



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

PATRICK J. SULLIVAN
DIRECTOR

*UPDATED STAFF REPORT

REPORT DATE

December 4, 2018

PLANNING BOARD MEETING

December 12, 2018

Case #18-53: SITE PLAN REVIEW
Case #18-54: NEW GROUND SIGN SITE PLAN
2904 Acushnet Avenue,
2914 Acushnet Avenue,
ES Acushnet Avenue
Map: 130D Lots: 117, 247, 248, 447

Applicant: Farland Corp.
401 County Street
New Bedford, MA 02740

Owners: MIH1, LLC
401 County Street
New Bedford, MA 02740

Kevin Burgess
2904 Acushnet Avenue
New Bedford, MA 02745

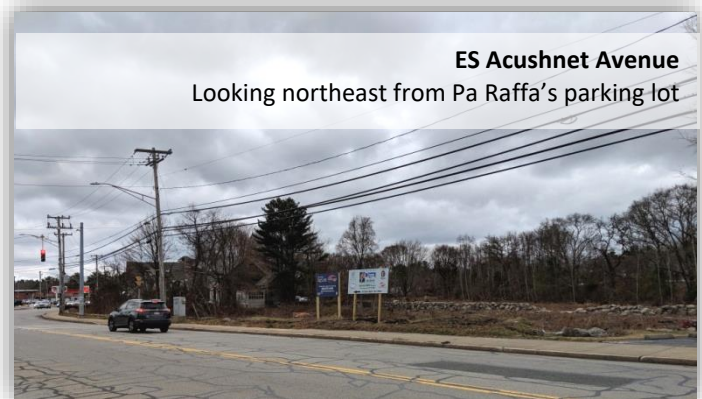
Neil A. & Erica S. Meunier
2194 Acushnet Avenue
New Bedford, MA 02745

Overview

***This is an updated report as revised plans were submitted for this project. The Staff report is reflective of the plans revised as of April 3, 2019.**

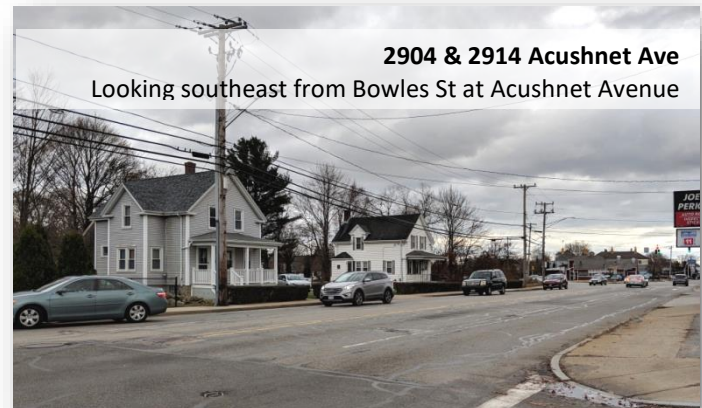
Request at this time is for **Site Plan (Case #18-53)** approval for new construction of a 4,384 SF retail convenience store (Cumberland Farms) with gas station and a 2,640 SF car wash; located at **2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue** (Map: 130D Lots: 117, 247, 248, & 447) on a 2.25± acre site in a Mixed Use Business & Residential A zoned district.

Additionally, the applicant requests a **New Ground Sign Site Plan (Case #18-54)** approval for two pylon signs, one for the convenience store with gas station and one for the car wash.



ES Acushnet Avenue

Looking northeast from Pa Raffa's parking lot



2904 & 2914 Acushnet Ave

Looking southeast from Bowles St at Acushnet Avenue

Quick Summary of Plan Revisions

The applicant has revised the site plan with the north entrance drive relocated to be aligned with Belair Street. A new signalized intersection and roadway layout is proposed for the section of Acushnet Avenue and Ashley Boulevard on which the project site fronts on. As a result of the revised driveway the site plan has been flipped with the car wash now on the north side of the site. The convenience store overall size has been reduced. The overall size of the two ground signs have been reduced. A pedestrian access has been provided through the site. A bicycle rack has been added. The traffic study has been updated to include a larger study area and to reflect the revised site layout and proposed roadway improvements. Green space has been increased particularly in the rear of the lot.

Note: The proposal also requires a **Variance and Administrative Appeal** from the Zoning Board of Appeals for the size of the signs and an electronic message center. It also requires a **Special Permit** for shared parking on adjacent lots. The applicant has not filed any applications with the Zoning Board as of the date of this report.

Additionally, the application requires a **Special Permit** from the City Council for Motor Vehicle Light Service as the gas station and car wash use falls under that use category of the zoning code.

Demolition of the two dwellings and barn at 2904 Acushnet Avenue and 2194 Acushnet Avenue were reviewed and approved by the Historic Commission and City Council in April and May 2018, respectively.

