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February 22, 2023

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

Attention: James Eacobacci – Vice Chairman

RE: Response to Peer Review – Variance and Site Plan Review
434 Main Street
G.A.F. Job No. 21-9751

Dear Vice Chairman Eacobacci,

G.A.F. Engineering, Inc., on behalf of our client Nazih Elkallassi, provides the following responses to the review comments received from Charles L. Rowley, P.E., P.L.S. by letter dated October 20, 2022.

This letter has been formatted for clarity by listing the review comment followed by our response in italics.

General

The project involves the construction of a 9-unit residential structure based on the frontage and area requirements of Section 6 of the Zoning By-law. According to the density table, 15,000 square feet is required for the first unit and 2,000 square feet of area is required for each additional unit for a total of 31,000 square feet. Street frontage is a minimum of 75 feet.

Lot 1057 has 31,768 square feet of area and more than 252 feet of frontage. The lot complies with the density requirements of Section 6 for the Wareham Village II Zoning District but is subject to other provisions of the Zoning By-Law. At the present time the lot shown on the site plan, Sheet 3 of 9, does not exist.

Lot History

Lot 1057 was created by the re-division of the land as shown as lot 1057 on Assessors Map 61 by a plan dated February 4, 2022 by GAF Engineering. It was endorsed as "Approval Not Required" by the Planning Board on March 23, 2022 and recorded in the

Plymouth County Registry of Deeds in Plan Book 66, Page 97. In addition to the subject lot, three other lots were created by this plan and noted as 1057A, 1057B and 1057C, all with frontage on High Street.

At the time of the creation of these four lots, three buildings occupied one single lot with the largest of the buildings still existing. The other two buildings were demolished. Currently new structures are being built on the High Street lots.

Variance

1. The Wareham Zoning By-Law does not allow a 5+ family residential use in a new structure in the WV II District. A use variance would be required.

The review letter issued by Mr. David Moore, Building Commissioner, indicates that the proposed use requires a Special Permit from the Zoning Board of Appeals.

2. The Zoning By-Law does not allow the construction of a 9-unit residential building solely based on lot area and frontage, or density alone as noted in the letter from the Director of Inspectional Services, dated May 25, 2022, indicating that the project does not comply with Article 6, Table 211, Village Districts of the Zoning By-Law for building coverage or impervious surface coverage.

The project has been modified from the initial submittal. The proposed 9-unit townhome proposal has been reduced to an 8-unit development. The 8 units will be constructed as four (4) separate, duplex buildings.

3. The maximum building coverage in the WV II District is 20% of total lot area. The maximum impervious coverage which includes all impervious surfaces is 50%.

Informational. No response required.

4. The project proposes a building coverage of 35.6% which is 78% more than the By-Law allows.

With the modified project, including four (4) duplex dwellings, the building coverage has been reduced to 26.0%. When the access/utility easement area is included the building coverage

drops to 20.9%.

5. The project proposes total impervious surface coverage of 63% which is 26% more than the By-Law allows.

With the modified project including four (4) duplex dwellings the impervious surface coverage has been reduced to 53.9%. When the access/utility easement area is included the impervious surface coverage drops to 43.5%.

Putting these percentages in terms of actual square footage, the following numbers are the result.

Building Coverage

Allowed: 6353 s.f. Proposed: 11,309 s.f.
New Proposed Building Coverage Area=8,252 s.f.

Impervious Surface

New Proposed Total Impervious Surface Coverage Area=17,134 s.f.
Allowed: 15,884 s.f Proposed: 20,013 s.f.

Note: The numbers above are based on the area of Lot 1057 as it currently exists, not as shown on the site plans.

6. Case law makes it abundantly clear that hardship cannot be self-created. Designing a building and its related driveway and parking spaces that go beyond the limits established by the Zoning-By-Law, violates this principle.

When the easement area is included the building coverage is only exceeded by 0.9%. The total impervious surface area coverage falls below the 50% threshold when the easement area is included. A restrictive covenant will be placed on the easement area that no impervious surfaces will be allowed.

7. The Building Commissioner's letter of May 25, 2022 only speaks to a Special Permit for a 5+ residential use in an existing structure, not for a new structure which is not allowed in the Wareham Village II District.

The review letter issued by Mr. David Moore, Building

Commissioner, indicates that the proposed use requires a Special Permit from the Zoning Board of Appeals.

