

SITEC


Civil and Environmental Engineering
Land Use Planning

SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747
Tel. (508) 998-2125 FAX (508) 998-7554

Unit C
769 Plain Street
Marshfield, MA 02050
Tel. (781) 319-0100 FAX (781) 834-4783

MEMORANDUM

TO: PLANNING BOARD
CITY OF NEW BEDFORD

FROM: STEVEN D. GIOIOSA, P.E. 

DATE: AUGUST 6, 2019

SUBJECT: **209 THEODORE RICE BOULEVARD
CONVENIENCE STORE/GAS STATION**

Attached please find an application and revised site plans for a requested amendment to the approved site plan for the Convenience Store/Gas Station development located at 209 Theodore Rice Boulevard. As you may recall, this plan was approved by the Planning Board on October 18, 2017 and the site was subsequently constructed in accordance with the approved plans.

During this initial period of operation, the Owner/Applicant has found that due to the strong community support for this location, parking during peak periods has not been adequate. Frequently potential customers enter the property, are unable to find a parking space, and leave the site without making a purchase.

In order to better serve the customer base, an amended site plan approval to allow for construction of 16 additional spaces is hereby requested. The spaces are proposed to be constructed to the west of the existing building. The access to these new parking spaces will be via the main entrance drive from Theodore Rice Boulevard. A sidewalk is proposed to facilitate pedestrian access to the main entrance of the store.

On July 26, 2019, I met with the New Bedford Conservation Commission to review this proposed parking lot expansion. After reviewing the minor site plan change, the Commission voted unanimously to allow the expansion without the need for a formal application filing with the Commission.

The following documents are attached for your consideration:

1. Original Application of Site Plan Review;
2. (15 Copies) of Application
3. \$100.00 Filing Fee

Memorandum
Subject: 209 Theodore Rice Blvd.
August 6, 2019
Page 2

4. Original Certified Abutter's List
5. (15) Copies of Abutters List
6. (4) Full Size Site Plans
7. (12) 11" x 17" Site Plans
8. (15) Copies – Current Deed
9. Authorization Letter.

Let me know if you require any additional information at this time.

cc: Beta Realty, LLC
South Coast Development, LLC



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

(AMEND)

SITE PLAN REVIEW APPLICATION

The undersigned, being the Applicant, seeks Site Plan Approval for property depicted on a plan entitled: Proposed Convenience Store/Gas Station by: SITEC, Inc. dated: Revised March 29, 2019

1. Application Information

Street Address: 209 Theodore Rice Blvd

Assessor's Map(s): 136 Lot(s) 322

Registry of Deeds Book: 12310 Page: 189

Zoning District: Mixed Use Business

Applicant's Name (printed): South Coast Development, LLC

Mailing Address: 280 Ayer Road Harvard MA 01451
(Street) (City) (State) (Zip)

Contact Information: (978) 391-1014 mhiggins@southcoastdevelopment.com

Applicant's Relationship to Property: Telephone Number Email Address
 Owner Contract Vendee Other Developer

List all submitted materials (include document titles & volume numbers where applicable) below:

Site Plans - Cover Sheet, Sheets 1-12
Certified Abutters List
Summary Report

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval (s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

August 6, 2019
Date

P.L. Higgins
Signature of Applicant

2. Review Applicability (Check All That Apply to Your Proposal)

Category

- Residential
- Commercial
- Industrial
- Mixed (Check all categories that apply)

Construction

- New Construction
- Expansion of Existing
- Conversion
- Rehabilitation

Scale

- < 2,000 gross sq feet
- > 2,000 gross sq feet
- 3 or more new residential units
- 1 or more new units in existing res. multi-unit
- Drive Thru Proposed
- Ground Sign Proposed
- Residential Driveway With > 1 curbcut

3. Zoning Classifications

Present Use of Premises: Convenience Store/Gas Station

Proposed Use of Premises: Convenience Store/Gas Station

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

Variance - Sign October 18, 2018

4. Briefly Describe the Proposed Project:

The project is an existing convenience store/gas station that was approved by the Planning Board under Site Plan Review on October 18, 2017.

Due to a positive business growth at this location, the Owner/Applicant find that there is a need for some additional parking to serve the current customer base. This application is a request for a minor modification of the approved site plan to allow for the addition of 16 parking spaces on the west side of the existing building and parking lot. The additional parking is needed for peak period customer demand and will not result in an alteration of traffic flow through the site.

