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April 25, 2023

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

Attention: Nazih Elkallassi – Chairman

RE: Response to Second Peer Review –  
Comprehensive Permit/ Site Development Plan  
6 Chapel Lane  
Wareham, MA  
**G.A.F. Job No. 20-9499**

Dear Chairman Elkallassi,

G.A.F. Engineering, Inc., on behalf of our client 6 Chapel Lane LLC, provides the following responses to the review comments received from Allen & Major Associates, Inc by letter dated April 7, 2023. A revised set of plans and Supplemental Stormwater Report dated April 24, 2023 is included with the submittal.

This letter has been formatted for clarity by listing the review comment followed by our response in ***bold italics***. Prior issues which have been resolved are not included in this response.

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

1. The proposed project is required to obtain a Stormwater Management Permit (SMP) in accordance with Wareham By-Laws Division V, Article XI, Article I Stormwater Management. The applicant should provide documentation on the status of the SMP for the record or the ZBA, may consider it as a condition of approval. The applicant has not requested a waiver from this portion of the by-law and should discuss compliance with the submission requirements.

**Updated Comment:** A&M acknowledges the applicant's response and their understanding of Wareham By-laws Division V, Article XI, Article 1 and that the project does not seek a municipal connection to the Wareham infrastructure. The text of Article 1 also includes interests for groundwater protection and the like. The SMP is a permit of local issuance and can be waived by the Comprehensive Permit process. A&M spoke with the Applicant's engineer on April 3 to review the language of the zoning bylaw and the applicability to this project. The project does not seek a connection to the Town of Wareham Municipal drainage, but other elements, including groundwater are referenced in the Bylaw that including the

SMP as a project waiver would be advisable and resolve the issue. A&M has not received a revised copy of the waivers as of this letter.

***This stated purpose of the Stormwater Management By-Law is “to regulate discharges to the municipal separate storm sewer system (MS4) to protect the Town of Wareham’s water bodies and groundwater”. This project does not include any discharges to the municipal storm sewer system. Also, a waiver is not necessary since the project qualifies for exemption #13 of the bylaw which includes the following language.***

“..any construction activity requiring site plan review and/or a special permit, provided that the plans include stormwater management provisions and that the activity is in compliance with any additional performance standards contained in the regulations promulgated to implement this bylaw. A notice of such approval and conditions shall be filed with the Stormwater Management Authority before construction begins.”

#### **Drainage Calculations and Site Plans**

2. The drainage report did not include pre-development and post-development watershed plans; therefore A&M is unable to verify/confirm the calculations.

**Updated comment:** The watershed plans have been provided as requested. Upon review of the Post- Development Watershed Plans, A&M has the following comments that need to be addressed. The post-development watershed is defined as only two watersheds “1S” & “2S”. Based on the grading, it would appear that the watersheds should be further divided.

- a. Watershed 1S – The lawn area between the parking lot and Chapel Lane is being modeled as draining into the proposed subsurface infiltration field. Based on the spot grades, runoff will not be directed into the system and will either pond on the surface or flow onto Chapel Lane at certain elevations. The design engineer should review the watershed and provide additional spot grades to assure the runoff is directed towards the design point or modify the drainage calculations accordingly. Based on the drawings dated April 5, 2023, the engineer has added additional spot grades that depict the design intent to allow water to enter the infiltration system. This issue has been resolved, no further comment;
- b. Watershed 2S is being proposed as the remaining land not draining into the subsurface infiltration system. Watershed 2S could be broken down into additional watersheds to reflect how the site is micro-graded.
  - i. A landscape depression is being proposed on the northerly side and has not been modeled. It is unclear if this landscape depression is adequate to contain the anticipated runoff.
  - ii. The easterly portion of the property is being filled, therefore directing runoff to the east increasing runoff to offsite areas, where there is no current offsite discharge according to the stormwater report (See Page 1, paragraph 5 – “There is no off site design point since the present grades retain stormwater on the lot”).

