



PATRICK J. SULLIVAN  
DIRECTOR

## City of New Bedford

### Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

# STAFF REPORT

#### REPORT DATE

June 17, 2019

#### PLANNING BOARD MEETING

June 18, 2019

**Case #19-18: SITE PLAN REVIEW**  
East Side Braley Road  
Map: 136 Lots: 309

**Applicant/  
Owners:** Braley North Road Trust  
70 Lambeth Street  
New Bedford, MA 02740

**Agent:** SITEC, Inc  
449 Faunce Corner Road  
N. Dartmouth, MA 02747

#### Overview

Request by applicant for **Site Plan** approval for the new construction of a 2,800 SF commercial building with drive-thru; located at **ES Braley Road** (Map:136 Lot: 309) on a .69+ acre site in a Mixed-Use Business [MUB] zoned district.

#### Existing Conditions

The project site is a 30,130 SF lot located directly east from the entrance to the New Bedford Business Park where Phillips Road become Braley Road. The site is 30,130 SF of which 20,383 Sf is developable upland. It is a flat site that was prepared for a pervious proposal that was never completed. A retaining wall surrounds the south portion of the site where development is planned to occur. The northern portion of the site is bordering vegetated wetlands. The site is surrounded by bordering vegetated wetlands to the rear and north.

Also, on site is an existing billboard.

**ES Braley Road**  
Looking north from Theodore Rice Blvd.



**ES Braley Road**  
Looking east from Braley Road



The surrounding neighborhood is comprised primarily of commercial and industrial properties. Directly across from the site is a recently completed gas station with convenience store and the entrance to the New Bedford Business Park. Directly south across Barley Road is a Santander Bank. West of the site are the on/off ramps for Route 140.

**Proposed Conditions**

The proposal is to construct a 2,800 SF single story commercial building with two units. One of the units will have a drive-thru window. There are no identified tenants for either of the units currently. The applicant’s agent has indicated the drive-thru unit is intended to have “non-fast food restaurant use with a pick-up window such as a either a traditional sit down restaurant or Subway sandwich shop type of business”. The other space is intended for a general retail space.

The board should note that a Subway sandwich shop or similar carry-out focused business is considered fast-food under the city ordinance. A Special Permit from the Zoning Board of Appeals will be required for any fast-food use.

The site will have parking along the east and south sides of the sites. The 15’ wide drive-thru lane will wrap clockwise around the building from the south west to the north west. The drive-thru window is proposed on the northwest elevation.

New stormwater management and landscaping area also proposed and described further on in this report.

**Parking & Loading.** The application state the proposal is to provide twenty-two (22) parking spaces and one loading space. Under the zoning ordinance this proposal requires fourteen (14) parking spaces and one loading space; therefore, the application exceeds the minimum parking requirements.

As shown on plans submitted, the applicant proposes eleven (11) parking space in front of the building, including one (1) handicapped parking space; and eleven (11) parking spaces on the south side of the site.

No bicycle parking facilities are proposed.



Looking east from frontage



Looking northwest from frontage

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
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>Parking Calculations</b>		
7 parking spaces retail (1 per 200 GFA: 1,400Sf/200)		1 Loading spaces
7 parking spaces restaurant (1 per 200 GFA: 1,400SF/200)		
<b>14 Total parking spaces required</b>		<b>1 Total Loading spaces required</b>

**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. 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 one bi-directional driveway off Braley Road and turn right into the parking lot or drive-thru lane. The drive-thru lane wraps around the building clockwise from the south to the north.

No directional signage is shown on the plan. The board may wish to inquire if the applicant intends to have directional signage.

Pavement markings includes directional arrows at the driveway and the entrance and exit from the drive-thru. A stop line and label are proposed at the driveway exit. DPI comments note this must be moved to be within the private property line.

The board may wish to inquire about a stop bar or stop sign at the end of the drive-thru lane where traffic may conflict with other vehicles exiting from the parking lot.

A 5' wide concrete side walk is proposed along the site frontage. A new crosswalk and ADA accessible ramp is proposed across Braley Road to provide a connection to the existing ramp on the west side of Braley Road in front of the gas station. There is no designated pedestrian path into the site from the sidewalk area. The board may wish to inquire about the ability to provide a designated pedestrian access into the site.



**Operations.**

According to the Site Plan application, the proposed site is expected to have 100 customers per day, 5 employees, hour of operation from 7am-10pm Sunday through Saturday. Deliveries are expected Monday-Saturday, 3-4 times per week.

