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STAFF REPORT

REPORT DATE

June 14, 2019

PLANNING BOARD MEETING

June 18, 2019

Case #19-17: SITE PLAN REVIEW

1480 East Rodney French Blvd.
Map: 12 Lots: 77, 264, & 287-291

Applicant: Servedwell New Bedford, LLC
307 Smithneck Road
Dartmouth, MA 02748

Owners: GGK Realty LLC
1480 E. Rodney French Blvd.
New Bedford, MA 02744

VVK Realty, LLC
1494 E. Rodney French Blvd.
New Bedford, MA 02744

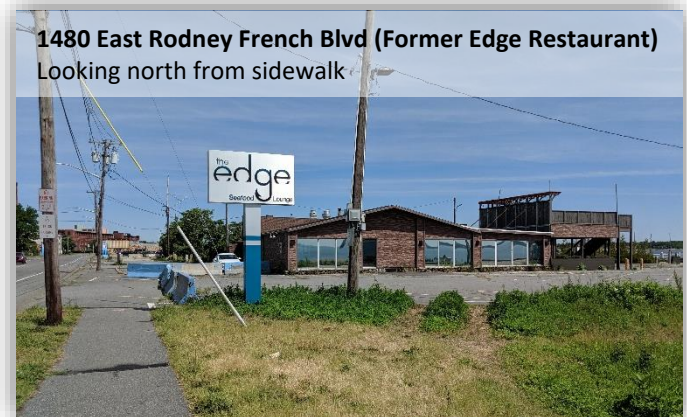
Agent: SITEC, Inc.
449 Faunce Corner Rd.
North Dartmouth, MA 02747

Overview

Request by applicant for **Site Plan** approval for expansion of an existing restaurant along with an expanded parking facility and outdoor entertainment area; located at **1480 East Rodney French Boulevard** (Map: 12 Lots: 77, 264, & 287-291) on a 2.55± acre site in a Mixed-Use Business [MUB] and Industrial A [IA] zoned district.

Existing Conditions

The project site consists of two adjacent properties with a combined total of 2.55 acres of land and 419'± of frontage on E. Rodney French Blvd. The two properties were formerly known as the Edge Restaurant (or Davy's Locker Restaurant) and Smuggler's Den. The south side of the site (formerly The Edge) has an existing restaurant building with attached upper deck seating area, an outdoor seating area, and a parking lot. On the northern portion of the



1480 East Rodney French Blvd (Former Edge Restaurant)
Looking north from sidewalk



ES Rodney French Blvd (Former Smuggler's Den)
Looking east from E. Rodney French Blvd

site (Smuggler's), a building was recently demolished. Remaining on the northern portion of the site is a small structure and a broken paved surface. To the east of the site is Buzzards Bay and waterfront access via a recently improved dock.

The site is relatively flat with a slight eastward slope.

The site is located in two FEMA high risk flood zones: VE and AE.

The surrounding neighborhood west of the site is predominantly residential. Directly abutting to the north is a public parking lot serving a public boat ramp and the entrance to the Cove Walk multi-use path, which is atop the hurricane barrier. To the south of the site is a beach area, the beginning of the Joseph D. Saulnier bike trail, and an industrial business.

Proposed Conditions

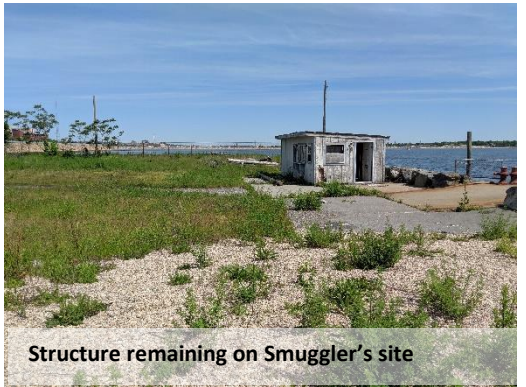
The proposal is to renovate the existing restaurant, create a new outdoor entertainment complex, and add new and improved parking areas. The restaurant will be renovated with an expanded outdoor deck seating area in the shape of a boat hull. The outdoor entertainment complex will have walkways, a fire pit seating area, a seasonal facility with portable kiosks for outdoor food and drink service, a turf event area for musical entertainment, and a sand play area. The parking lot on the south side will updated and a new parking lot is proposed for the north side of the site. New stormwater units are proposed for all parking areas.