- iii. The southwesterly corner of the property is being cut, creating a depression with no additional information. The design engineer should review the proposed "15" contour especially when crossing the sidewalk along Chapel Lane. Based on the existing spot grades the existing "15" contour is a ridge.

A&M discussed the drainage runoff with the applicant's engineer to review design modifications that could be used to address the comments above and GAF has provided updated drawings revised through April 5, 2023.

A&M's revised comments are as follows:

- i. The landscape depression noted above remains outstanding.
- ii. The rear slope has been modified, but still slopes toward the adjacent property line. This potentially increases offsite runoff to this location. A&M notes "potentially" because the existing runoff calculations do not depict runoff to this location but the topography of the existing conditions survey has an area of the site that appears to flow in this offsite direction. Similarly, proposed conditions are lumped into one broader catchment area versus smaller drainage areas.
- iii. The 15' contour elevation has been modified but does not appear correctly tied into existing grades.

The runoff conditions noted above are generally minor in nature but should be accurately described for a complete understanding of offsite impacts in order to allow the Zoning Board of Appeals to render a decision with appropriate conditions if necessary.

***The existing and proposed drainage analysis have been modified to provide three separate design points which includes analysis of the area that flows to the southeast property line. The revisions are documented in the Supplemental Stormwater Report and revised watershed maps. The summary table indicates the reduction in flow to each area.***

***The elevation 15 contour on the west side of the property has been revised to indicate no change in grade along the property line and a low point is established in the lawn which directs any surface runoff to the southeast corner of the subject lot.***

6. The design engineer should revise the TSS calculation worksheet for the Infiltration Basin and provide two (2) sets of TSS calculation worksheets, one to demonstrate the required 44% TSS removal prior to infiltration and another for the overall TSS removal for the entire drainage system. The infiltration system only receives 80% TSS removal with the appropriate pre-treatment, therefore the design engineer cannot take additional credit for the deep sump and hooded manhole in the overall calculation for the entire drainage system. The design engineer should update the TSS worksheets accordingly. There is a portion of the proposed site driveway that is draining towards a "paved waterway". There is no discussion as to how the 80% minimum TSS removal is achieved for this flow. The grass swale along Chapel Lane appears to be conveyance only and does not provide TSS removal credit.

**Updated Comment:** The design engineer is proposing a proprietary First Defense Unit for pretreatment, prior to the subsurface infiltration system. The design engineer should

update the TSS worksheets accordingly. As previously stated in the original comment, the subsurface infiltration system only receives 80% TSS removal with the appropriate pretreatment device. This recommendation is for the record only as the applicant will comply with the TSS standards with the updated calculations. Issue resolved, no further comment.

13. The project depicts one onsite parking space in compliance with the Americans with Disabilities Act (ADA). All six units are shown with stairs leading to the entry. A&M recommends clarifying if any of the units are currently designated accessible or will be converted to accessible dependent on renter requirements.

**Updated Comment:** The revised site plans have removed all notes regarding parking spaces in compliance with ADA. The applicant should confirm this is the design intent or otherwise confirm how compliance with ADA is achieved, not required, or if a waiver has been requested from the Massachusetts Architectural Access Board (MAAB).

***None of the units are proposed as Handicap Accessible units. Compliance with ADA is not required as these are not public buildings and are not "multiple dwellings consisting of three or more units".***

### Waivers

A&M has reviewed the waivers requested by the applicant and offer the following considerations for the Board of Appeals on waivers to understand potential impacts:

1. Article 560 – Earth removal regulations. The applicant has requested a waiver from the requirement to obtain a permit from the Board of Selectmen in that the Zoning Board of Appeals will act on behalf of the Board of Selectmen and be the grantor of this permit. In order to subsume this permit, the applicant should provide approximate earthwork volumes for the project and the potential for trucking during construction.