8. Special Permit for Demolition: The letter from the Building Commissioner indicates that a Special Permit is required from the Board of Appeals for the demolition of the existing structure. No information has been included in the narrative referencing that section of the Zoning By-Law or other Town By-Law under which this requirement needs to be met. Further explanation is needed.

GAF is unaware of the reference/requirement of a Special Permit for the demolition as noted in the Building Commissioners letter.

9. Assuming new construction on Lot 1057 goes forward, the following requirements of the Zoning By-Law should be reviewed.

Section 730 of the Zoning By-Law defines the design standards that are to be applied to construction in the Wareham Village II District. Below is what the 2021 version of the By-Law requires. Underlining is for reference to the standards only as they apply to the subject project.

732 DESIGN STANDARDS: Any extension, alteration or reconstruction of existing buildings should use the original design insofar as practical. New construction should reinforce the architectural style of existing buildings in terms of building design, siding, material and texture, color and bulk, and should result in a harmonious blend of the new and old. Use of brick, clapboard, shingle, masonry or non-reflective materials is encouraged. Sheet metal, reflective materials or similar siding lacking texture is strongly discouraged.

Informational. No response required.

It is recommended that these design standards be reviewed with respect to the information presented in the submittal of the building information. While not specifically mentioned, building orientation is also important. Most residences in the vicinity of the project are oriented front to back which reduces the perspective of bulk. In the case of the project at hand the building orientation is

from side to side, increasing the impact of what is seen from Main Street.

The project has been modified to include four (4) separate duplex structures which reduces the “perspective of bulk” as seen from Main Street.

Site Plan

Sheet 3 of 9

1. The plan that is represented in the application package (Sheet 3 of 9) is not the same plan for Lot 1057 that was endorsed by the Wareham Planning Board in March, 2022 and recorded in the Plymouth Registry of Deeds..

Lot 1057 as shown in the plans will be created through the ANR process upon approval of the project.

2. It is recommended that no decision should be made on the basis of a plan that shows lot lines that do not exist. The plan of record shows the rear lot boundary made up of six separate lines that extend around the rear of the existing residential building. The new side lines encroach into Lots 1057B and 1057D as created by the March endorsed plan.

The rear lot line as shown on the plan cannot be created through the ANR process until the structure at 434 Main Street is razed, otherwise a zoning non-conformity would be created because of the setback of the existing structure to the new lot line.

3. Evidence in the form of a newly endorsed Approval Not Required plan should be presented that shows that the lot lines have been revised as per the site plan information.

See response above. An ANR plan will be prepared and submitted upon approval of the project.

4. Notations indicate that significant modifications to the sidewalk, curb and pavement that is within the public way (Main Street) will take place. A curb cut permit for this work to be done per Town specifications is required from the Department of Municipal Maintenance.

Informational. No response required.

5. A grading, utility and landscape easement is shown over abutting Lots 1057B, 1057C and 1057D. These easements were not shown on the Approval Not Required Plan endorsed by the Planning Board in March of 2022.

The indicated easement will be shown on the ANR plan to be submitted upon approval of the project.

Sheet 4 of 9

1. A proposed water line is shown extending around the building and ending with a fire hydrant in the southwest corner of the lot. What access is provided that would make this hydrant available for the usual fire department use? Simple hydrant lines for fire fighting are not traditionally used.

A note has been added to the plan to coordinate with the Wareham Fire Department regarding the final terminal setup at this location. The plan indicates a 2" blow off assembly or a flushing hydrant.

2. The water line is lacking details as to thrust block location, and connections. Placement should be noted.

Details regarding thrust block locations and water line connections have been added to the plans.

3. The minimum setback from Main Street to the proposed building is shown as 58.7 feet. It should be demonstrated that this setback is in compliance with the requirements of Note 4 of Section 622 of the Zoning By-Law.

The proposed front yard setback exceeds the minimum setback established by the five nearest existing dwellings on Main Street. This is evident from the locations shown on the plans for the existing dwelling and two abutting dwellings.

Sheet 5 of 9

1. The plan shows the addition of an overhead utility pole in the front yard next to the most easterly driveway entrance. Approval by the electric utility should be required.

Informational. No response required.

