



## Fairhaven Planning & Economic Development

40 Center Street, Fairhaven, Massachusetts 02719

### Special Permit: 2019-15 New Mazda Car Dealership on Bridge St. Staff Report: January 24, 2020

#### 1. DESCRIPTION

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- 1.1 Applicant:** Carapace LLC, 2 Star of the Sea Drive, Dartmouth, MA 02748. Represented by Richard Rheaume, P.E. of Prime Engineering, Inc.
- 1.2 Project Location:** The location is 250 Bridge Street, Map 36, Lot 15. Northwest corner of Bridge Street and Route 240 (3.99 acres).
- 1.3 Proposal:** to construct an approximately 14,000 square foot commercial building for an auto dealership with fifty-four (54) parking spaces and associated infrastructure, stormwater control and landscaping
- 1.4 Zoning:** Industrial
- 1.5 Local Permits:** Three Variances from the Board of Appeals; Planning Board Special Permit; Conservation Commission Notice of Intent for work within the 100 foot buffer to wetlands; Building; Land Disturbance Permit (Chapter 194) from the Fairhaven Board of Public Works.
- 1.6 Other Permits:** The proposed work area is over 1 acre and requires filing an US EPA - NPDES permit and associated SWPPP;
- 1.7 Surrounding Land Uses:** Alden Buick to the north; drainage ditch and Route 240 to east; Bridge Street to south; Commercial building to west; the 4-acre site has approximately 2.3-acres (42%) wetlands.
- 1.8 Project History:**
- The proposed Mazda Car Dealership already exists a short distance away (300 feet as the crow flies) at 37 Alden Road. The proposal is to move from that location to this one.
  - A similar proposal with a smaller building (10,000 sf) was reviewed with six (6) public hearings in 2015. The Proposal was eventually approved with conditions and five (5) waivers and a number of variances.
  - The 2015 conditions included the following waivers from the Stormwater Management Section 198-31.1:
    - Variation to Section 198-31.1.A(1)(a)[2], to allow the increase in volume of runoff due to the D soils and near surface ground water.
    - Variation to Section 198-31.1.B(2)(a)[h] & [i], to not provide soil logs since infiltration in not proposed due to the D soils and near surface ground water.
    - Variation to Section 198-31.1.C(2)(g)[6], side slopes to be 2:1 to minimize impact to wetland.
    - Variation to Section 198-31.1.C(2)(k), to allow variation to volume control.
    - Variation to Section 198-31.1.3C(3), to allow the Low Impact Development (LID) design meet the BMP requirements, as requested by the Conservation Commission.
  - Standard and Administrative Conditions were also included.
  - The proposal was not developed and the approval lapsed.
  - This site was originally part of a farm and is currently managed as an upland and wetland meadow.
  - Site contains a USGS mapped intermittent stream in the existing draining ditch to the west of the drive and is about 42% wetlands.
  - This proposal was originally filed in April 2019 but the wetland line approval had lapsed. The project was then withdrawn. The wetlands were re-delineated and the limit of the BVW was revised and the revised delineation has been surveyed and is shown on the updated plans dated December 3, 2019.
- 1.9 Project Summary:**
- To construct an approximately 14,000 square foot commercial building for an auto dealership with fifty-four (54) parking spaces and associated infrastructure, stormwater control and landscaping
  - The plans show a “right turn only” sign but the narrative requests allowing a left turn out of the driveway. The existing driveway is proposed to be relocated to the west a bit.
  - A stone retaining wall is proposed along the east edge of the paved area.

