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PLANNING DIRECTOR
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City of New Bedford Department of City Planning

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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: October 17, 2019

STAFF REPORT: October 4, 2019

Case#4394: SPECIAL PERMIT

Property: 52-54 Brigham Street
Map:39 Lot:18A-D, F, H, K

Zoning: Mixed Use Business (MUB)

Owner: PRL Realty, LLC, Patricia L. Andrade, Wayne G. Tessler & Pauline Massed; Trustee of Suite 5 Real Estate Trust, Elizabeth Silva & Durval Silva; Trustee of Suite 6 Realty Trust
52-54 Brigham Street
New Bedford, MA 02740



52-54 Brigham Street
Looking northeast from Brigham Street

Applicant: Cleanslate Centers, C/O Michael Keleher
12 Cadillac Drive
Brentwood, TN 37027

Applicant: Thomas P. Crotty & Associates PLLC
5 Dover Street, Ste 102
New Bedford, MA 02740

Overview of Request: Notice is given of a public hearing on the petition of: **PRL Realty, LLC, Patricia L. Andrade, Wayne G. Tessler & Pauline Massed; Trustee of Suite 5 Real Estate Trust, Elizabeth Silva & Durval Silva; Trustee of Suite 6 Realty Trust** (52-54 Brigham Street, New Bedford, MA 02740), **Cleanslate Centers, C/O Michael Keleher** (12 Cadillac Drive, Brentwood, TN 37027) and **Thomas P. Crotty & Associates PLLC**, (5 Dover Street, Ste 102, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations) 2210 (general), 2230 (table of use regulations-Appendix A, commercial #25 medical offices, center or clinic) and 5300-5330 & 5360-5390 (special permit); relative to property located at **52-54 Brigham Street**, Assessors' map 39 lot 18A-D,F,H,K in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to operate a medical office space for outpatient treatment per plans filed.

Note: This project also requires **Site Plan Review** from the Planning Board for the for the rehabilitation of an existing 8,800 SF vacant medical office building to a new outpatient medical office. The Planning Board Case (19-32) is scheduled to be heard **October 9, 2019**.

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

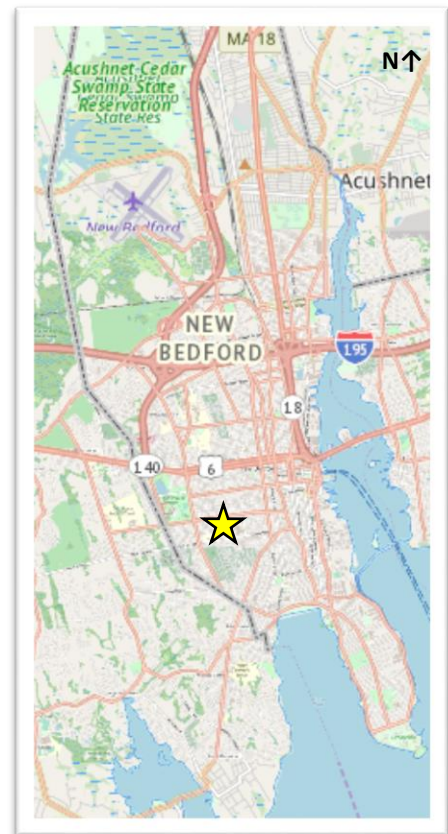
- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;
- d) neighborhood character and social structures;
- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Existing Conditions: The project site is located on the east side of Brigham Street between Elizabeth Street and Taber Street. The site is “Z” shaped with frontage on each of the three streets. The site has 126’ of frontage on Brigham Street, 168’ on Elizabeth Street, and 142’ on Taber Street. An 8,800 SF, single-story, medical office condominium building is located along the Brigham Street, to 84’ at the rear of the building, and 82’ at the rear (eastern most edge) of the site.