5. Please complete the following:

	<u>Existing</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Lot Area (sq ft)	212,294 SF	0	212,294 SF
Lot Width (ft)	375'	N/A	375'
Number of Dwelling Units	0	N/A	0
Total Gross Floor Area (sq ft)	4500 SF	N/A	4500 SF
Residential Gross Floor Area (sq ft)	0	N/A	0
Non-Residential Gross Floor Area (sq ft)	4500 SF	N/A	4500 SF
Building Height (ft)	25'	100'	25'
Front Setback (ft)	144'	0	144'
Side Setback (ft)	172'	0	172'
Side Setback (ft)	120'	0	120'

Rear Setback (ft)	520'	0	520'
Lot Coverage by Buildings (% of Lot Area)	2%	50%	2%
Permeable Open Space (% of Lot Area)	76%	20%	73%
Green Space (% of Lot Area)	76%	20%	73%
Off-Street Parking Spaces	27	23	43
Long-Term Bicycle Parking Spaces	0	0	0
Short-Term Bicycle Parking Spaces	0	0	0
Loading Bays	0	0	0

6. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>1500</u>	<u>1500</u>
b) Number of employees:	<u>2 Full/5 Part</u>	<u>2 Full/5 Part</u>
c) Hours of operation:	<u>5AM-12AM</u>	<u>5AM-12AM</u>
d) Days of operation:	<u>Sun-Sat</u>	<u>Sun-Sat</u>
e) Hours of deliveries:	<u>5AM-12AM</u>	<u>5AM-12AM</u>
f) Frequency of deliveries:	<input checked="" type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: _____	

7. Planning Board Special Permits:

The applicant is also requesting a Special Permit from the Planning Board.
Specify the requested Special Permit(s) below, and set forth within attached Development Impact Statement how the request meets approval criteria listed in §5320 of the zoning code.

8. ZBA Variances and Special Permits:

NOTICE: Checking below does not constitute application for a special permit or a variance. The applicant must also file the proper application form and fee with the Zoning Board of Appeals.

The applicant is also requesting a special permit from the ZBA:
Specify zoning code section & title

The applicant is also requesting a variance from the ZBA:
Specify zoning code section & title

9. OWNERSHIP VERIFICATION

This section is to be completed & signed by the property owner:

I hereby authorize the following Applicant: South Coast Development, LLC

at the following address: 280 Ayer Road, Harvard, MA 01451

to apply for: Amended Site Plan Review

on premises located at: Assessor's Map 136, Lot 322

in current ownership since: December 19, 2017

whose address is: 209 Theodore Rice Blvd

for which the record title stands in the name of: Beta Realty, LLC

whose address is: 280 Ayer Road, Harvard, MA 01451

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 12310 Page: 189

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

Date

Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

NOTICE BY PUBLICATION & ABUTTERS NOTIFICATION

(Follow Massachusetts General Laws, Chapter 40A, Section 5)

- 1) The applicant shall be responsible for paying for the legal advertisements in the New Bedford Standard-Times once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days prior to the date of said hearing. This cost is included in the Application Fee. The City of New Bedford Planning Division shall be responsible for placing the legal ad in the New Bedford Standard-Times.
- 2) The applicant shall be responsible for certifying the abutters list and mailing, by Certified Mail, with Return Receipt Requested, a copy of the notice to each affected abutter.
- 3) A Legal Advertisement will be drafted by Planning Staff, including the date, time and location of the public hearing, and provided to the Applicant upon submittal of a complete application. This Legal Advertisement may not be altered or amended by the Applicant prior to use in notifying Abutters.