- A total of 4,990 square feet of wetlands will be filled and 6,800 square feet of replication is proposed at the southwest corner of the parcel.
- The proposed facility will do mechanical repairs indoors.
- A detention basin is proposed at the eastern side of the parcel designed as a constructed pocket wetlands notched into the water table.
- Several Variances have been petitioned and granted by the Zoning Board of Appeals.
  - Section 198-18 of the Fairhaven Zoning Bylaw requires a minimum 50-foot rear yard. A ten-foot rear yard was requested and granted.
  - Section 198-27c(l) and (4) state no off-street parking area for five or more cars shall be located within the required front, side or rear yard setback areas and require a 50 foot-wide vegetated strip along the frontage with a tree every 40 feet and low shrubs.
    - A variance was requested and granted with a 50 foot-wide vegetated buffer along Route 240 frontage but no trees are proposed.
    - A variance was requested and granted to the 50 foot vegetated strip with trees and shrubs along Bridge Street. Instead the Applicant has plans that show only a 5-foot setback and no trees.
  - Section 198-31.1A(1)a of the Fairhaven Zoning Bylaw requires that there be no increase in the volume of runoff which can only be accomplished by infiltrating all runoff from impervious surfaces. The poorly percolating soil and near surface water table make infiltration impractical.
- Several Variances are being petitioned from Stormwater management:
  - A waiver/variation is requested to Stormwater Management – Section 198-31.1. A(1)(a)[2], to allow the increase in volume of runoff due to the D soil and near surface ground water.
  - A waiver/variation is requested to Stormwater Management – Section 198-31.1. B(2)(a)[h]&[i], to not provide soil logs since the infiltration is not proposed due to the D soil and near surface ground water.
  - A waiver/variation is requested to Stormwater Management – Section 198-31.1. C(2)(g)[6], to allow the side slopes to be 2:1 to minimize impacts to wetland.
  - A waiver/variation is requested to Stormwater Management – Section 198-31.1.C(3), to allow the low impact development (LID) design meet the bmp requirements, as requested by the conservation commission.
  - A waiver/variation is requested to Stormwater Management – 198-31.1(C)(2)(g)[6] – requires basins/ponds designed for stormwater runoff control shall have side slopes at a no steeper than a 4H to 1V grade. And a ten-foot wide bench surround any permanent pool. 1:1 and 2:1 side slopes proposed.
  - A waiver/variation is requested to Stormwater Management – 198-31.1(C)(2)(k) - Forebays [1][b] requires forebays to be sized to contain 0.25 inches per impervious acre of contributing drainage and [d] requires forebay be four feet deep.
  - A waiver/variation is requested to Stormwater Management – 198-31.1(C)(3)(d) forebay sizing requirements.
  - A waiver/variation is requested to Stormwater Management – 198-31.1(A)(1)(b) - requires treatment of the Water quality (First Flush = (1.25" of entire impervious area on site).
  - A waiver/variation is requested to Stormwater Management – 198-31.1(A)(1)(a)[2] - No increase will be allowed in the volume of runoff off of the site up to the ten-year, twenty-four-hour design storm. The proposed drainage calculations shown increase of runoff volume during 2-year and 10-year storm events.
  - A waiver/variation is requested to Stormwater Management – 1198-31.1(C)(3)(d). provide water quality volume (First Flush) 24 hour detention volume by proposed other water quality BMPs

- A waiver is being requested from MSH Vol.1, Ch.1, Pg.14. vegetated filter strip, Vol.2, Ch.2, Pg.36 constructed wetland, and Vol.2, Ch.2, Pg.23 rain gardens, since this is considered Land Uses with Higher Potential Pollutant Loads (LUHPPL) these should be lined and sealed for LUHPPL uses.

