



August 5, 2021

Paul H. Foley, AICP
Director of Planning and Economic Development
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719
Via email : pfoley@fairhaven-ma.gov

**Subject: Special Permit Application Filing
Building 3 Expansion Project, Nye Lubricants, Inc.
12-16 Rio Way, Fairhaven, MA**

Dear Mr. Foley,

Apex Companies, LLC (Apex) on behalf of its client, Nye Lubricants, Inc. (Nye) has prepared the enclosed Special Permit application. This special permit is being applied for as a 60,000-sf expansion of the existing Building 3 along with associated stormwater and parking improvements to the site.

SITE HISTORY

Nye's operations along Howland Road involves two (2) parcels of land, Map 19 Lot 100, and Map 19 Lot 242. The Parcel on which Building 1 is located is Map 19 Lot 100 and Building 3 is located on Map 19 Lot 242, which is where the proposed expansion is set to take place. Nye owns and controls both Lot 100 and Lot 242. The Parcel on which the project is proposed is Map 19, Lot 242 with the address 12-16 Rio Way. That site had previously been a supermarket, however Nye's operations expanded in 1997 to redevelop this parcel and include it in their operations. Since then, Nye has continued to grow and with its recent acquisition by the Fuchs Group, the need to expand operations became apparent.

Founded in 1844, Nye's history is one of continual adaptation to market needs. From the Industrial Revolution to the Information Age, Nye's lubricants have enabled and improved breakthrough products and critical new technologies. The company started out with specialty oils derived from fish and whales to lubricate delicate machinery such as watches, clocks, and chronometers. Today, Nye formulates, manufactures, markets, and sells high-quality synthetic oils, greases, and specialty fluids. Nye works with a broad range of industries, with a concentration in the automotive, aerospace and defense, in-vacuum manufacturing, semiconductor, medical device, appliance, and electronic markets. They also manufacture industrial maintenance lubricants for high temperature and extreme environments.

The Mock family sold Nye Lubricants in January 2020, and the company is now a wholly-owned subsidiary of Fuchs Petrolub SE, a global, \$3 billion German lubricant company. Nye has 180 employees, 150 of whom work in the Fairhaven location. Their existing facilities include R&D and production labs, cleanroom operations, specialty packaging, multiple manufacturing cells, and administrative offices. Nye's annual grease production capacity is greater than 3 million pounds with annual revenue of over \$50 million. The Building 3 expansion project aims to increase capacity for manufacturing, packaging, and warehousing to meet Nye's needs, both for its own organic growth as well as the consolidation of other specialty manufacturing from other Fuchs locations in the U.S.

SITE DESCRIPTION

Nye's operations on the two parcels of land are bounded to the west by the Acushnet River, to the south by Howland Road, to the East by Sycamore Street, and to the north by the Dattco Bus Yard. Building 3 is located at 12-16 Rio Way, which is Nye's access road to its facility off Howland Road. Rio Way is the drive bounded by Nye's southern employee parking area to the west, and the parking area it leases to the adjacent commercial facility to the east.

With respect to the neighboring uses, Nye is zoned and operates as an industrial facility, as does the Dattco operations to the north. There are commercial facilities located to the southeast, and to the east along Sycamore street-# , which is residential.

The site is improved by two buildings containing offices and warehouse space with loading docks, paved parking areas, and a grassy area to the east. There is portion of land to the north of Building 1 and west of Building 3 that is relatively densely forested and does not involve any of Nye's operations.

The topography on the developed site is relatively flat, while there are several mounds in the forested area likely from construction debris and past remedial activities.

PROJECT PURPOSE

The primary goal of the project is to create a 60,000-sf expansion of Building 3 to the east and southeast of the existing building. That building will be used for warehousing, bulk storage, and manufacturing. Along with the expansion of the building there will be improvements to the parking area to enhance circulation and provide stormwater and landscaped features throughout the site. To support the development of that project, there are several improvements being proposed that include:

- Providing public access to and along the river to comply with the Chapter 91 regulations;
- Upgrades and improvements to the Stormwater management system;
- Breaking up some of the asphalt parking area with landscaped areas and stormwater features;
- Landscaping features along the eastern edge of proposed building
- The potential for solar panels on the roof

The parking area improvements are relatively straightforward and involve saw-cutting trenches within the existing paved area to allow for excavation of soils and replacement with an engineered soil mix, perforated underdrain pipe and landscaping plantings. These landscaped strips will break up the paved parking area and provide some stormwater treatment and conveyance.