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

JUL 17 2019

SUBJECT PROPERTY			
MAP #	136	LOT(S)#	322
ADDRESS: 209 Theodore Rice Boulevard			
OWNER INFORMATION			
NAME: Cornish Partners, LLC.			
MAILING ADDRESS: P.O. Box 4023, New Bedford, MA 02741			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Alison Cesar			
MAILING ADDRESS (IF DIFFERENT): 449 Faunce Corner Road, Dartmouth, MA 02747			
TELEPHONE #	(508)998-2125		
EMAIL ADDRESS:	acesar@sitec-engineering.com		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (<i>Please explain</i>):		

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

~~Carlos Amado~~
Printed Name

Judith M. Serdahl
Signature (acting)

7/24/2019
Date

July 18, 2019
Dear Applicant,

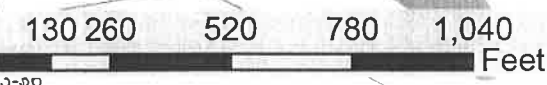
Please find below the List of Abutters within 300 feet of the property known as 209 Theodore Rice Blvd (136-322). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters. Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
136-308	1230 BRALEY RD	COMPASS BANK FOR SAVINGS, C/O TRAMMELL CROW SOVEREIGN BANK P O BOX 14115 READING, PA 19612-4115
136-323	200 THEODORE RICE BLVD 200-214	HIGHLAND NEW BEDFORD ASSOCIATES LIMITED, PARTNERSHIP 65 SPRAGUE STREET HYDE PARK, MA 02136-2061
136-468	PHILLIPS RD Phillips Rd	PHILLIPS RD. NORTH LLC, P O BOX 7924 NEW BEDFORD, MA 02742
136-309	BRALEY RD '	ADAMOWSKI MICHAEL F "TRUSTEE", BRALEY NORTH REALTY TRUST (THE) 70 LAMBETH STREET NEW BEDFORD, MA 02745
136-277	1361 BRALEY RD	GONSALVES PATRICIA ANN, 1361 BRALEY RD NEW BEDFORD, MA 02745
136-523	2284 PHILLIPS RD	BYRAN T REBELLO & ASHLEY E REBELLO 2284 PHILLIPS ROAD NEW BEDFORD, MA 02745
136-320	213 THEODORE RICE BLVD	RUDNICK DONALD F "TRUSTEE", RUDNICK SUSAN R "TRUSTEE" 213 THEODORE RICE BLVD NEW BEDFORD, MA 02745
136-322	209 THEODORE RICE BLVD NS	BETA REALTY LLC 280 AYER ROAD HARVARD, MA 01451
136-312	225 THEODORE RICE BLVD	ALBEROX CORPORATION, 225 THEODORE RICE BLVD NEW BEDFORD, MA 02745
136-435	1307 BRALEY RD	CHRISTY GARY J, CHRISTY ANABELA J 1307 BRALEY ROAD NEW BEDFORD, MA 02745
136-434	1315 BRALEY RD	BULHOES NELSON J, BULHOES SONIA I 1315 BRALEY ROAD NEW BEDFORD, MA 02745
136-290	1327 BRALEY RD	FIEJDASZ ELIZABETH, C/O HEATHER FRENETTE 1327 BRALEY ROAD NEW BEDFORD, MA 02745
136-275	1373 BRALEY RD	DENEALT ROGER L, DENEALT MARTHA A 22 BURNS LANE EAST FREETOWN, MA 02717
136-333	260 DUCHAINE BLVD	AFC CABLE SYSTEMS INC, 260 DUCHAINE BLVD NEW BEDFORD, MA 02745



Legend

- Abutters
- Water





Bk: 12310 Pg: 189 Pg: 1 of 3 BS
Doc: DEED 12/19/2017 03:19 PM

MASSACHUSETTS EXCISE TAX
Bristol ROD South 001
Date: 12/19/2017 03:19 PM
Ctri# 023968 29728 Doc# 00031321
Fee: \$3,192.00 Cons: \$700,000.00

CORNISH PARTNERS, LLC, a Massachusetts limited liability company and having its usual place of business at 700 Pleasant Street, New Bedford, Bristol County, Massachusetts, for consideration paid, and in full consideration of Seven Hundred Thousand (\$700,000) Dollars grants to **BETA REALTY, LLC**, a Massachusetts limited liability company with a mailing address of 280 Ayer Road, Harvard, MA 01451, with **QUITCLAIM COVENANTS**

the land in New Bedford, Bristol County, Massachusetts, together with the buildings thereon, bounded and described as follows:

PARCEL ONE:

BEGINNING at a cement bound in the northerly line of the Braley Road Extension and being at the southeasterly corner of land now or formerly of Lloyd Investment Associates, Inc.; thence