A public access boardwalk is proposed around the perimeter (south, east, and north sides) of the site to provide public access along the waterfront.

Parking & Loading. The application state the proposal is to provide one hundred and forty-two (142) parking spaces and one loading space. Under the zoning ordinance this proposal requires eighty-six (86) parking spaces and one loading space; therefore, the application exceeds the minimum parking requirements.

As shown on plans submitted, the applicant proposes twenty-eight (28) parking spaces, including four (4) handicapped parking spaces on the south side of the restaurant. One hundred and fourteen (114) parking spaces, including five (5) handicapped spaces are proposed on the northern portion of the site. It is unclear where the one loading space is proposed.

The applicant also proposes two wave bike racks each with capacity for nine bikes; for a total of eighteen (18) bicycle parking spaces.



The board should note the application describes a crushed stone parking surface, however, the zoning ordinance required commercial parking lots to be paved. The site plan shows the lot as paved bituminous concrete surface.

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Places of assembly, including theaters, veterans, fraternal, social and recreational clubs and organizations not operated for a profit; facilities primarily for the education and instruction of persons sixteen (16) yrs. of age and older; taxi, bus & railroad passenger terminals; auditoriums, theaters, bowling alleys and dance halls; sports facilities; places of worship; funeral homes	One (1) space per five (5) seats for which the building is designed or one (1) spaces for each 200 sq. ft. of gross floor area whichever results in the greatest number	One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for 100,000 sq. ft. or more of gross floor area
Parking Calculations		
86 parking spaces (1 per 200 GFA: 17,050*/200) <small>*10,050 SF building/deck + 7,000 SF event space</small>	1 Loading spaces	
<hr/> 86 Total parking spaces required	<hr/> 1 Total Loading spaces required	

The board may wish to inquire about the temporary event parking needs and traffic management.

The board and applicant may wish to note that the City Council recently approved the release of a Request for Proposals (RFP) for a 20 year lease of a 2.7 ± acre vacant property on the west side of E. Rodney French Blvd. (just north of the site) for a parking. The RFP requires an annual lease payment. The development and maintenance of the parking lot would be the responsibility of the lessee.

Traffic Impact & Access Study. A traffic impact and access study has not been submitted with the application. A traffic impact and access study is not required unless requested by the board. As this proposal includes the staging of large scale temporary events, **the board may wish to inquire of the applicant why a traffic study would not be warranted for this proposal.**

Circulation. Vehicles will access the site via three bi-directional driveways off East Rodney French Boulevard. No directional arrows are shown on the plans. All drive aisles are wide enough to accommodate two-way traffic.

The board may wish to inquire about any directional signage or markings proposed for the parking lot.

The board also may wish to inquire if the applicants have a traffic management plan for special events when many vehicles may be arriving or exiting around the same time.

DPI comments require the applicant to replace the existing sidewalk along the frontage to an 8’ wide hot mix asphalt sidewalk with a 1.5’ wide grass ribbon. This is to extend the existing multi-use path so bicycle and pedestrians can access this site and the near by Cove Walk multi-use path on top of the hurricane barrier just north of the site.

Operations.

According to the Site Plan application, the proposed business is expected to have thirty (30) employees per shift, serving 500 customers per day. The proposed hours of operation are 11am-10pm Sunday-Thursday; and 11am-12am Friday and Saturday. Deliveries are expected between 7am-11am, three to four times per week.

The board may wish to inquire about the hour of operation for the seasonal outdoor entertainment space, noting the city ordinance prohibits noise disturbances in residential areas between the hours of 10pm-7am.

Code of Ordinance Chapter 17 - Offenses and Miscellaneous Provisions, Sec 12-15 Noise:

Noises at commercial establishments. All noises at commercial establishments located in principally residential neighborhoods that menace the health, interrupt or disturb sleep of residents between the hours of 10:00 p.m. and 7:00 a.m. are hereby prohibited; and, without limiting the generality of the foregoing, it is hereby intended that "noises," as used in this section, shall include the loading or unloading of motor vehicles, those sounds emitted by all types of mechanical devices, including motor vehicles, and those by animals and birds.

