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August 10, 2021

Town of Wareham Board of Appeals

Memorial Town Hall

54 Marion Road

Wareham, MA 02571

Re: Special Permit and Site Plan Review

First Hartford Realty Corp, (Reign Car

Wash, 3005/3013 Cranberry Highway

Peer Review

Attention: Nazih Elkallassi, Chairman

Dear Charman Elkalassi:

I am in receipt of the Special Permit/Site Plan Review Application, Site Plans, Traffic Study and supplementary information for the above referenced project and have the following comments.

General:

1. The project involves the design and construction of a new car wash facility that would extend across the common boundary line of two lots, one of which is recorded with the Massachusetts Land Court (registered land) and the other yet to be defined parcel that would be severed from the existing land that was the former Walmart site and now is the location of Ocean State Job Lot. (OSJ)
2. If approved, the project would straddle the two lots which would remain as two lots unless otherwise merged. According to Building Commissioner Riquinha there is no requirement that the actual merger take place but that the two lots would be considered as one for building purposes.
3. Authorization from both property owners has been included in the application that allows the applicant to present the site plan, but does not include any particular stipulations with respect to the use of land outside of that shown on the site plan for access and egress to the facility. No purchase/sale document from OSJ is included to know that such access will be provided.
4. The application includes an “Approval Not Required” plan that has not yet been filed with the Planning Board for endorsement. However, the plan makes reference to several Special Permits and Variances that in years past have been granted to the OSJ property by the Wareham Planning Board and The Wareham Board of Appeals. It is not known at this time whether there are any particular stipulations or restrictions that could impact the use of the proposed parcel for the use shown on the site plan.
5. As shown on the proposed site plan and as supported by a general statement in the Memorandum to the ZBA by Doug Troyer of Moriarty Troyer & Malloy LLC, the project has frontage on Cranberry Highway of 350 feet. Unless and until such time that other means of access/egress is provided to the site, Cranberry Highway would remain the only way in or out of the property.

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The changes in the state highway layout for Cranberry Highway that are currently under construction restrict traffic movements to the site by not allowing left hand turns either into or out of the site. Left hand turns will be accommodated by either a U-turn at a partial cul-de-sac at the northwest corner of the subject property or by entering the driveway at the existing traffic light. In either case this is a distinct inconvenience for anyone travelling on Cranberry Highway looking for site access.

1. The Traffic Study prepared by VHB and dated June 22, 2021 makes the general assumption that access to the site will include the use of the existing OSJ driveway that exists beyond the site limits. It also substantiates the reconstruction of Cranberry Highway that includes a raised center median that will not allow left hand turns. The study also assumes
2. That 75% of the traffic will use the limited right turn lane at the northeast corner of the site and
3. That substantial amounts of traffic that might use the site could be pass-by traffic that chooses to get a car washed on the way to another destination.

Both of these assumptions might be considered questionable.

The Traffic Study includes copies of portions of the proposed changes to Cranberry Highway in the vicinity of the site. The plans do not include the proposed site access but show the limitations that will be imposed.

1. The Traffic Study documents substantial information about traffic volumes, turning movements, crash analysis both for current conditions and future traffic considerations. The study makes no mention of the impacts which would be brought about if the only access/egress to the site should be at Cranberry Highway.

Therefore, it can only be concluded that access to the site from the OSJ property is essential for the safe and convenient operation of the facility. To that end it is recommended that the Zoning Board be provided with sufficient documentation to show that

1. The site will not be encumbered by any provision, restriction or stipulation that already exists on the OSJ property without proper changes or adjustments, and
2. That proof is submitted to the Board that includes the right of access/egress through the remaining portion of the OSJ property once the lot is conveyed to the applicant/property owner of the site.
3. A total of six variances, a Special Permit, and site plan review were listed in Building Commissioner David Riquinha’s letter of June 29, 2021. The plans will need review based on the letter to confirm that the variances are no longer needed.

The Troyer Memorandum suggests that upon receipt of the Riquinha denial letter, that the variances were addressed and are no longer at issue.

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1. The project still needs to be reviewed for stormwater and overall compliance with the Zoning By-Law with respect to the variances that were stated by the Building Commissioner. The plans also are under continued review for site details, grading, and other typical information for the Board’s consideration.

In addition, the project is in Flood Zone AE as noted on the proposed ANR plan cited above and confirmed by Wareham FEMA maps. In that case the project as a whole will need approval from the Wareham Conservation Commission prior to the issuance of a building permit.

The project review will continue with a full report to be submitted in time for the next regularly scheduled meeting of the Board. Please feel free to contact me if you have any questions.

Very truly yours,

Charles L. Rowley

Charles L. Rowley, PE, PLS

Engineering Consultant to Wareham Board of Appeals

Cc ZBA members

Ken Buckland, Wareham Town Planner

David Riquinha, Building Commissioner

David Pichette, Conservation Agent

Doug Troyer, Moriarty Troyer & Malloy LLC