## **2. ADMINISTRATIVE SUMMARY**

### **2.1 Public Hearing:** PB Public Hearing scheduled on Tuesday January 28, 2020

## **3. PLANNING CONCERNS**

### **3.1 Some Potential Key Planning Issues**

- Stormwater and Drainage:
  - The Applicant is asking for 11 waivers/variances from Stormwater management.
  - The Site is entirely located within HSG 'D' soil with a very high water table. Therefore, infiltration is impossible and without the waivers, the site is un-developable.
- Wetlands:
  - The site is approximately 42% wetlands.
  - A total of 4,990 square feet of wetlands will be filled and 6,800 square feet of replication is proposed at the southwest corner of the parcel.
- Flooding:
  - More pavement within the 100' buffer and up to the wetlands on a site with HSG 'D' Soils and a high water table that needs 11 waivers from stormwater management will not improve any flooding issues.
- Traffic:
  - The proposal wants to allow left turns out of the existing driveway onto Bridge Street.
  - The Police and Town Planner are not in favor of a left turn out due to the additional conflicts it would create on one of the main and busiest roads in Town next to a major intersection.
- Historic:
  - The adjacent Alden Buick, owned by the same entity, is a massive sheet of paving that contributes to the wetness of this site.
- Zoning Bylaws:
  - The Applicant has petitioned and received several variances from the Zoning Bylaws. The project could not be approved by the Planning Board without the variances but because the ZBA approved the variances does not mean the Planning Board has to allow them under Special Permit Review.
    - Section 198-18 of the Fairhaven Zoning Bylaw requires a minimum 25 foot rear yard. A ten foot rear yard has been requested.
    - Section 198-27c(l) and (4) of the Fairhaven Zoning Bylaw requires a 50 foot wide vegetated strip along the frontage with a tree every 40 feet and low shrubs. A 50 foot wide vegetated buffer is proposed along the Route 240 frontage but no trees are proposed.
    - A vegetated strip with trees and shrubs are proposed along Bridge Street but it is proposed to be 4 feet rather than the 50 feet required.
    - Section 198-31.1A(1)a of the Fairhaven Zoning Bylaw requires that there be no increase in the volume of runoff which can only be accomplished by infiltrating all runoff from impervious surfaces. The poorly percolating soil and near surface water table make infiltration impractical.
- Comments from other Town Departments:
  - Fire Department (Deputy Chief Todd Correia):
    - Building will need to be sprinkled to meet the fire code requirements.
    - A hydrant will need to be located on the premises within a 100ft of the future fire department connection (FDC).

- Sheet number 5 of the plans show a 6" water main from Bridge street that enters the east side of the future building, with no layout of a hydrant on the site. It appears the hydrant located at the corner of Bridge St and Route 240 will be outside the code requirements.
- Police Department (Lt. Sobral):
  - The police note that there is heavy traffic at this intersection in the AM Peak (7:00 am – 9:00 am), PM Peak (4:00 pm – 6:00 pm) and at Lunchtime (11:30 am – 12:30 pm).
  - They are not favorable towards motor vehicles making a left turn out of this driveway.
  - A posted sign should be considered warning motor vehicles that a business driveway exists ahead after exiting Route 240 onto Bridge Street westbound.
- Public Works Department (Vinnie Furtado):
  - Highway Department (John Charbonneau):
    - MassDOT needs to be consulted re: overflow spillway being directed to State layout.
    - Any changes to the curb cut on Bridge Street requires a driveway permit.
  - Sewer:
    - Need easement to enter manhole and to share line that discharges to Alden Road.
    - Add shut off valve before manhole and adjacent to pump station (duplex or simplex).
    - Show detail of all lines from building (3 separate lines shown) – unclear what third line is?
    - Will E-One station be subject to traffic loads?
    - Line to remain private.
  - Water:
    - Separate 1" line with curb stop needed for domestic water line.
    - Plan shows 8"x 8"x 6" tapping sleeve and gate valve. Should be 12"x 12"x 6" TS w GV.
  - BPW:
    - Preconstruction Meeting with Utility Contractor
    - Fees: Sewer, Water, Driveway, Trench Permit, Inspection Services and As-built plans.
  - A meeting with the sewer, water and highway department heads should be scheduled before plans are amended.
- Finance/Treasurer/Collector, Wendy Graves:
  - Carapace LLC currently has an account balance of \$1,537.55.
- Assessor (Def Garcia):
- Conservation Agent (Whitney McClees):
  - Project has been before the Conservation Commission since August 12, 2019.
  - A peer review of the originally proposed wetland line was conducted and, as a result, the wetland line was significantly revised to encompass a greater portion of the property.
  - The revised plans dated December 3, 2019 show a 25-foot offset from the wetland line to the proposed impervious construction.
  - The stormwater features will be located adjacent to the wetland line on both the east and west sides of the proposed construction.
  - The applicant is requesting several variances to the Massachusetts Wetlands Protection Act Stormwater Regulations.
  - Additionally, a few aspects of the stormwater design do not meet Massachusetts Stormwater Standards.
  - The engineer submitted revised plans and responses to the most recent stormwater peer review to the Conservation Commission on January 23.
  - Applicant has classified the project as a "redevelopment project" for purposes of the Wetlands Protection Act Stormwater Reg.s. This is only true for existing impervious area.
  - The wetland on the property has been disturbed in recent years due to consistent mowing.
- Board of Health:
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### 3.2 Environment