Landscaping. The proposal includes a landscaped areas around the perimeter of the site, around the building, in the parking lot islands, and around the outdoor event area. Staff notes that the proposed plant list is an appropriate mix of native and coastal plantings. The proposed plantings include: (A) 18 – October Glory Red Maple Trees, (B) 508 – American beach grass, (C) 9 – Whitespire Birch, (D) 2- Atlantic White Cedar, (E) 60 – American Dream Tick Seed, (F) 174 – Old Fashioned Daylily, (G) 3 – Blue Chiffon Rose of Sharon, (H) 8 – Lohengrin Rose of Sharon, (I) 105 -Compact Inkberry, (J) 118- Compact Pfitzer Juniper, (K) 8 - Eastern Red Cedar, (L) 570 – Sea Lavendar, (M) – 10 Wildfire Tupelo, (N) 9 – Virginia Creeper, (O) 25 – Goldfinger Potentilla, (P) 2 – White Oak, (Q) 74 Frau Dagmar Hastrup Rugosa Rose, (R) 83 Virginia Rose, (S) Goldstrum Black Eyed Susan, (T) Seaside Goldenrod.

The board may wish to inquire about seasonality of plantings and how the landscape buffers will appear in the off-season.

See Exhibit A: Proposed Landscaping for images of planting

Fencing is proposed around the outdoor entertainment area. It is unclear from the plans submitted which type of fence will be used. The site plan has the fence labeled as a wood slat fence without a detail specification. The elevation drawing submitted show two types of fencing to be used. One to be used on the north side of the outdoor entertainment area near the kiosks is shown as wood posts with a metal frame and wire mesh. The fence along the waterfront side of the property is shown as wood picket fence. The elevation plans also show 12’ tall posts along the fence line with lamp heads and string lights attached. Planning staff have requested the applicant clarify the fencing and proposed location of the 12’ tall poles.

The board should request clarification and details about this fence.

Snow Storage & Waste Receptacles. Snow storage and removal areas are not identified on the plans. Waste and Recycling receptacle locations are not identified on the plans.

The board should inquire about the proposed locations for waste and recycling receptacle as well as snow storage areas.

Stormwater. A new subsurface recharge system is proposed for the parking lot areas. The new system will include four (4) stromcepter treatment units and direct runoff to subsurface Cultec recharge systems. The system is designed to accept 100% of the site surface runoff for storms up to an including the two year event (3.4” of rainfall in 24 hour period).

DPI comments note that if the building is to receive a new roof, all roof leaders must be tied into a site-contained infiltration unit, not the City system. **The board may wish to inquire about the stormwater mitigation proposed on site.**

Signage. The applicant has included the location of a proposed ground sign without any sign details. There is an existing ground sign on the site

Without any specifications submitted, the board should note the ground sign is not approved as part of site plan review.

Lighting. The site plan includes a lighting plan and lighting specifications. The plan includes: (A) single and double pole lights (Bega Manufacturing Model #77-911 & 77-995) with a height of fifteen feet (15') and a 42.8 W LED fixture; and (B) Shielded bollards (Bega Manufacturing Model #9480) height unknown and a 39 W fixture.

Pole lights are proposed on the perimeter and throughout the parking lots. Pole lights are also proposed around the turf event space. In total the site will have twenty (20) single pole and six (6) double pole lights. Ten (10) bollard lights are proposed along the walkway through the outdoor event area leading to the fire pit.

The rendering images submitted with the application also show overhead string lighting that is not reflected on the lighting plan. **The board may wish to clarify if overhead string lighting is proposed and if so, to request more information be provided.**

Other Site Elements.

The board should note the outdoor drink, food, and merchandise kiosks as depicted would be a combination of wood frame with clapboard and repurposed shipping containers.

The site plan also depicts a portable restroom located on the north side of the restaurant building. Planning staff has requested more information as to whether this will be a series of porta-johns or a trailer type of facility.

The board should request clarification and details regarding the placement and materials of these temporary structures

Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The Department of Public Infrastructure provided a letter dated June 7, 2019. The letter has a list of 16 items to be addressed.

Sarah Porter, Conservation Agent, provided a letter, indicating that the proposal requires an Order of Conditions from the Conservation Commission. As “proposed activities are all located within Land Subject to Coastal Storm Flowage. In addition, development is proposed within the 100’ Buffer Zone to a Coastal Bench and Bank”.