2. The plan shows retaining walls and grading easements for the proposed building, which is all at the same floor grade. A building of smaller footprint most likely would not require these grading details and would fit more closely into the surrounding ground.

The proposed retaining walls and grading easement are necessary components of the project.

3. The roof drains at the rear of the building include catch basin grates for the collection of surface runoff. Grate elevations should be shown.

Grate elevations have been specified on the plans.

4. The cross grade at the entrances exceeds the maximum of 2% for sidewalks.

Spot grades are provided to indicate compliance with the required cross grade.

5. A determination should be made as to whether detectable warning pads are required for the sidewalk modification necessary at each entrance.

MassDOT does not require detectable warning pads at driveway crossings.

6. Rim grades need to be established for the manholes in each of the subsurface infiltration systems.

Rim grades have been listed for each of the manhole covers.

7. The grade of 27.34 in the center of the westerly driveway entrance appears to be too low for the adjacent gutter grades leading to the paved waterways. It should be checked.

The grade has been raised to improve flow to the paved waterways.

Sheet 6 of 9

1. The notes should include a requirement that the erosion

control measures and location of stockpiled material are inspected and approved by the site engineer once they are established by the contractor.

The requested note has been added to Sheet 6.

2. The notes should also include a requirement that the temporary entrance will be inspected and cleaned daily within the limits of the public way and that debris or materials will be removed from existing surfaces before the close of each workday.

The requested note has been added to Sheet 6.

Sheet 7 of 9

1. Note 4 of the pavement detail should be revised to indicate fine grading of the gravel to 8" below finish grade.

Note 4 has been revised as requested.

Sheet 8 of 9: No comments.

Sheet 9 of 9

1. The Paved Waterway Detail should show the filter fabric around rock fill as extending upward at the interface with the asphalt waterway and being tack coated to the binder course of mix. The wearing surface of mix should cover the tacked filter fabric to seal the interface.

The detail has been revised as requested.

Site Plan Requirements

Buildings

1. Section 1533 (4) of Article 15, Site Plan Review indicates that building plans including elevations of front, side and rear view should be included. The Building Elevation Plans submitted with the application appear to be representative of the ones being constructed on High Street bear no resemblance to the larger building shown on the site plan.

Building elevation plans for the duplex homes are included with this revised submittal.

Landscaping

1. Section 1533 (17) of Article 15, Site Plan Review indicates that landscaping should comply with Article 10 of the Zoning By-Law. No landscape plan or features were included with the documents supplied.

A landscape plan will be provided for this revised plan prior to final approval.

Stormwater Report

1. The report covers the required standards for the control of surface water runoff as per the Massachusetts Stormwater Management regulations.

Informational. No response required.

2. The total suspended solids chart, while showing that at least 80% TSS removal is achieved by the use of deep sump catch basins, is incorrect to use deep sump catch basins twice in the calculation. The maximum TSS removal should be 85%.

The use of deep sump hooded manholes in the treatment train is not one of the automated selections on the state form. These are specified to provide additional TSS removal prior to the infiltration chambers.

3. It is recommended that prior to the commencement of construction of the subsurface infiltration system, that the infiltration rate assumed by the Rawls table be supported by on-site testing at the depth of the system.

GAF Engineering uses the "Static Method" for our drainage calculations as outlined within the Massachusetts Stormwater Handbook. No further field evaluation is required if this method is used. Test pits have been performed in the area of the proposed drainage system. Additional testing can be performed if required.

4. The Stormwater Report includes a pre-construction and post-construction stormwater operation and maintenance plan. It is recommended that this plan be incorporated by reference in any determination the Board may make for the project.

We have no objection to this recommendation.

Other Comments

1. No fire apparatus turning movement plan was provided.

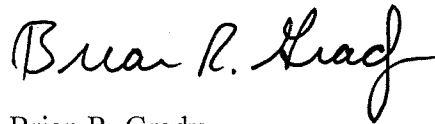
A Fire Truck Access Plan has been provided to Captain Smith of the Wareham Fire Department and we are awaiting comment.

2. The applicant should submit documentation from the Wareham Fire Department that turning movements for fire apparatus are approved and that the fire hydrant locations are appropriate for its use. It should include an analysis that apparatus approach and departure to and from the site is not hindered by excessive driveway grade.

See above response.

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

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



Brian R. Grady

Enclosures