**This given operational information is speculative as the applicant has not disclosed any expected tenants.**

**Landscaping.** The proposal includes a landscaped areas around the perimeter of the site, around the building, in the parking lot islands. The proposed plantings include: (A) 2 – October Glory Red Maple Trees, (B) 15 – Little Henry Virginia Sweet spire, (C) 28 – Compact Pfitzer Juniper, (D) 4 – Sargent Crab Trees, (E) 4- Celtic Pride Russian Carpet Cypress, (F) 1 Bloodgood London Planetree.

The board should note in addition to lawn and mulched area, the plan proposes stone landscaped areas along the south, north, and northwest edges of the site. The board may wish to have the applicant clarify the intent of these areas.

Black vinyl coated chain-link fencing is installed atop the retaining wall around the perimeter of the developed portion of the site. Some portions of the fencing are in disrepair. The board should condition any approval that the fencing is repaired.

**Snow Storage & Waste Receptacles.** Snow storage areas are identified in the southwest and southeast corners of the site. A screened dumpster area (10'x16') is proposed in the southwest corner of the site. No details were provided about the dumpster screen.







**Stormwater.** A new subsurface recharge system is proposed for stormwater runoff from the building and the parking lot areas. The new system will include a stormceptor treatment unit and will direct runoff to two subsurface Cultec recharge systems.

DPI comments note it is unclear where the roof drains tie into the proposed system. The board may want to inquire about this.

**Signage.** Wall signage is shown on the architectural elevations; however no specifications have been submitted.

Directional and ground signage plans were not included in the plans submitted. Any future directional signage or ground signs will require review by the Planning Board.

The board should note the existing billboard is shown remaining on the site. **The board may wish to inquire about the applicant's intent for the**

<b>(A) October Glory Red Maple Trees</b>	<b>(B) Little Henry Virginia Sweet spire</b>	<b>(C) Compact Pfitzer Juniper</b>
		
<b>(D) Sargent Crab Trees</b>	<b>(E) Celtic Pride Russian Carpet Cypress</b>	<b>(F) Bloodgood London Planetree</b>
		



**Fencing in disrepair**



**Fencing in disrepair**

**billboard sign.** The board should further note that if a ground sign is proposed the existing billboard will need to be removed as the site will be in violation of area restriction for signage in a mixed-use business zoned district.

**Lighting.** The site plan includes a lighting plan and lighting specifications. The plan includes: (A) pole lights (RAB Lighting Model #ALED3T105N or similar) bronze pole with a height of fifteen (15'); and (B) wall pack lights (Eaton Lighting Model #WPMLED-75-GL-UNV or similar).

Three pole lights are proposed for the parking areas. The site plan shows three wall pack lights are proposed, two on the rear of the building and one over the drive-thru. The architectural elevations show additional wall pack lights on the front of the building. The board may wish to clarify if additional lighting will be installed on the front of the building.

Staff notes there is some lighting that exceed past the property line on the south side of the site. However, staff acknowledges this area and will likely remain undeveloped land.

**Other Site Elements.**

The board should note a subsurface grease trap is proposed for the restaurant space. The grease trap is proposed in the parking space near the northwest corner of the building. The DPI Comments note a maintenance agreement is required for the grease trap, as it will need regular cleaning.

**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 19 items to be addressed.

Sarah Porter, Conservation Agent, provided a letter, indicating that the proposal **requires a new Order of Conditions from the Conservation Commission**. The letter notes “An Order of Conditions was issued for this site in 2006 which permitted the construction of a commercial building, the filling of 4,980 SF of Bordering Vegetated Wetland with associated wetland replication on the adjacent parcel. The wetland was filled, and the wetland replication completed but the commercial building was never built, and the Order of Conditions expired.”

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 “Proposed Commercial Development Braley Road New Bedford, Massachusetts” dated March 27, 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 Grading & Utilities

- Sheet 4 Landscape/Lighting Plan
- Sheet 5 Existing Conditions
- Sheet 6 Erosion Control Plan
- Sheet 7 Detail Sheet #1
- Sheet 8 Detail Sheet #2

The architectural plan submission is dated 2/25/2019. Plans were prepared by Moniz Design, unstamped. The plan set consists of the following sheets:

- Sheet A-1.0 Elevations
- Sheet A-1.0 Floor Plan, Foundation Plan, & Elevations

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

- **Waivers**  
The applicant has not requested any waivers.

### **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. Any future directional signage and/or ground signs will require review by the Planning Board.
  2. A stop bar pavement marking and/or stop sign is to added at the end of the drive-thru lane.
  3. If a future fast-food use is proposed it will require a Special Permit from the Zoning Board of Appeals.

4. The existing chain-link fencing is repaired in-kind.
  5. Details about the dumpster area screening is to be provided for review 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:
6. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
  7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
  12. 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.
  13. 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.
  14. 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: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2019/>.

# East Side Braley Road Map: 136 Lots: 309

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