- **Vegetation:**
  - Overall, the site contains a majority of native herbaceous wetland and upland plant species. Some non-native invasive vegetation exists within the wetlands such as Purple Loosestrife (*Lythrum salicaria*).
  - All of the proposed rain garden plants are native.
  - Most of the landscaping plants are non-native.
- **Wetlands:** Approximately 42% of the property is wetlands.
  - A total of 4,990 square feet of wetlands will be filled and 6,800 square feet of replication is proposed at the southwest corner of the parcel.
- **Habitat:** The site is in an NHESP Priority Habitat
- Is there a long-term invasive species management plan given the history of the site with multiflora rose?
- **Lighting:**
- **Landscaping:**
- **Noise:**
- **Open Space:** No open space other than wetlands is planned.
- **Bicycle/Pedestrian/Trails:**
- **Energy/Sustainability:** No solar has been incorporated into this car dealership.
- **Storm water:**
  - 11 Waivers, noted above, are being petitioned from the Stormwater management.
  - The majority of paved areas are generally at least 25 feet away from the edge of the wetlands.
  - Both the eastern and western stormwater structures will be located within 1-2 feet of the wetland lines
  - Proposed grade changes for the detention basin appear to range from less than a foot to 5 feet.
  - Grade changes for the raingarden are proposed to range from a decrease of approximately 1 foot to an increase of approximately 2-3 feet.

### 3.3 Transportation

- **Access:** The existing driveway is proposed to be relocated to the west.
- The existing driveway was constructed to be a "right turn only" exit.
- The Applicant is proposing to change this to allow left turns.
- The Applicant proposes that the existing driveway be shifted westerly so the vehicles exiting the dealership's driveway would be 430 feet from the Route 240 / Bridge Street intersection.
- The proposed left turn out would create traffic conflicts. The Police and Town Planner are not in favor of a left turn out.
- **Sight Lines:**
- **Safety/Accidents:**
- **Trip Generation:**
  - **Existing:**
  - **Proposed: According to the Applicant traffic estimates**
  - The number of daily trip on a weekday is projected to be 334
    - Over a 13 hour day that is 167 entering and 167 exiting for an average of 13 vehicles per hour entering and 13 vehicles per hour exiting.
  - The number of daily trip on a Saturday is projected to be 210
    - Over a 12 hour day. That is 105 entering and 105 exiting over a 12 hour day for an average 9 vehicles per hour entering and 9 vehicles per hour exiting.
  - The peak hour trips during the adjacent street's morning peak weekday hour (7 a.m. to 9 a.m.) is projected to be 21 with 16 vehicles entering and 5 vehicles exiting.

- The peak hour trip ends during the adjacent street's afternoon peak weekday hour (4 p.m. to 6 p.m.) is projected to be 27 with 11 vehicles entering and 16 vehicles exiting.
- The morning weekday peak hour of the generator is projected to be 22 trip ends with 13 vehicles entering and 9 vehicles leaving.
- The afternoon weekday peak hour of the generator is projected to be 28 trip ends with 13 vehicles entering and 15 vehicles leaving.
- The peak hourly trip ends on Saturday is projected to be 30 trip ends with 15 vehicles entering and 15 vehicles leaving.
- The Applicant projects that 75% of the traffic will be to and from Route 240 to the east.
- **Vehicular Volume of Road:**
- **Nearby Intersections (LOS):**
- **Parking:**
  - **Existing:**
  - **Proposed:** The majority of the 54 parking spaces will display new and used automobiles.
- **Vehicular Circulation:**
- **Mass Transit:**
- **Possible Mitigation:**
- **Traffic Summary:**

### 3.4 Economic Impact

- The impacts to municipal services such as schools and fire should be minimal.
- Employees: Owners (1); Sales Managers (2); Sales Consultants (3); Service Manager (1); Service Advisors (1); Parts Manager (1); Technicians (3); Peak Customers (10).
- Potential Tax Impacts: This Mazda Dealership already exists a short way away. The new dealership will add some new property tax to the Town. Increase to sales tax depends upon what goes into the existing location.

### 3.5 Scenic Values

- **Building:** The proposed building is a modern two-story car dealership.
- **Massing/Location:** The proposed site is on what was a farm for a long time. A silo and farmhouse existed here at one time. It is a green gateway to the Town.
- **Architectural Detailing:**

### 3.6 Local Impact/Abutters

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## 4. CORRESPONDENCE

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### 4.1 Town Officials:

### 4.2 Town Organizations:

### 4.3 Public: