



## City of New Bedford Department of City Planning

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**MAYOR**  
JON MITCHELL

**PLANNING DIRECTOR**  
TABITHA HARKIN

### PLANNING BOARD

# STAFF REPORT

**REPORT DATE**  
August 28, 2019

**PLANNING BOARD MEETING**  
September 4, 2019

**Case #19-27: SITE PLAN REVIEW**

**Case #19-28: SPECIAL PERMIT**  
1332 Acushnet Ave  
Map: 99 Lot: 102

**Applicant/  
Agent:** Armando Pereira  
Comprehensive Design Build  
Services  
227 Union Street, Suite 509  
New Bedford, MA 02740

**Owner:** Paulo Marques  
353 Bolton Street  
New Bedford, MA 02740

#### Overview

Request by the applicant for **Site Plan (Case #19-27)** approval for the renovation of an existing vacant portion of a building for new business use and a **Special Permit (Case#19-28)** for a reduction of the parking spaces required; located at **1332 Acushnet Avenue** (Map: 99 Lot: 102) on a 6,700 SF site in a Mixed Use Business zoned district.

The applicant proposes to renovate the existing commercial building and relocate his cell phone repair business to one of two proposed retail units. The project also requires a reduction in the number of required parking spaces. The

**1332 Acushnet Avenue**  
Looking east from Acushnet Avenue



**1332 Acushnet Avenue**  
Looking south from Nye Street



applicant proposes five (5) parking spaces, where eleven (11) are required, therefore a reduction of six (6) spaces.

**Existing Conditions**

Located in the North End, the 6,760 SF lot has 60’ of frontage on Acushnet Avenue and 110’ of frontage on adjacent Nye Street. The property consists of two connected buildings: a one-story, vacant, commercial building located in the northwest corner of the site; and a two-story, occupied, two-family residential dwelling located in the southeast corner of the site. There is no green space on the site. The site is comprised completely of buildings and hardscape.

Paved parking areas are in the southwest and northeast corners of the site. The parking area on the southwest corner (located off Acushnet Avenue) has no marked parking spaces. In the rear northeast corner of the site (located off Nye Street) are four striped parking spaces. A concrete walkway wraps around the residential dwelling on the south and east side. The walkway is gated at both ends. Additionally, there is a gated paved area between the buildings which is currently used as a storage area for a vehicle.

Staff note the existing pavement has alligator cracks and grass/weed overgrowth in spots. Staff noted a set of four depressions, in an equally spaced square pattern, approximately five feet apart, with overgrowth located in the on-site paved parking area off Acushnet Avenue. The board may wish to inquire if there was previously some sort of structure or posts located in this area and if the applicant will be filling these depressions and covering with asphalt.

The surrounding neighborhood is a mixture of commercial, religious, civic, and residential uses. On Acushnet Avenue directly abutting and across the street from the site is a pawn shop, a hair salon, St. Anthony’s Church, and a vacant former funeral home. Directly north across Nye Street is a City owned pocket park. Along Nye Street are several multi-unit residential buildings.

There is metered on-street parking along Acushnet Avenue. Additionally, this section of Acushnet Avenue is served by the SRTA Bus Route 2, which has a frequency of a bus arriving every 20 minutes both inbound and outbound.



**Proposed Conditions**

Applicant proposes to renovate the existing vacant building for new business use and remove the existing aluminum siding and replace it with a stone veneer at the bottom and a Dryvit Exterior Insulation & Finish System (EIFS) above to the roof line. The project will retain the existing windows. All other work is to the interior of the building.

Applicant also proposes to construct a handicap ramp and entrance along the south side of the building facing the one handicapped parking space proposed in the parking area off Acushnet Avenue. The handicapped parking space proposed is angled northeasterly and paired with a twenty foot (20’) wide aisle so that the vehicle may reverse in a three-point turn fashion and exit the site facing outward towards Acushnet Avenue as required by city ordinance.

**Parking & Loading.** The site plan proposes five (5) parking spaces: four (4) standard parking spaces located in the rear paved area located off Nye Street and one (1) handicapped parking space proposed for the parking area off Acushnet Avenue.

**The board should note the official proposed parking plan is shown on “Proposed Parking/Ramp Plan 1332 Acushnet Ave. in New Bedford”** dated August 8, 2019, date stamped received by the City Clerk’s Office August 9, 2019; prepared by Romanelli Associates Inc., stamped by Curt A. Nunes, PLS. Other parking layouts shown in the architectural plan set *are not the official layout* as proposed. **The board will need to specify the parking plan in the conditions of approval.** Further, the board should note, on the plan it may seem as though there are five parking spaces proposed in the parking area located off Nye Street; however, the west most parking space does not meet the dimensional requirements (9’x20’) under ordinance. (It is not wide enough consistently through the length.) **Therefore, the board may wish to condition this area be striped as a no parking area.** Similarly, adjacent to the handicapped parking space is a twenty foot (20’) aisle provided to allow the vehicle to turn and exit the site facing the street. **This area may be marked a “no parking” area.**

The applicant is seeking a Special Permit for the reduction of the number of parking spaces. The applicant proposes five (5) where eleven (11) are required under zoning ordinance. The applicant therefore seeks a reduction of six (6) parking spaces.

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Two Family Dwelling	Two (2) spaces per dwelling unit	N/A
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	One (1) space per each 200 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 sq. ft. gross floor area, one space per 400 sq. ft.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area
<b><u>Parking Calculations</u></b>		
4 parking spaces (2 per residential unit)		
7 parking spaces (1,339 SF/200)		0 Loading space
<hr/> 11 Total parking spaces required		<hr/> 0 Total Loading space required

**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.

**Circulation.** Vehicles will access the site via either of the two curb cuts, one on Acushnet Avenue or the other on Nye Street.

The project narrative notes the parking spaces off Nye Street are currently, and will remain, in use for the residential tenants. The vehicles will pull directly into the spaces as there is a large curb cut and reverse directly backwards onto Nye Street. While, not ideal staff acknowledge that the parking spaces are acceptable under ordinance as they are for a residential use. Additionally, the parking layout is an existing condition and Nye Street is a side street with relatively low traffic volumes.

Vehicles visiting the retail establishment will utilize the existing on-street parking available. Only one handicapped parking space is proposed in the parking area off Acushnet Avenue. The handicapped parking space proposed is

angled northeasterly and paired with a twenty foot (20') wide aisle so that the vehicle may reverse in a three-point turn fashion and exit the site facing outward towards Acushnet Avenue. The zoning ordinance requires that all spaces shall be laid out so the vehicles entering a street may do so facing the street<sup>1</sup>. **This 20' aisle area should be marked a "no parking" area to ensure the vehicular turn around.**

**Landscaping.** A landscaping plan has not been provided. The applicant has requested a waiver of this requirement. Applicant states, "there is an existing structure and gravel parking area on the site. No excavation, topography, paving or drainage alterations required." There is no green space on the site. The site is comprised completely of buildings and hardscape.

**Snow Storage & Waste Receptacles.** A plan for snow storage or waste receptacles has not been provided. The board may wish to clarify if the applicant needs to provide a snow storage and waste receptacle plan now that a business on site will be reactivated.

**Stormwater.** A stormwater report has not been provided. The applicant has requested a waiver of this requirement. The applicant will need to provide a waiver from the Department of Public Infrastructure of the stormwater management requirements.

**Signage.** Signage is not proposed. An internally illuminated blade sign currently extends off the building over the Acushnet Avenue sidewalk. The board may wish to clarify if the applicant intends to retain the existing sign and if it will be refaced with his business signage.

**Lighting.** A lighting plan has not been provided. Planning Staff have requested the applicant's agent to provide any lighting proposed on the plan elevation drawings along with light fixture specifications. These materials were not received at the time of this report.

**Architectural/Building Materials.** The project proposes to remove the existing aluminum siding and replace it with a stone veneer at the bottom and a Dryvit Exterior Insulation & Finish System (EIFS) above to the roof line. The project will retain the existing windows.

**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.



No other comments were received as of the publication of this report; any comments received will be made available at the public meeting.

<sup>1</sup> New Bedford Code of Ordinance Ch. 9 Section 3140. Location and Layout of Parking and Loading Facilities.

### **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. Further, the site is located within the Acushnet Avenue International Marketplace corridor, which the City seeks to see continue as a vibrant pedestrian friendly commercial corridor. The reactivation of this vacant commercial building, at a corner location, for a retail purpose is in line with the planned vision for this corridor.