The public access pathway along the river's edge is a requirement of the Chapter 91 program. The path will be 10 feet wide and relatively flat, with an average slope of 1 ft in 20 ft. The path will be constructed with an underlain geotextile fabric, backfilled with angular crushed stone within a reinforced grid, and covered with sand for the wearing surface.

There will be marked stormwater management improvements as part of this project which will benefit the resource areas. Currently there is no on-site stormwater quality treatment, only conveyance. The proposed program will provide water quality treatment of the parking area runoff, promote infiltration, and break up the larger tributary areas to reduced peak flows and volumes. More information on that is provided in the stormwater management report.

With respect to the landscaping improvements being proposed, most of specified plant material is native to New England and all is appropriate to the coastal environment of Fairhaven. The selected plant species have characteristics of higher tolerance of soil and airborne salts to make them better adapted to the indigenous environment. The variable plant species were selected for their attributes to create biodiversity and vegetative screening in the buffer area between the proposed building and Sycamore Street. A no-mow grass was selected between the new building and the vegetative screening buffer on Sycamore Street as an alternative to the traditional high-resource lawn. No trees will be planted within 5' of proposed underground utility centerline to allow future repair or replacement access to underground utilities with minimal impact to plant materials. No trees will be planted in bio-engineering locations with sub-surface drainage infrastructure (that connects to the existing stormwater system) to prevent impact to and future access to drainage system, however they will be planted in the bio-engineering locations without sub-surface lines to help in surface stormwater management. And non-woody plant material was specified for bio-retention areas within the reconfigured parking area due to expected snow loading.

Nye is also exploring the potential for adding solar panels on the new roof structure. The solar panels will provide clean, renewable energy and be done consistent with Nye and Fuchs' commitment to sustainable development and operations.

The need for a Special Permit

Nye is located in the industrial district based on the Town of Fairhaven zoning map. We have reviewed the zoning bylaw and have excerpted the bylaw section below in *Italics* and have provided our review of applicability in **bold**. According to the governing section of the zoning bylaw: Chapter 198-29

A. Planning Board (SPGA). The Fairhaven Planning Board is hereby designated as the special permit granting authority (SPGA), for the development of all sites in the Apartment/Multi-Family (RC), Park (P), Wetland Resource Protection District (WRP), Business (B), Mixed Use (MU), or Industrial (I) Districts, which propose the following to be provided for under the requirements of § 198-27 Parking, loading, and landscaping:

*(1) New construction that would require a total of five (5) or more parking spaces counting existing and new demand; **This project would require new construction of a 60,000-sf building, which per the zoning bylaw would require an additional 120 parking spaces***

*(2) Addition(s) or enlargement(s) that would require a total of five (5) or more parking spaces counting existing and new demand; **Not applicable as this project is not an addition or enlargement.***

*(3) A change of use(s) or renovation(s) that would require the addition of new parking space(s). If the existing parking spaces can meet the new demand based on the change of use(s) or renovation(s) then no special permit is required; **Not applicable as this project does not involve a change in use.***

*(4) Re-striping of a parking lot of five (5) or more spaces that changes the existing site circulation, and/or number of parking spaces. **The proposed layout will change internal site circulation and the parking area improvements will require re-striping of the parking area. With respect to circulation, trucks will still be able to access into and out of the building entrance off of Howland Street, however emergency access improvements are being provided to the east of the building, loading areas are being provided in the south and southwest and landscaped islands are occurring in the center of the site.***



Figure 1 – Aerial Image of Nye’s Operations, Including Building 1 and Building 3

This submittal package, including this letter, the Project Plans, and the accompanying attachments are provided consistent with the Special Permit Application requirements listed in Section 198.29.

