SV-1, General Notes #5. It is the Applicant's intention to leave the finished floor elevation at 12' and incorporate flood mitigation measures, the details of which will be submitted in connection with the Applicant's application for building permit, if required.*

Comment 4. The plan shows that some off-site stormwater facilities are being used to control stormwater generated from the site. No specific information has been included to indicate that the structures or pipe infrastructure has been investigated to assure proper stormwater controls.

The applicant should present documentation that shows that the transfer of a portion of the OSJ property will include the right to discharge runoff from the project site to the remaining OSJ property and its stormwater system. The proposed grading plan shows that portions of the registered land will also be included in the grading patterns toward OSJ.

*Response: VHB conducted a site visit on 5/11/2021 specifically after a rain event to look at the existing drainage system. There was no evidence of ponding water at the existing drainage structures that contribute to the off-site stormwater facilities at the same time that ponding was visible along the Cranberry*



*Highway street line. The runoff calculations contained in the Stormwater Management Report demonstrate that there is no increase in peak flows to these two off-site drainage facilities.*

*In further response, the Applicant states that it is in final negotiations with OSJ to secure drainage rights as well as access/egress rights through the remaining portion of the OSJ property once the site is conveyed to the Applicant. If necessary, the Applicant will provide such documentation prior to seeking a building permit.*

Comment 5. The proposed grades at the southwest corner of the site show that off-site drainage could enter the site without separation. A detail of how this separation will be accomplished needs to be shown in detail.

*Response: Additional detail of this driveway will be provided on the revised plan.*

Comment 6. At the southeast corner of the property and entrance, grading as well as small amounts of landscape work and curbing will be outside the property limits. Authorization to allow this work should be included in the documents from OSJ. The ZBA should not approve any portion of the project that would be outside the project applicant's responsibility and control.

*Response: The Applicant is in final negotiations with OSJ to obtain the necessary access rights to perform such work and if necessary, will provide such documentation prior to seeking a building permit*

Comment 7. The narrow 11-foot-wide escape path at the west end of the building should be made 13 feet wide and with return radii at each corner. A 10-foot radius should be used on the westerly side.

*Response: The Fire Prevention has requested a 20' drive in this area to allow for a truck to get to the rear of the building in case of fire. The width will be adjusted to 20' and radii included as needed.*

#### **Detail Sheets C5.01 and C5.02**

Comment 1. Precast Concrete Curb Detail: The note infers that no stabilizing concrete is set against the curb sections if it is put in place prior to placing asphalt binder. The note should be revised to show that concrete will be placed against the curb sections in all cases regardless of when binder is set down.

*Response: VHB respectfully disagrees that stabilizing concrete is required when new curbing is set prior to binder course placement.*

Comment 2. Vertical Granite Curb Detail: Where is this used on the site? If it is not required, the detail should be removed. There is no detail for Sloped Granite Edging which is proposed for the right turn island at the northeast corner of the site. The detail should be shown.

*Response: The Vertical Granite Curb (VGC) Transition detail is required at the south east corner of the site where the project will transition from precast concrete curb to existing sloped granite edging. The SGE (sloped granite edging) proposed at the right in- right out access will be detailed as Mass DOT Construction Standard Detail E 106.5.0. This detail will be included on the revised plans.*

Comment 3. Curb Opening Detail: This should include a profile and cross section detail showing the depth of stone, filter fabric under the stone and how the filter fabric will be secured to the binder of



pavement to prevent scouring under the asphalt edge. Each section of stone should be dimensioned as they are not all of the same size as noted on Sheet C2.01.

*Response: Additional detail will be included on the revised plan.*

Comment 4. All details that specify compacted gravel should reference a particular specification for the gravel content and gradation. Refer to the Mass DOT standard specification for gravel or other like material to be used on the project.

*Response: Specific references to the Mass DOT Standard Specification will be included on the revised plan.*

Comment 5. All structures located within paved areas should receive a ring of cement concrete 12" deep by 12" around the casting and riser to seal the elements of the structure against infiltration of fines. The concrete should be brought to the top of the binder course. Show this typically in the Sewer Manhole Detail but it would be standard for all such structures such as stormwater manholes and/or catch basins.

*Response: A concrete ring will be added to the sanitary sewer manhole detail on the revised sheet.*

Comment 6. Where is the Traverse Drainage Structure used on the site? Please identify on the grading plan. If not applicable remove the detail reference.

*Response: Traverse drainage structure is being used along the southern curb edge where the vacuums are. See plan sheet C2.01 for the callout.*

Comment 7. No pavement section is shown on the plan. The proposed depth of base material, type, and specification as well as the thickness and type of mix to be used for binder and wearing surface should be shown.