North 6° 14' 41" West by last-named land, six hundred (600) feet to land now or formerly of Acushnet Saw Mills Company; thence

North 83° 45' 19" East one hundred thirty-six and 63/100 (136.63) feet to a cement bound in the southwesterly line of Phillips Road as laid out in 1956; thence

Southeasterly by said Road in a radius of three thousand nine hundred sixty (3,960) feet, six hundred seventy-one and 35/100 (671.35) feet to a stone bound at the intersection of said southwesterly line of Phillips Road with the northwesterly line of Braley Road Extension; thence

Grantee not @ Property

209 Theodore Rice Blvd.
New Bedford, MA

Property Address:

South 47° 01' 10" West, fifty-four and 79/100 (54.79) feet to a stone bound; and thence continuing in said line of Braley Road Extension

South 83° 45' 19" West four hundred fifty and 35/100 (450.35) feet to a cement bound and the point of beginning.

CONTAINING four and 6/10 (4.6) acres more or less.

PARCEL TWO:

Beginning at a concrete bound in the southwesterly sideline of Phillips Road; thence

South 83° 45' 19" West by other land of the Grantor one hundred thirty-six and 63/100 (136.63) feet; thence

North 6° 14' 41" West by Parcel A-1 on plan hereinafter mentioned, one hundred forty-two and 21/100 (142.21) feet; thence

South 86° 20' 25" East by land now or formerly of Cambridge Industries, Inc. twenty-eight and 55/100 (28.55) feet; thence

Southeasterly by the southwesterly sideline of Phillips Road one hundred seventy-five and 02/100 (175.02) feet to the point of beginning.

Containing .26 acres more or less.

Parcels One and Two are shown as Parcel "C" and Parcel "C-1", respectively, on a plan entitled "Plan of Land in New Bedford, Mass. For The Greater New Bedford Industrial Foundation, Scale 1" = 100', March 21, 1974, Tibbetts Engineering Corp., New Bedford, Mass.," recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 93, Page 43.

Being the same premises conveyed to this Grantor by foreclosure deed dated June 15, 2005 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 7612, Page 348.

Said premises are conveyed subject to real estate taxes for the current fiscal year, which the Grantee(s), by the acceptance of this deed, hereby assume(s) and agree(s) to pay.

IN WITNESS WHEREOF, the said CORNISH PARTNERS, LLC has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Paul C. Downey, its Manager hereunto duly authorized, this 19th day of December 2017.

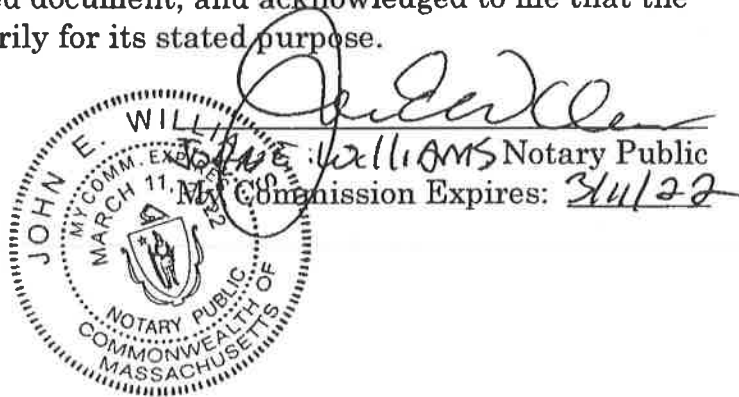
CORNISH PARTNERS, LLC

By: Paul C. Downey, Manager
Paul C. Downey, Manager

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 19th day of December, 2017 before me, the undersigned notary public, personally appeared PAUL C. DOWNEY, whose identity was proved to me through personal knowledge [] oath or affirmation of _____ who personally knows the signatory [] viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily for its stated purpose.



BETA REALTY, LLC

280 AYER ROAD
HARVARD, MA 01451

August 6, 2019

Planning Board
133 William Street
Room #303
New Bedford, MA 02740

To Whom It May Concern:

This letter is to authorize South Coast Development, LLC and SITEC, Inc. to apply for an amended Site Plan Review for the 209 Theodore Rice Blvd property.

Please feel free to contact me at 978-391-1014 with any questions.

Sincerely,



D. P. (Mickey) Higgins, Jr.
Beta Realty, LLC