The parking lot is accessed behind the building via Elizabeth Street and Taber Street. There are three driveway curb cuts, one on Elizabeth Street and two on Taber Street. A one-way entrance from Elizabeth Street provides access to angled parking directly behind the building. While, the two driveways on Taber Street are bi-directional (entrance/exit). Brigham Street, Elizabeth Street and Taber Street are all two-way streets. There are 49 parking spaces on site.

The parking lot pavement is in poor condition with many potholes and cracking throughout. The pavement is also torn up in sections and the pavement markings are faded. The driveway curb cuts need repair. A stockade fence and small planting bed is provided as a buffer between the parking lot and abutting residential properties in the rear. There is overgrowth in some sections of the planting beds and no plantings in other areas. The curbing along the planting bed area is cracked and broken in sections.

The surrounding neighborhood is primarily a dense multifamily residential area with a few commercial medical uses located along the subject block of Brigham Street. Directly abutting the property to the north is another medical office (Hawthorne Medical OBGYN) and a commercial building is located directly south across Elizabeth Street. Residential properties are abutting in the rear, north across Taber Street, south across Elizabeth Street, and west across Brigham Street. The campus of St. Luke’s Hospital is located one block east from the proposed site.



Proposed Conditions:

The petitioner is proposing to operate a medical office space for outpatient treatment per plans filed. The applicant is proposing to relocate their existing business, CleanSlate, from 92 Grape Street New Bedford, MA to the subject location. CleanSlate, is an outpatient medical center that provides medication assisted treatment to clients suffering from opioid and other substance abuse disorders.

The applicant proposes to make primarily interior renovations. No exterior site modifications are proposed other than pavement repair and resealing.

The interior renovations are described as creating offices, waiting rooms, and meeting rooms to provide outpatient medical care. The interior floor plan shows a reception area, 2 waiting rooms, 17 office spaces, 1 exam room, 1 lab, 1 phlebotomy space, 4 patient restrooms, 3 meeting rooms, a break room, 3 staff restrooms, storage areas, and a utilities room.

Cleanslate is presently serving 100 clients at its current location and seeks to expand its operation to 150 clients at the proposed subject location. The business is proposing 20-30 employees and would serve up to 150 clients per day, Monday-Friday. The proposed hours of operation are Monday 8:00am-5pm; Tuesday & Friday 8:30am-5:00pm; and Wednesday & Thursday 8:30am-8pm. Deliveries will be made daily, and are expected between 9am-5pm.

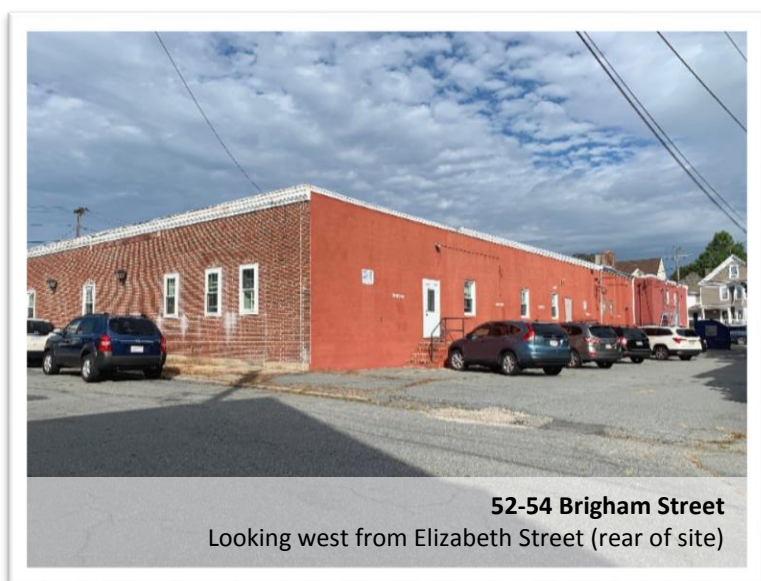
Medical facilities located in a Mixed Use Business (MUB) zoned district require a Special Permit by the City of New Bedford Zoning Board of Appeals, therefore the petitioner is seeking relief for a Special Permit to allow for the operation of "Cleanslate" as a medical office space for outpatient treatment at the proposed subject property.