No other comments were not received as of the publication of this report; any comments received will be made available at the public meeting.

Master Plan Goal

The proposal is consistent with the master plan's goal to expand workforce opportunities and communicates a positive message for business development.

Materials for Consideration

The engineered plan submission is shown as "Cisco New Bedford Restaurant Facility 1480 East Rodney French Blvd. New Bedford, Massachusetts" dated March 15, 2019, and date stamped received by City Clerks' Office May 10, 2019. Plans were prepared by SITEC, in Dartmouth, MA and stamped by Steven D. Gioiosa, PE. The plan set consists of the following sheets:

- Cover Sheet
- Sheet 1 Site Layout
- Sheet 2 Locus Map
- Sheet 3 Site Grading
- Sheet 4 Landscaping Plan
- Sheet 5 Site Utilities
- Sheet 6 Site Lighting
- Sheet 7 Existing Conditions
- Sheet 8 Demolition Plan
- Sheet 9 Erosion Control Plan
- Sheet 10 Detail Sheet #1
- Sheet 11 Detail Sheet #2

Architectural plan submission is dated 4/8/19. Plans were prepared by Aria Group, in Oak Park, IL., unstamped. The plan set consists of the following sheets:

- Sheet A8.2 Building Elevations
- Sheet A8.1 Outbuilding Elevations

In addition to the foregoing submitted materials, the Planning Board may also wish to consider:

- **Waivers**

The applicant has requested the following waivers:

- Topography & Drainage Plan
 - The applicant petitions that a structure and pavement currently exist on site. No excavation of the site is proposed. Topography and drainage will not be altered.
 - Staff concur the project does not significantly alter the site topography or drainage.
- Contents of Plan – Floor Plan
 - The applicant petitions that the existing restaurant floor plan has not been evaluated for renovation at this time.

Site Plan Approval

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets a number of objectives identified in Section 5470 of the City's (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
 - Minimize cut/fill volumes, removal of 6" caliper trees and larger, removal of stone walls , displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
 - Maximize pedestrian/vehicular safety to/from the site;
 - Minimize the obstruction of scenic views from publicly accessible locations;
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
 - Minimize glare from vehicle headlights and lighting fixtures;
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
 - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances;
 - Ensure compliance with the Zoning Ordinance;
 - Minimize damage to existing adjacent public ways;
 - Promote orderly and reasonable internal circulation within the site so as to protect public safety.

Staff Recommendations























Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

- That the following specific conditions be applied to this decision:
 1. A special event traffic management plan is to be submitted and reviewed by the Chair for a determination whether it may be administratively approved or would require review by the full board.
 2. The ground sign is not approved and will require a separate submission.
 3. Waste and recycling facility locations are to be identified on the plan.
 4. Snow storage areas are to be identified on the plan.
 5. Information about any overhead string lighting is to be submitted and reviewed by the Chair for a determination whether it may be administratively approved or would require review by the full board.
 6. Fencing details are to be to be submitted for review by the board.
 7. A north elevation is to be submitted and reviewed by the Chair for a determination whether it may be administratively approved or would require review by the full board.
 8. Details are to be provided about the portable outdoor restrooms.
 9. The parking lot is to be a paved hard surface.
- That the following general conditions also be applied to this decision:
 10. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.

11. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
12. The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
13. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division Case file folder.
14. That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
15. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
16. The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
17. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
18. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2019/>.

Exhibit A: Proposed Landscaping

(A) October Glory Red Maple Trees	(B) American beach grass	(C) Whitespire Birch	(D) Atlantic White Cedar	(E) American Dream Tick Seed	(F) Old Fashioned Daylily	(G) Blue Chiffon Rose of Sharon
						
(H) Lohengrin Rose of Sharon	(I) Compact Inkberry	(J) Compact Pfitzer Juniper	(K) Eastern Red Cedar	(L) Sea Lavender	(M) Wildfire Tupelo	(N) Virginia Creeper
						
(O) Goldfinger Potentilla	(P) White Oak	(Q) Frau Dagmar Hastrup Rugosa Rose	(R) Virginia Rose	(S) Goldstrum Black Eyed Susan	(T) Seaside Goldenrod	
						

1480 East Rodney French Blvd. Map: 12 Lots: 77, 264, & 287-291

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.

