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THE LAW OFFICES OF BELLO &  
MORTON, LLC

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184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

October 11, 2021

Zoning Board of Appeals of Wareham  
Memorial Town Hall  
54 Marion Road  
Wareham, Ma 02571

**RE: Opposition to 39-20 First Hartford Realty Corp- Special Permit, Variance, & Site Plan Review-3005/3013 Cranberry Hwy- Map 12, Lot(s) B & LC1- Reign Car Wash – Motor vehicle Service**

Dear Mr. Chairman:

I represent Soft Touch Car Wash, who is against the above subjected Petition and would like the opportunity to speak in opposition at the next Zoning Board of Appeals hearing on October 13, 2021.

In support of this opposition, I offer the following letter:

I have reviewed the engineering plans, traffic study, peer review, comments from the Fire Department, Sewer Commissioner, and all the submitted memoranda of the Petitioner on the project to build this new automatic cash wash on Cranberry Highway. My client and I are of the opinion that the project does not meet all of the standards under Special Permit section of the

Wareham ByLaw, nor the Variance standard for the Landscape Buffer variance being requested. **Simply put, the use is inappropriate for this specific site and does not meet all of the conditions of our Town's Bylaws.**

**Purpose of the Wareham bylaws:**

Our town's bylaws- clearly state their purposes under Section 130:

- a) To lessen congestion in the streets; to conserve health;
- b) To secure safety from fire, flood, panic and other dangers;
- c) To provide adequate light and air;
- d) To prevent overcrowding of land;
- e) To avoid undue concentration of population;
- f) To encourage housing for persons of all income levels;
- g) To facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
- h) To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
- i) To encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the comprehensive plans of the Planning Board and the Regional Planning Agency; and,
- j) To preserve and increase amenities by the promulgation of regulations to fulfill said objectives.”

The petitioner has brought a project before you that does not conform with these purposes but exacerbates traffic, environmental concerns, and in on a site here in Wareham that is wholly inadequate.

### **Special Permit Threshold:**

Car Washes under the use table of the Bylaw in this Zone may be granted by Special Permit through approval from the Zoning Board of Appeals. The purpose being that the Board is best suited to be able to review the factors laid out in our bylaw to see if the Special Permit should be approved.

The factors are listed under Section 1461 *all need to be met* in order for the Special Permit to be approved.

The Board of Appeals or Planning Board shall not approve any application for a Special Permit unless it finds that in its judgement, all of the following conditions are met:

1. The Use as developed will not adversely affect the neighborhood.
2. The specific site is an appropriate location for such a Use, structure, or condition.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds, or saltwater embayments.
5. The Use or structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed.
6. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law

The Petitioner has failed to prove why the specific site is an appropriate location for such a use. It's no secret that about a mile down the road in East Wareham is my client's car wash. It's not about competition here- it's about proper town planning for Cranberry Highway and the town as a whole. Further, the site has never been anything but a restaurant which an appropriate use for this location. It would have limited traffic in and out and be a great amenity for the Town of Wareham. (See Factor 2).

This site is arguably the worst site for the Town of Wareham for flooding, coupled with the fact that there is a pond across the highway – there are a lot of environmental concerns that have not been addressed. A car wash in particular has discharge that can be hazardous and will exacerbate the flooding issue. (See Factor 3)

This use if granted will adversely affect the neighborhood specifically for motorists traveling on busy Cranberry highway. The illumination from the interior of the car wash, which is intended to draw attention, will be hazardous. The site is inappropriate as it is just after a four-way intersection where cars are speeding up when given the green light to then hit the brakes for motorists going in and out of the car wash. (See Factors 1,3 and 5). A contact from the contractors completing the MassDOT highway construction has commented on the flooding at this site that: “Upon completion of construction at this location, the elevation of the roadway and sidewalks will be a higher elevation than the parking lot at the old “99”. In the future after a rain event under its current state, the parking lot at the old “99” will most likely be under water and possibly will overflow on to Cranberry Highway.”

The last Special Permit factor is saying the proposal confirms to all other sections of the bylaw, in fact, the petitioner is still seeking a Variance from Section 763.4 of the Bylaw (15’ Landscape Buffer). Looking at Section 1470 of the Bylaw, their proposal fails to meet the uniqueness of the lot as well as potential hardship to the petitioner.

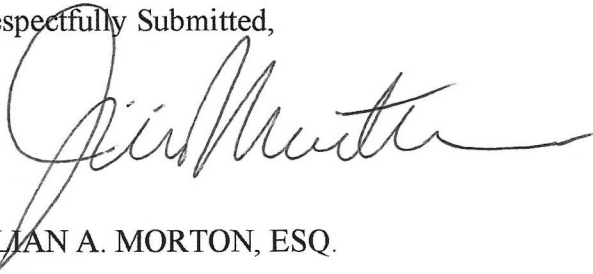
There are too many unknowns and factors which are encompassed in this proposal for the decision to be rendered to approve it. The Petitioner is seeking for the Town to approve a new car wash on a problem site. The Special Permit threshold has not been met by the applicant. Further, the site includes the combining of two parcels, with existing variances and approved plans.

We encourage the Board to not only look strictly at the bylaws of the Town and the procedures set out to protect Town planning, but also public sentiment. The public has been informed of this project and has the same concerns regarding flooding, traffic, and proximity to another car wash down the street. Some have commented that this site would be better serviced for the people of Wareham and their children. Although Cranberry Highway is commercially

zoned, this site is not appropriate for the petitioners ask. The project would be better suited on some of the blighted properties in West Wareham, on a less congested roadway. This would rationally be better planning for the Town and its residents as well.

All things considered, we hope the Board shall take these factors into consideration when rendering their decision, realizing that under our Bylaw all of the factors must be met in order for the Special Permit to be approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jillian Morton". The signature is written in black ink and is positioned above the printed name.

JILLIAN A. MORTON, ESQ.

Attorney for Soft Touch Car Wash, in opposition