



September 16, 2019

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 1 Re-paving Project, Nye Lubricants, Inc.
10-12 Howland Road, 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 for the above referenced job. This special permit is being applied for as a minor modification (improvement) to an existing Special Permit, issued June 24, 1992.

Nye's operations along Howland Road involves two parcels of land, Map 19 Lot 100 and Map 19 Lot 242. The Parcel on which the project is proposed is Map 19, Lot 100 and is owned by New Bedford Thread Company Inc. The abutting parcel where Nye's operations occur, Map 19 Lot 242, is owned by Sunderbans Limited Partnership. Nye holds a long-term lease on both parcels and both Owners have signed this application.

The Project, as shown in the attached plans, involves an existing paved (impervious) area of roughly 25,000 feet. The proposed project includes the grinding of that existing asphalt cover, which was in poor condition, and re-paving with binder and top coat, while reducing the total impervious area by more than 5,000 s.f. The project also involves stormwater controls (a vegetated filter strip and two raingardens) that will reduce peak flows and velocities from the existing site conditions. The proposed project was designed to be compliant with the Massachusetts Wetlands Protection Act as it lies within the Riverfront Buffer zone of the Acushnet River. A copy of the Stormwater Report, which has been peer reviewed as part of the Wetlands Protection Act filing, is included with this application. The proposed work area is mostly a truck delivery area and temporary/overflow parking. The parking areas for employees and visitors are located east of the building and are clearly striped.

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: [Amended 12-10-1992 STM by Art. 1; 5-2-1998 STM by Art. 26; 6-8-2002 ATM by Art. 6; Amended 211-2004 STM by Art. 15]

*(1) New construction that would require a total of five (5) or more parking spaces counting existing and new demand; **Not applicable as this project is not new construction.***

*(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 not change site circulation; trucks will still be able to access into and out of the building entrance off of Howland Street. The project area is mostly involved with loading and unloading of trucks/supplies and materials and is not used a primary parking area, but only overflow/temporary parking. While the 1992 Special Permit did show parking area striping, based on the latest aerial image (below) the project area is not striped except for up at the building. All of the parking is striped on the east side of the building.***



As stated previously, Nye's operations involve two parcels of land, Map 19 Lot 100 and Map 19 Lot 242. The majority of the parking provided for the site as shown on the image below, is provided on the Map 19 Lot 242 parcel. Based on the Town of Fairhaven Zoning Bylaw, 198 Chapter 27.B.2.a, with a requirement of 1 parking space per 500 square feet of floor area, the parking demand for Nye's