We do ask for relief from the requirement listed in 198.27.B.2.a, which requires 1 parking space per 500 sf of gross floor area. As shown in the table below, the proposed plan will provide 276 parking spaces throughout Nye’s operations, 8 short of the bylaw requirement, but far in excess of need from the anticipated 175 employees. Nye currently employs 150 people at the Fairhaven facility and the expansion would result in an anticipated 20-25 hires. The proposed parking regime would have capacity to support an additional 100 visitors to the site, far more than would realistically be envisioned.

Nye Building Parking Layout			
Parcel	Building Size	Parking Spaces Required	Parking Spaces Provided
19-100	47,753	96	37
19-242	33,690	68	239
Building Expansion	60,000	120	
	Total	284	276

*Per Zoning Bylaw - 1 space per 500 sf gross floor area - industrial

Table 1 – Parking Loading Requirements

Zoning Compliance

The Site is zoned as industrial use per the Town zoning map. Per the intensity of use regulations in section 198.17 and 198.18 of the Zoning Bylaw, we have created the following table to show compliance with the zoning requirements for the Site:

Condition	Required	Existing	Proposed
Lot Area	50,000 sf	10.28 ac (447,800 sf)	10.28 ac (447,800 sf)
Frontage	140 ft	245 ft	245 ft
Front Set Back	50 ft	~500 ft	77 ft
Side Set back	50 ft (near Residential)	~200 ft	67 ft
Rear Set back	50 ft	~80 ft	No change
Max Building Height	40 ft		40 ft
Max Lot Coverage	65%	51.8% (232,155 sf)	63.1% (282,590 sf)
Max Building Coverage	25%	7.5% (33,690 sf)	20.9% (93,690 sf)

Table 2 – Zoning Compliance Table

Site Circulation

As stated previously, Nye’s operations involve two parcels of land, Map 19 Lot 100, and Map 19 Lot 242. Most of the parking provided for the site, is provided on the Map 19 Lot 242 parcel, where the proposed Building 3 improvements are.

With respect to site circulation, we have reviewed truck and traffic circulation with the existing and proposed site conditions. Using vehicle turning templates taken from the AASHTO – *Geometric Design of Highways and Streets* we evaluated the maneuverability of vehicles, in particular a WB-15 Intermediate Semi-trailer design vehicle, which is typical of the vehicle that calls on the site. The proposed conditions do not limit the ability of the design vehicle to enter into the site and access the loading bays. These conditions will also not inhibit emergency access for Fire and Ambulance vehicles.

Stormwater Management

Section 198.31.1 of the Fairhaven Zoning Bylaw covers Stormwater Management with respect to Special Permits. As stated, that *section shall apply to all new special permits subject to Section 198-29 for additions or renovations which increase the impervious area of property applied for after January 12, 1999, as provided for in MGL c. 40A § 6.* The proposed project does meet these criteria. In addition, this project is located within the buffer of the Acushnet River, a wetland resource area which is protected by the Wetland Protection Act (310 CMR 10.00) and enforced by the Fairhaven Conservation Commission, and its bylaws. Because it is subject to the provisions of the Wetlands Protection Act, the permitting process required compliance with the Massachusetts Stormwater Management Policy. A copy of the stormwater report is provided with this submittal.

The proposed stormwater management regime, which includes Low Impact Development strategies, reduces both the peak discharge rates and volumes over existing conditions, as well as promotes more recharge and infiltration into the groundwater. No new untreated discharges will be created as a result of the proposed work. As is allowable under the Massachusetts Stormwater Policy, peak flow rates and volumes were controlled to the maximum extent practicable as this is a redevelopment project. The

most important thing to note about this project is the vast improvement in water quality management and controls being implemented. The existing infrastructure has little stormwater quality controls and the proposed project will provide a wide variety of stormwater treatment strategies and promote a significant amount of groundwater recharge.