*Response: A pavement section detail will be included on the revised plan sheet.*

Comment 8. No lighting detail is shown on the plan and no illumination plan is included. The plan should show the lighting intensity throughout the site that is based on the proposed light poles as well as any outstanding internal light sources used in the wash bay and other brightly lit portions of the building. Light pole bases should be set 3 feet clear of the edge of pavement.

*Response: The Site Plan Review checklist requires the Development Plan show "Outdoor illumination with lighting fixture size and type identified". This is shown on plan sheet C2.01. A site specific photometrics plan will be provided.*

Comment 9. As was mentioned at the public hearing of August 11, there is a concern for flashing lights or strobes within the project. Section 1254.1 of the Zoning By-Law indicates that flashing lights of any kind are prohibited.



*Response: There are no external flashing lights associated with the car wash operation. The interior of the tunnel is illuminated and does not project flashing light out towards Cranberry Highway. The operator will comply with all local bylaws to ensure the safety of all citizens.*

Comment 10. There are no details for the wash water recycle tanks shown on the plan. If the water is recycled, why does the plan show it connecting to the sanitary line that goes to the sewer manhole at the northeast corner of the site?

Suitable and sufficient evidence should be provided to show that buoyancy of the tanks due to high ground water will not be an issue. At a minimum a buoyancy calculation should be provided to show that the tanks will not float either when first installed empty or if they are pumped out in the future.

*Response: It has been documented to the Sewer Department that 50% +/- of the wash water is recycled. The remaining will be directed to the sanitary sewer.*

*Mr. Guy Campinha from the sewer department has, via email, approved the increase in sewer flow. A copy of the email correspondence was circulated throughout the Town Departments on 7/26/2021 and is attached hereto as **Exhibit B**.*

*We agree that it is likely the recycle tanks will require anchoring as this is a common design element whenever watertight underground storage tanks will be used; however, it is premature to provide this calculation at this stage of the project as this is a detail that we develop during final design when the tanks are specified. We will gladly provide our calculations and details of the anchoring system prior to an application for building permit.*

## Stormwater Calculations

Comment 1. Documentation submitted indicates that the project site is subject to coastal storm flowage and as such may not have to comply fully with some of the stormwater standards. Documentation should be presented to show how this coastal connection is made.

*Response: A FEMA Map will be provided to show the coastal flood connection at the site.*

Comment 2. For Standard #10, when and to whom will the statement regarding illicit discharges be submitted?

*Response: The illicit discharge statement will be completed and submitted to the Town when the stormwater management is completed and verified that no illicit connections are made. There are certainly none proposed.*

Comment 3. The calculations have been done for the requisite 2-year, 10-year and 100-year storm events but the infiltration rate of 8.27 inches per hour for permeable soils is based on 2" diameter split spoon sampling and the small soil samples described in the boring logs. The borings are located more as evidence for design of the structure foundation and are not suitable for determination of soil infiltration capacity.



The soil examination for stormwater purposes should be done using standard test pits where the soil profile can be examined in detail and evidence of high ground water levels can be more readily observed. The borings also indicate a ground elevation of approximately 11 at each location which, by reference to the site plan of existing conditions, cannot be the case.

*Response: The Massachusetts Stormwater Handbook Volume 2 Chapter 2: Structural BMP Specifications, page 89 allows borings to be used to determine soil texture and groundwater.*

*The Geotechnical Engineering Report prepared for this project completed 5 borings on-site. All boring logs indicate a fill layer on top of poorly graded sand. This is consistent across the site and additional testing is excessive and unnecessary. During construction, in the unlikely scenario that observed conditions differ materially from what was indicated in the Geotechnical Report adjustments will be made to the stormwater management systems.*

Comment 4. The details of the infiltration basins shown on Sheet C5.01 show that they are lined with 6 inches of loam and seed. An infiltration rate of 8.27 inches per hour does not pertain to loam soils but to the underlying permeable sand.

Either subsurface structures need to be incorporated into the design that are in contact with the sand or the infiltration basins need to be designed for a much lower infiltration rate. Once the high ground water elevations are determined it may be possible to incorporate subsurface structures to within 2 feet of the high ground water with appropriate pre-treatment as per the stormwater regulations.

*Response: Loam and seed will be removed from the basin bottoms and replaced with crushed stone. The infiltration rate of 8.27 inches per hour will be maintained. The Infiltration/Detention Basin detail will be revised.*

*High groundwater elevation is identified in the Geotechnical Engineering Report at elevation 7.0.*

*Because the project is a redevelopment, DEP allows pre-treatment standards to be met "to the maximum extent practicable". Based on the Geotechnical Engineers determined groundwater elevation the stormwater management design cannot incorporate pre-treatment catch basins and maintain separation to groundwater.*

Comment 5. All the site runoff in post construction conditions is discharged either into pipes and structures that are off site or toward Cranberry Highway. The elevation of the outlet pipes for infiltration basins 2 and 3 are set at the base elevation of each system meaning that most runoff collected within the basin will immediately leave the site rather than be infiltrated.

