



City of New Bedford Department of City Planning

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MAYOR
JON MITCHELL
PLANNING DIRECTOR
TABITHA HARKIN

PLANNING BOARD

UPDATED STAFF REPORT

REPORT DATE
October 1, 2019

PLANNING BOARD MEETING
October 9, 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 Road
North Dartmouth, MA 02747

Update

The applicant has submitted plans revised as of September 3, 2019 and a memorandum detailing the revisions. The plans were revised in response to the Planning Board comments at the last hearing (June 18, 2019) and input from the Massachusetts Department of Environmental Protection (MassDEP) relative to the Chapter 91 Waterways Program. The following staff report has been updated to reflect the site plan revisions.

Specifically, the plans have been revised with a new parking lot layout on the north side of the site, the event area surface has been changed from turf grass to a sand base, and fencing has been extended around the outdoor area. A block paver area and additional walkway have been added around the outdoor event space to provide ADA access and long-term stability to the kiosk area. Wheel stops have been added for the 10 parking spaces abutting the boardwalk on the south



side of the site as requested by the Board. A bicycle rack has been relocated and additional racks have been added to the site plan. A 3' landscaped buffer has been added between the northern boardwalk and parking area.

Overview

The request by the applicant is for Site Plan Review for the expansion of an existing restaurant along with an expanded parking facility and an 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 previously 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 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 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 expand and improve the existing 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, and areas for outdoor musical entertainment, sand sports, and a kid play area. The parking lot on the south side will be 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.

View of site from public pier

Looking south from pier



Rear of building

Looking west from SE corner of site



Structure remaining on Smuggler's site



View of Buzzards Bay

Looking south from SE corner of 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.

At the previous hearing, the applicant’s agent noted outdoor entertainment will be curtailed by 8:30pm. The board may wish to minimally condition the approval that the applicant adhere to the city noise ordinance with noise disturbances prohibited between the hours from 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.

Parking & Loading. The revised site plan proposes to provide one-hundred and twenty-three (123) 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. Ninety-five (95) parking spaces, including (4) handicapped spaces are proposed on the northern portion of the site. It is unclear where the one loading space is proposed. However, at the last hearing the applicant’s agent noted that loading/unloading will take place in the gated area with concrete pad near the northwest corner of the building.

As requested by the board at the last hearing, the applicant has provided the wheel stops for the ten parking spaces adjacent to the southern board walk to limit intrusion of vehicles into the boardwalk area. Rope barriers with wood post are proposed between the parking rows in the northern parking lot. The posts will be four feet in height 4’ with the ropes installed at 3.5’ and 3’ heights. The posts will be spaced 9’ feet apart (one at each adjoining corner of the parking spaces).

Further, the applicant has relocated and added additional bicycle racks to the revised site plan. In total the applicant proposes six (6) wave style bicycle racks, accommodating up to eleven (11) bicycles each, for a total of sixty-six (66) bicycle parking spaces. One (1) rack is proposed at the southwest corner of the restaurant building and five (5) racks are proposed on a concrete slab in the northeast corner of the site adjacent to the boardwalk.

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
<u>Parking Calculations</u>		
86 parking spaces (1 per 200 GFA: 17,050*/200) *10,050 SF building/deck + 7,000 SF event space	1 Loading space(s)	66 bicycle spaces
86 Total parking spaces required	1 Loading space(s) required	0 bicycle spaces required

The revised parking lot plans results in a reduction of nineteen (19) parking spaces from the previous plan submitted. The current plans propose one-hundred and twenty-three (123) parking spaces; whereas the previous proposal had one-hundred and forty-two (142) parking spaces. The board should note the application still meets the parking requirements, and further, the applicant recently was approved for a 20-year lease of a nearby vacant land to develop an ancillary parking lot.

Note: At the September 26, 2019 City Council meeting, the Council approved a proposal by Servedwell New Bedford, LLC (Servedwell) for the lease of a vacant, city owned, lot of land located on the west side of East Rodney French Boulevard. Under the proposal the applicant will lease the 2.75 ± acre lot, from the City, for \$15,000 a year for 20 years. Servedwell will improve the vacant land to be used as an ancillary parking lot for the restaurant and entertainment venue. Servedwell anticipates spending approximately \$50,000 to create the parking lot. No other development on the site are proposed. The ancillary parking lot is anticipated to serve as an additional parking area that may be needed during the seasonal peak of May-October. The intent is to keep the surrounding neighborhood streets free from the congestion of parked cars caused by the venue. The permitting for the proposed ancillary parking lot will take place later once plans have been developed for the site.