NOTE: The application indicates that Cleanslate is a medical office. "It is not a shelter, or group home, or dispensary". Cleanslate prescribes medications to those with substance abuse problems. Prescriptions are filled by the patient's pharmacy, and the medications are not dispensed at the Cleanslate site.

In regards to the criteria necessary to grant the special permit, staff offers the following;

a.) Social, economic or community needs which are served by the proposal.

The petitioner states the proposed use as an outpatient medical center would provide a needed community service for individuals suffering from opioid and other substance abuse disorders, therefore promoting the social economic and community needs. Additionally, the petitioner states Cleanslate is a proud active member and partner with the City of New Bedford in the New Bedford Opioid Task Force, as well as the New Bedford Overdose response Team. Staff acknowledges the proposed use would continue to offer needed services to the members of the community.



b.) Traffic flow and safety including parking/unloading. The petitioner states that the facility will have 20-25 employees in the building. The patient visits are spread out throughout the day with an average of fewer than fifteen (15) clients in the building at any given time. Further, the application notes that patients are within walking distance, or take public transportation to the site. Therefore, besides meeting the minimum parking requirements of the ordinance they believe the site provides the adequate amount of parking required for their business needs. Staff acknowledges the application shows the proposed parking lot layout as providing forty-eight (48) parking spaces. Under the zoning ordinance the proposal requires forty-four (44) parking spaces. As the building is less than 10,000 SF a loading space is not required; therefore, **the application exceeds the minimum parking requirements.**

c.) Adequacy of utilities and other public services. The petitioner's states the necessity for gas, electric, water and sewer. Staff notes that there are adequate utility services serving this area.

d.) Neighborhood character. The petitioner states that the existing structure has a longstanding history of use as office space. The subject property is located in an established mixed-use neighborhood comprised of single and multifamily residences, offices and commercial property. Additionally, the petitioner states the site is located less than half a mile from St. Luke's Hospital and currently, Cleanslate occupies offices at nearby 92 Grape Street, New Bedford, where it has operated since May 2011. Staff acknowledges the neighborhood is primarily a dense multifamily residential area with a few commercial medical uses located along the subject block of Brigham Street.

e.) Impacts on the natural environment. The petitioner has indicated the property is located in an established city neighborhood and the proposed use as a medical office and outpatient treatment provider is a continuation of long-standing use of the property as office space. Additionally, the petitioner states Cleanslate's use of the proposed property would not involve manufacturing, assembly, or processing, and would cause minimal or no impact on the surrounding natural environment. Staff acknowledges the proposal allows an existing business to remain within the city serving customers and providing employment.

f.) Describe any potential fiscal impacts, including impact on city services, tax base, and employment your proposal may have: The petitioner states Cleanslate would have a direct positive fiscal impact on City services, the tax base and employment. The petitioners note the current facility employs 20 people including Physicians, Physician Assistants, Nurse Practitioners, Medical Assistants, Social Workers and Medical receptionists; each employee contributing to the state and local economy by paying taxes and by purchasing goods and services in the community. Additionally, the petitioner states the treatment provided by Cleanslate is intended to help patients overcome substance abuse and lessen the demand for emergency response to incidents of intoxication, misuse or overdose, reducing the direct fiscal burden of substance abuse. Lastly, the petitioner mentions by providing effective treatment to those who suffer from Substance Abuse, Cleanslate empowers its clients to actively participate in the community, and to seek and retain purposeful employment, improving their economic condition, and providing a secondary positive fiscal impact. Staff acknowledges the proposal would add/ maintain employment while providing services.

52-54 Brigham Street Map:39, Lot:18A-D,F,H,K

NOTE: Property line is approximate; for discussion purposes, only.