*Response: Basin 2 outlet pipe is set 6" above the bottom of the basin. Basin 3 outlet pipe is set 3.8" above the bottom of the basin. The required recharge volume is being achieved.*

Comment 6. Should the Board act to grant a Special Permit for the project it should consider as condition of approval that no discharge of stormwater should be allowed into the state highway layout without written authorization incorporated into the Curb Cut Permit that will be required from Mass DoT.





In any event a Curb Cut Permit will be required for the right turn in/right turn out geometry shown on the plan.

*Response: This will be addressed with the Mass DOT Highway Access Permit that the project requires*

### **General Comment Concerning the Cranberry Highway Entrance/Exit**

Comment 1. Wareham Marketplace at Seth F. Tobey Road has a similar right turn in/right turn out provision of the site plan. It also is located just beyond a controlled road intersection similar to this project. The Wareham Marketplace project has a dedicated a right turn lane as well. This plan does not have one but it would seem appropriate to include one if the traffic counts for the project are to be accepted as presented. The applicant should review with Mass DOT the similarities of the sites and whether a right turn lane should be provided.

*Response: The turn lane at Wareham Marketplace/Tobey Rd serves about 45ksf of retail, including a supermarket and two fast food restaurants. We project only 38 trips entering our driveway on Rte. 6/28, so Wareham Marketplace is not comparable from a volume perspective and 38 trips is not enough traffic to justify a dedicated turn lane.*

*Additionally, from a design perspective, the turn lane at Wareham Marketplace has about a 90-foot taper. At our site, we only have about 120 of straight curbing between the loon and our proposed driveway and we think it would be a very awkward transition to come out of the loon and go right into a taper for a turn lane. Again, we note that the project requires a Mass DOT Highway Access permit, and if the district office requires a right turn lane this condition will be studied further.*

Should you have any questions or require any additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

VHB

A handwritten signature in black ink that reads "Karen M. Crawford".

Karen M. Crawford  
Senior Project Designer

cc: First Hartford Realty Corporation (via email only)  
Douglas A. Troyer (via email only)



## WAREHAM WATER POLLUTION CONTROL FACILITY

6 Tony's Lane  
Wareham, MA 02571  
Telephone (508) 295-6144  
Fax (508) 291-0155  
TTY (800)439-2370

Guy Campinha, Director

July 6, 2021

First Hartford Realty  
149 Colonial Road  
Manchester, CT 06042

Dear Sir and/or Madam,

At the Board of Sewer Commissioners meeting on June 24, 2021, the Board voted unanimously to approve your project for sewer connection.

**Project: 3013 Cranberry Highway**

If you have any questions, please contact our office at (508) 295- 6144.

Sincerely,

Guy Campinha, Director

GC/cr



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

Sean Kavanagh  
149 Colonial Rd.  
Manchester, CT 06042

September 8, 2021

**RE:** 3013 Cranberry Highway

Map # 12, Lot # LC1

I have performed a review of your building permit application for the construction of "Reign Car Wash" at 3013 Cranberry Highway, in East Wareham, MA. The proposal requires additional review, and zoning relief from the Zoning Board of Appeals; therefore, your application must be denied at this time.

The following review and or relief must be secured prior to re-application for a building permit:

CODE SECTION	DESCRIPTION	RELIEF
<b>320 TABLE OF PRINCIPAL USE</b>	Motor Vehicle Service	Special Permit, Zoning Board
<b>763.4 DESIGN STANDARDS</b>	15' Landscape buffer	Variance, Zoning Board
<b>1520 SITE PLAN REVIEW</b>	More than 10 spaces	Zoning Board Review

The above information was compiled based on the site plan by "vhb" labeled "Site Plans" comprising thirteen pages and dated June 28, 2021. The landscape buffer shown in code section 763.4 is continuous along the Cranberry Highway property boundary, with the exception of a small section along the radius that reduces down to approximately 7'. The relief noted above is relative to the nonconforming section only, and does not pertain to the remainder of the site. If there is any new information, or changes to this plan, please provide them to me and I will be happy to amend my findings accordingly.

The subject structure is located in the CS Zoning district.

Respectfully,

David Riquinha  
Building Commissioner  
Zoning Enforcement Officer

**It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. to ensure full compliance.**

**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.**