### **Materials for Consideration**

The engineered plan submission is shown as "Map 99 Lot 102 Proposed Parking/Ramp Plan 1332 Acushnet Ave in New Bedford, MA" dated August 8, 2019, and date stamped received by City Clerks' Office August 9, 2019. Plans were prepared by Romanelli Associates Inc., in New Bedford, MA and stamped by Curt A. Nunes, PLS. The plan set consists of the following sheets:

- Sheet 1 Proposed Parking/Ramp Plan
- Sheet 2 Existing Conditions Survey

The architectural plan submission is shown as "Proposed Renovation for: 1332-1350 Acushnet Avenue, New Bedford, MA." Dated February 19, 2015 and date stamped received by City Clerk's Office August 9, 2019. Plans were prepared by Comprehensive Design Build Services, in West Wareham, MA and stamped by Edward S. Porzio, RA. The plan set consists of the following sheets:

- Sheet A 0.1 Cover Sheet
- Sheet A 0.2 General Notes
- Sheet EX 2.1 Existing Conditions First Floor
- Sheet EX 3.1 Existing Conditions Elevations
- Sheet CR 1.1 Code Review
- Sheet A 2.1 Proposed First Floor Plan
- Sheet A 2.1. A Ramp Notes
- Sheet A 2.2 Enlarged Toilet Plan
- Sheet A 2.2. A Handicap Notes
- Sheet A 3.1 Proposed Elevations
- Sheet A 4.1 EIF's Details
- Sheet A 4.2 EIF's Details
- Sheet A 4.3 EIF's Details
- Sheet A 4.4 Stone Veneer Details

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 besides sono tube fitting for the handicap ramp. No grading is required or drainage will be altered.
- Landscape Plan
  - The applicant petitions that there is an existing structure and gravel parking area on the site. No excavation is planned on site. There is no green space on the site. The site is comprised completely of buildings and hardscape.

- Lighting Plan
  - A lighting plan has not been provided.
  - Planning Staff have requested the applicant's agent provide any lighting proposed on the plan elevation drawings along with light fixture specifications. These materials were not received at the time of this report. Subsequently provided material will be made available to the board when they become available before or at the meeting.
- Utility Plan
  - The applicant petitions that there is an existing structure on the site. No new utilities or upgrades are required.
- Drainage Calculations
  - The applicant petitions that there is an existing structure and asphalt covered parking area on the site. No excavation except for sono tube footings for the handicap ramp are planned. There are no topography, paving or drainage alterations required.

### **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.

## **Special Permit**

Per zoning ordinance section 3120 the board may reduce any parking or loading requirement if, the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

- **Use of a common parking lot for separate uses having peak demands occurring at different times;**
- **Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;**
- **Peculiarities of the use which make usual measures of demand invalid;**
- **Availability of on-street parking or parking at nearby municipally owned facilities.**
- **Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.**

Additionally, under section 5300 of the zoning ordinance the Board must take into account the characteristics of the site and of the proposal in relation to that site, the determination shall include consideration of each of the following:

- **Social, economic, or community needs which are served by the proposal.**
- **Traffic flow and safety, including parking and loading.**
- **Adequacy of utilities and other public services.**
- **Neighborhood character and social structures.**
- **Impacts on the natural environment**
- **Potential fiscal impact, including impact on City services, tax base, and employment**

## **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. The board approves the proposed parking plan as shown on “Proposed Parking/Ramp Plan 1332 Acushnet Ave. in New Bedford” dated August 8, 2019, date stamped received by the City Clerk’s Office August 9, 2019; prepared by Romanelli Associates Inc., stamped by Curt A. Nunes, PLS.
  2. Parking lot areas to be restriped and sealed as appropriate.
  3. The west most parking space, shown on the plan set, in the parking area located off Nye Street is to be stripped as a no parking area.
  4. Signage is to be provided for the parking area off Nye Street that indicates “resident parking only”.
  5. The turn around drive aisle adjacent to the handicapped parking space in the parking area off Acushnet Avenue is to be marked and stripped as “no parking” area.
  6. Wheel stops are to be provided for all parking spaces.
- That the following general conditions also be applied to this decision:
  7. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.

8. 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
13. 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.
14. 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.
15. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

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**Materials Provided by the Applicant** are available at: <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>).



## 1332 Acushnet Avenue Map: 99 Lot: 102

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