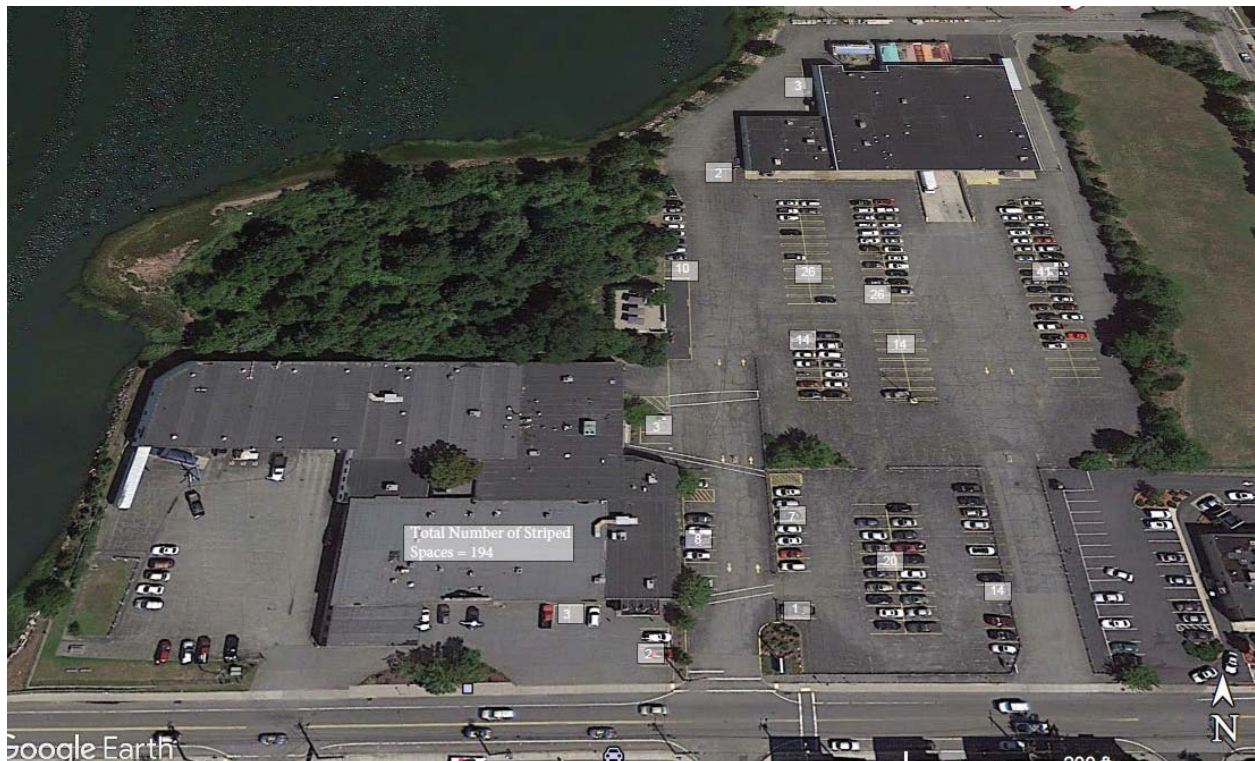
Operations is as follows, with what is provided (194 spaces) being greater than what is required (164 spaces):

Parcel	Building Size (s.f.)	Parking Spaces Required
19-100	47,753	96
19-242	33,690	68
	Total Required	164
	Total Provided	194

Table 1 – Parking Loading Requirements

The Parking Spaces provided figure in Table 1 above shows the parking available on both parcels of land, and as stated above, the majority is on the Map 19, Lot 242 parcel. We are requesting, since Nye's operations work across both abutting parcels, that the special permit factor in the total amount of parking on those two parcels rather than each individually.

The aerial image below shows the number of striped parking spaces provided at Nye. Furthermore, the image, which is from August 2016, shows that there is more than sufficient parking available, based on the number of empty spaces shown.



The last point to make regarding this proposed project is to highlight the improvement of the environmental conditions. The proposed stormwater management regime, which includes Low Impact Development strategies, reduces the both the peak discharge rates and volumes for all storm events

analyzed over existing conditions, as well as promotes more recharge and infiltration into the groundwater through the raingardens. While reducing the amount of impervious area, the project will reduce the amount of runoff generated and add more green space and vegetation on the site, all while maintaining the functionality of the site.

In conclusion, the proposed project represents an improvement over existing conditions and does not negatively impact parking or circulation on site. 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

A handwritten signature in blue ink, appearing to read 'JBM', is positioned below the company name.

John B. McAllister, P.E.

Program Manager for Waterways Engineering

CC: Martin Weinstein, Patrick Norton -Nye Lubricants, Inc.
Christopher Stillman – Apex Companies, LLC

[https://apexcos-my.sharepoint.com/personal/jmcallister_apexcos_com/Documents/Nye Lubricants/Planning Board/Apex_Nye Special Permit Cover and Narrative rev1.docx](https://apexcos-my.sharepoint.com/personal/jmcallister_apexcos_com/Documents/Nye%20Lubricants/Planning%20Board/Apex_Nye%20Special%20Permit%20Cover%20and%20Narrative%20rev1.docx)