**Updated Comment:** The applicant has responded that an earthwork permit is not required for the project but continues to include a waiver from the permitting requirements. While the project is small in size and may not require an earthwork permit, given that a waiver has been requested, the applicant should provide information on the project in support of the waiver or otherwise remove the waiver.

***The project is not subject to an Earth Removal Permit pursuant to Article 560 or Division IV Article III Earth Removal Regulations. Section 3 of the Earth Removal By-law states that the by-law shall not apply to "such work (performed) in connection with the excavation and grading of land incidental to construction of a duly permitted structure." The Zoning Board of Appeals is the permitting authority for the project and building permits will be issued for each structure. The waiver request is procedural only.***

2. Article 611- Minimum Front Setback. The applicant has identified the required minimum frontage as 250 feet for "other residential uses" to which a waiver is sought. The minimum front and side/rear setback are noted as 20 and 10 feet respectively for a two family dwelling but should be 30 feet and 20 feet to be consistent with "other residential uses" within the request and therefore require the waiver to provide a 20.9

foot front setback. The side/rear setback would be met and remain as "no waiver required".

**Updated Comment:** An updated waiver list has not been provided, but given the applicant's response,

A&M assumes this waiver will be removed.

3. Article 824.5 – Development Standards – MR-30 & Commercial Districts. The applicant has requested a waiver to provide 14-16 feet of landscaped buffer in lieu of 20 feet as required under the bylaw. A&M recommends the applicant provide justification for the waiver as it would appear that a shift of the driveway in a southerly direction could meet the 20 foot setback along the northerly property line. Additionally, the applicant is proposing 16 parking spaces whereas 12 are required for compliance with local zoning. Loss of some parking can provide additional depth to meet the side yard landscaping requirements on the southerly property line. A landscape plan was not provided for the site as such, no trees or shrubs are shown to be proposed within the landscape buffers.

**Updated Comment:** An updated waiver list has not been provided, but given the applicant's response, A&M assumes this waiver will be removed.

***An updated waiver list has been provided.***

4. Article 10 – Landscaping. The applicant notes that a waiver is not required for this section of the 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." The waiver request should be amended, or the plan revised to meet this requirement.

**Updated Comment:** The revised plans include a landscaping plan to meet the Article 10 requirements and have resolved this issue.

5. Article 11 – Signs. The applicant is requesting a waiver from the section in its entirety to allow project signage as shown on the project plans submitted herewith. Neither the Site Plans nor the Architectural plans show signs, except for standard traffic management signs. The applicant should remove this waiver or provide additional detail on any potential signage for the project that the Zoning Board of Appeals should consider as part of the permit.

**Updated Comment:** The applicant has responded that no signs, other than directional, are proposed for this project. A&M notes for the Board's consideration that a blanket waiver from the sign bylaw should not be granted as it appears unnecessary and a condition of the permit specifically note that no signs are contemplated onsite.

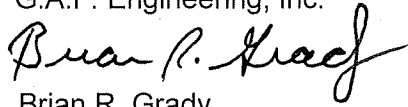
***No project or street signage is proposed. David Menard, Director of Municipal Maintenance, has been contacted and has indicated he is not in favor of "No Parking" on street or a "Stop" sign being added at Chapel Lane.***

6. Article 15 – Site Plan Review. The applicant has requested a waiver from the Article in its entirety. A&M recommends that the waiver be modified to provide more specificity as to what sections of the Article cannot be complied with through this permit application. This article includes operational items such as site lighting, dumpsters, landscaping, and a project impact statement.

**Updated Comment:** The applicant has noted this as a procedural waiver request.  
This issue has been resolved.

Please contact me directly should you have any questions about this project.

Very truly yours,  
G.A.F. Engineering, Inc.

A handwritten signature in black ink, appearing to read "Brian R. Grady". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Brian R. Grady

Enclosures

cc: Steven Beauchemin  
Allen & Major Associates, Inc