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.

Staff have requested the applicant provide a statement regarding any proposed parking and traffic management plans for special events and peak activity times at the site.

Circulation. The revised site plan has modifications to the vehicular circulation and parking layout on the northern side of the lot. Parking spaces have been removed from the northeast corner of the site, particularly adjacent to the boardwalk. The intent being to provide a greater buffer between parking and the boardwalk.

The plans have also added additional pedestrian walkway areas along the northern edge of the outdoor event space.

The plans have also been revised per the Department of Public Infrastructure's (DPI) comments to extend the existing multi-use path along the site frontage by replacing the existing sidewalk with an 8' wide hot mix asphalt sidewalk and a 1.5' wide grass ribbon.

Vehicles will still access the site via any of three proposed bi-directional driveways located off East Rodney French Boulevard. All drive aisles are wide enough to accommodate two-way traffic. The board may wish to inquire if the applicant intends to designate one drive entrance/exit only during special events when vehicles may be arriving or exiting around the same time.

Pedestrians and bicyclists will access the site via the extended multi-use pathway and/or the boardwalk. Watercraft users will also be able to access the site via the dock. At the previous hearing the applicant's agent explained they intend to expand the dock later, which will require further permitting through multiple entities/agencies.

Though not part of the application at this time, the board may wish to encourage the applicant to explore options to improve pedestrian safety along East Rodney French Boulevard from the ancillary parking lot to the site as part of the future permitting for that parking lot.

Landscaping. As the site layout has changed in the revised plans so have the landscaped areas. The planting types remain the same though the total number of some of the plant types has changed. Particularly, the landscape plan includes more beach grass and sea lavender.

The proposal includes 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) 13 – October Glory Red Maple Trees, (B) 528 – American beach grass, (C) 9 – Whitespire Birch trees, (D) 2- Atlantic White Cedar trees, (E) 60 – American Dream Tick Seed, (F) 214 – Old Fashioned Daylily, (G) 3 – Blue Chiffon Rose of Sharon, (H) 8 – Lohengrin Rose of Sharon, (I) 101 -Compact Inkberry, (J) 112- Compact Pfitzer Juniper, (K) 5 - Eastern Red Cedar trees, (L) 537 – Sea Lavender, (M) – 8 Wildfire Tupelo trees, (N) 4 – Virginia Creeper, (O) 30 – Goldfinger Potentilla, (P) 2 – White Oak trees, (Q) 67 Frau Dagmar Hastrup Rugosa Rose, (R) 50 Virginia Rose, (S) 175 - Goldstrum Black Eyed Susan, (T) 18 - Seaside Goldenrod.

See Exhibit A: Proposed Landscaping for images of planting.

Fencing has been extended and encloses the outdoor entertainment area. Three types of fencing are shown on the plans submitted. Chain link fencing is proposed from the northwest corner of the building to the walkway entrance of the outdoor entertainment area. A board fence is proposed to extend from the entrance gate easterly to the boardwalk. A wood slat fence is proposed where the outdoor event area abuts the boardwalk and southern parking area. Detail specifications have not been provided for the fencing. Staff has requested the applicant submit fence specifications.

Snow Storage & Waste Receptacles.

The plans have been revised to show a snow disposal area located in the sand event space. Staff has asked the applicant to clarify if this area is for snow from the parking areas or walkway areas or both.

Waste receptacles locations are not shown on plans submitted. The applicant's agent previously communicated that dumpsters will be set in the fenced enclosure area at the northwest building corner. The board may want to inquire about these locations. The waste receptacle locations should be labeled on the plans.

Stormwater. A new subsurface recharge system is proposed for the parking lot areas. The system remains the same from the previous plan except one infiltration system (shown as system 3) has been moved slightly west. The new system will include four (4) stormceptor 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 commented 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.

Utilities. Water, sewer, and overhead electric serve the site from E. Rodney French Boulevard near the northwest corner of the building. A new sewer connection is shown for the portable restroom facility.

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. The applicant's agent has indicated that a sign has not been designed at this time. The applicant understands any new sign will require a separate approval from the Planning Board. The board should note the ground sign is not approved as part of this 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.

The lighting plan remains relatively unchanged from the previous proposal. Three additional bollard lights have been added near the gated entrance near the dock.

Pole lights are proposed on the perimeter and throughout the parking lots. Pole lights are also proposed around the sand event space. In total the site will have twenty (20) single pole and six (6) double pole lights.