The project complies with the Fairhaven Zoning Bylaw Stormwater Management section, Parts a-e of Part A.1, specifically:

- a) The proposed project will not create or exacerbate flooding conditions or alter surface water flow paths as it will:
 - 1) Decrease the peak rate of runoff for all storm events modeled
 - 2) Decrease the volume of runoff for the 10-year 24-hour storm
- b) The proposed project will improve water quality by treating the first flush of stormwater runoff as it will
 - 1) Remove 80% Total Suspended Solids (TSS) from the first flush of runoff
- c) The proposed project reproduces, as nearly as possible, the hydrologic conditions in the ground and surface waters prior to the initiation of this project. The proposed project actually represents a modest improvement in the hydrologic conditions in the ground and surface waters.
- d) The proposed project reduces stormwater pollution through the use of Best Management Practices, namely vegetated conveyance channels, exfiltrating raingardens and bioretention features and subsurface recharge. All of these BMPs are approved type BMPs from the Massachusetts Stormwater Policy, Volume 2 Chapter 2.
- e) This project includes an Operation and Maintenance Plan, which is included with this submittal for reference.

Operations and Maintenance

We know and appreciate that stormwater management systems function as intended they are properly operated and maintained. As such, in compliance with the MA Stormwater Management Policy and the Fairhaven Zoning Bylaw, we have included the Operations and Maintenance Plan that was created for these Stormwater Management BMPs being proposed on site. The Operation and Maintenance Plan (O&M Plan) provides a mechanism for the consistent inspection and maintenance of the of stormwater drainage structures installed during the Project. Included in the O&M Plan is a description of each of the stormwater structures, the location of each structure, an inspection schedule for each stormwater structure, and a standard form to be utilized to document the inspection and maintenance of each stormwater structure. Nye will be responsible for the Operation and Maintenance of the proposed Stormwater BMPs and the vegetative plantings.

Conclusion

The proposed project is critical to Nye's future operations. As part of a major expansion in North America, Fuchs acquired Nye for its leading-edge technology and its unique capability as a high-mix, low-volume specialty manufacturer of synthetic lubricants. They will make Nye an R&D and technology hub for its North American operations and a global R&D center for high-end specialty greases. Fuchs is also shifting manufacturing of low-volume specialty oils and greases from several other U.S. locations, greatly accelerating the need for additional space at the Fairhaven site. Fuchs has committed to maintaining Nye's strong presence in the area indefinitely, and in short order the company's sales will

double and local employment will increase, initially by 15-20 people, but likely with an additional 20-30 over the next 5 years. This represents an economic benefit to the Town where Nye has been an integral community member for decades. The project will have benefits beyond the economic ones, providing stormwater quality treatment that doesn't currently exist, promoting infiltration, and providing public access along the water's edge.

Fuchs and Nye understand that this addition will change the building footprint and bring the facilities closer to the residential area across Sycamore Street. The company has planted, mowed and maintained an open space along Sycamore Street since acquiring the property in 1997. It is sensitive to minimizing to the extent possible the impact of new construction, though the use of attractive, high-end construction materials, comprehensive landscaping and property maintenance, and the routing of all commercial access to Nye from Howland Road.

Therefore, we ask that the Town of Fairhaven approve the special permit application presented herein. Please do not hesitate to contact us if you have questions at (617) 728-0070.

Sincerely,

Apex Companies, LLC



John B. McAllister, P.E.
Program Manager for Waterways Engineering

CC: Martin Weinstein, Erik Lawson - Nye Lubricants, Inc.
Alicia Cooley – Apex Companies, LLC
Howard Snyder, Dan Ellingson – Harriman, Inc.
Callie Thompson - Apex Companies, LLC

Submittal Documents:

1. Design plans originally dated April 30, 2021 revised June 8, 2019
2. Landscaped and Elevation Drawings
3. This cover letter and narrative
4. The Mass DEP Stormwater Checklist showing compliance with the 10 policy standards of the Massachusetts Stormwater Policy
5. A stormwater report detailing the basis of our design and the proposed improvements, and including the Construction Period Prevent Plan
6. An Operations and Maintenance Plan for the Stormwater BMPs being proposed
7. A long-term pollution prevention plan