Thirteen (13) bollard lights are proposed along the walkway and 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.

Architectural Plans. The building elevation plans remain unchanged from the previous submittal. The existing stone facade along the base of the building will remain with new, whitewashed and weathered, clapboard above. New doors will be added on the south and west elevations of the building. New port hole style windows will be added to the west elevation.

The upper deck will remain unchanged with the screened surround. The lower deck area will have a new wood barrier in a “beached boat style” (made into the shape of a boat hull).

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

Specification for the portable restroom have not been submitted but the applicant’s agent has described it as a trailer type ADA compliant unit.

The applicant’s agent explained at the previous hearing that due to Federal Emergency Management Agency (FEMA) flood regulations the seasonal kiosks and the portable restrooms are required to be removable site features in the instance of an extreme coastal weather event.

Other site elements.

Boardwalk section drawing details have been provided in the revised plan set. The boardwalk will be supported by 6”x6” pressure treated posts in a concrete base installed 4’ below the finished grade. The posts will be 8’ apart on center. The decking will have 2”x8” joists with 1”x6” decking laid ½” apart. A concrete curb will be provided at the edge of the boardwalk in the area where the boardwalk is adjacent to the southern parking area. There will be a 2’ distance between the parking space wheel stop and the concrete curb along the boardwalk.

A fire pit is shown on the plans submitted. No specifications have been submitted for the fire pit. The applicant’s agent, at the last hearing, described it as a gas-powered fire pit controllable by the turn of a knob. Staff have requested specifications from the applicant for the fire pit. Staff have also requested comments from the Fire Department regarding whether the fire pit is allowed and for any fire safety regulations that may apply. Any comments received from the fire department will be provided to the board.

Site Preparation (Demolition and Erosion Control).

Prior to the new site improvements, all existing hardscape (bituminous concrete, concrete pads, brick patio etc.) and site elements (lights, fencing etc.) will be removed - expect for the existing restaurant building and attached deck. Silt fencing with wattles will be used for erosion control around the north, east, and south perimeters of the site. A temporary stockpile area is identified in the middle rear of the site and a construction entrance is proposed at the northwest corner of the site.

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.

Regarding the initial application (plans dated July 5, 2019), the Department of Public Infrastructure provided a letter dated June 7, 2019. The letter has a list of 16 items to be addressed.

Regarding the initial application, 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”.

Regarding the revised application, Sarah Porter, Conservation Agent, provided a letter received September 27, 2019, stating the following: “A Notice of Intent has not been submitted to the Conservation Commission for this project. The site contains Coastal Resource Areas and an associated 100’ Buffer Zone. Normally a Notice of Intent would be submitted prior to or at the same time as a Site Plan approval is requested from the Planning Board. We shall forward a set of plans approved by the Conservation Commission to the Planning Department so that both departments have the most recent set of approved plans.”

Staff have an inquiry in at the Fire Department regarding whether the fire pit would be allowed and any rules or regulations relating to fire safety. Any response from the Fire Department will be provided to the board.

Any additional comments received after the publication of this report 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, revised through September 3, 2019 and date stamped received by City Clerks’ Office September 25, 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:

- Contents of Plan – Floor Plan
 - The applicant petitions that the existing restaurant floor plan has not been evaluated for renovation at this time.

- Staff acknowledges that the floor plan has yet to be laid out. Given the previous use as and proposed use to remain a restaurant, the floor plan will have limited impact on the site plan review in this instance.

Site Plan Criteria

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 to consider for the project:





















- That the following specific conditions be applied to this decision:
 1. The cover sheet is to be revised to reflect the correct number of off-street parking spaces.
 2. The operation is to adhere to the city noise ordinance, such that: "All noises 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."
 3. Fencing specifications and details are 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.
 4. The ground sign is not approved and will require a separate submission.
 5. Waste and recycling facility locations are to be labeled on the plan.
 6. A Notice of Intent is required to be submitted to the Conservation Commission, any plan revisions as a result of this review are 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.
- That the following general conditions also be applied to this decision:
 1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.

2. 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.
3. 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.
4. 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.
5. 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.
6. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
7. 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.
8. 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.
9. 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/>.

Staff Report prepared by: Jennifer Carloni, Staff Planner
Reviewed by: Tabitha Harkin, Director City Planning

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.



1480 East Rodney French Blvd. & Proposed Leased Lot for additional parking

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