Project History Before the Planning Board

December 12, 2018	Planning Board Public Hearing of Initial Proposal
The applicant presented the initial project proposal. There were concerns expressed by the board and abutters at this meeting. The case was continued for the applicant to revise plans to address traffic and other concerns.	
Dec 2018 – Mar 2019	Plan Revisions & Traffic Improvement Proposal
The City retained CDM Smith as an independent traffic engineer peer reviewer. CDM Smith reviewed the traffic study submitted with the initial application. Peer review comments were provided to the applicant.	
The applicant revised the site plans, updated the traffic study in response to peer review comments, and developed a proposed a traffic improvement plan for Acushnet Avenue and Ashley Boulevard. The applicant met with City staff and CDM Smith peer review traffic engineer about the proposed roadway improvements.	
Revised Plans were submitted April 3, 2019.	
April 10, 2019	Planning Board Public Hearing of Revised Plans
The applicant presented the revised site plan and proposed roadway improvements. Public comments were taken at the meeting as well.	
The case was continued in order to provide time for a peer review of the revised traffic study and proposed roadway improvements; as well as, comments from City departments. These items were not available at the April meeting due to the short period of time between the revised plans submission date and the meeting date.	
May 8, 2019	Planning Board Continued Public Hearing of Revised Plans
Next scheduled hearing on the revised plans.	

Existing Conditions

The project site is currently four separate parcels with three different owners. The existing properties are 2904 Acushnet Avenue, 2194 Acushnet Avenue, and two parcels known as ES Acushnet Avenue. The properties are located on the east side of Acushnet Avenue between the signalized intersections of Acushnet Avenue at Phillips Road and Acushnet Avenue at Ashley Boulevard.

2904 Acushnet Avenue and 2194 Acushnet Avenue are single family residential properties that were originally a single parcel, subdivided in 1975. The parcels share a barn and circular driveway. Abutting directly behind and to the south of the two dwellings are two parcels known as ES Acushnet Avenue. The parcel directly behind the dwellings has an underground storm water drainage system that serves the abutting credit union. The parcel to the south of the dwellings is undeveloped and has recently been cleared. Stone walls are evident throughout the properties.

As a compilation of parcels, the proposed site consists of the two dwellings, the grassed area directly behind defined by stonewalls, and the recently cleared site to the south of the dwellings. Combined, the parcels are 2.25 acres with 400' of frontage on Acushnet Avenue and a depth of 196'±.

The surrounding neighborhood is predominantly characterized by commercial uses. Directly abutting the site to the north is a credit union (Southeastern Massachusetts Credit Union), directly south is a dentist office, west across Acushnet Avenue is a restaurant (Pa Raffa's Restaurant), a retail plaza (with hair salon, dry cleaner, and restaurant); an auto repair service with gas station (Joe & Perky's), a party rental business, and a grocery store (Trucchi's). Directly abutting the site in the rear is a 27 lot residential subdivision under construction by the applicant.

Proposed Conditions

The proposal is for a 4,384 SF retail convenience store (Cumberland Farms) with associated gas station and a 2,640 SF car wash. The canopied gas service island will have 5 service stations; each with 2 fuel pumps, for a site total of 10 fuel pumps. The car wash proposed will have two drive-thru bays and an associated self-service vacuum area. One air filling station is proposed near the south side of the property in a parking area. Near the air tower is an area designated for a future electric vehicle charging station. Thirty-six parking spaces are proposed, including three handicapped parking spaces. A wave loop bicycle rack is provided near the southwest corner of the store. Two pylon ground signs are proposed as well as wall signage. The existing stonewalls on the north and south property lines are to be retained. A six-foot tall vinyl fence is proposed along the south property line. Two full access driveways are proposed. The northern drive will be a redesigned signalized intersection aligned with Belair Street.

The board should note the existing four parcels will be reconfigured into two parcels as part of this project. The applicant must submit a Form A plan to create the two parcels. One parcel will have the convenience store with gas station. The second parcel will have the car wash. Since the property is located in a mixed use business district only one sign is allowed per parcel. Therefore, one sign is proposed with the car wash parcel and one sign is proposed on the convenience store parcel. As parking will be shared between the two parcels, a Special Permit from the ZBA is required for the shared parking between the two lots.

Parking & Loading. The applicant proposes to provide thirty-six (36) off street parking spaces. Under the zoning ordinance this proposal requires twenty-nine (29) parking spaces and one (1) loading space; therefore, the application meets and exceeds the parking requirements.

As shown on plans submitted, the applicant proposes fourteen (14) parking spaces directly in front of the convenience store including two (2) handicapped accessible parking spaces; seventeen (17) parking spaces on the south side of store; and five (5) parking spaces, including one (1) handicapped accessible parking space on the

south side of the car wash where the vacuum units are proposed. A wave loop bicycle rack capable of accommodating up to nine (9) bicycles is provided near the southwest corner of the convenience store.

Traffic Impact & Access Study.

The plan now includes a project traffic improvement plan. The roadway improvement plan includes updating the traffic signals at the Ashley Boulevard and Acushnet Avenue intersection and a new intersection at Belair Street. Signal timing mechanisms at the Philips Avenue traffic signals are to be updated so signal timing can be coordinated with the new traffic lights. The improvement also includes new pedestrian accommodations and new roadway pavement markings.

Note: The City has CDM Smith, an independent peer reviewer, reviewing the revised traffic study and proposed traffic improvement plan. The peer review comments will be provided to the board when they become available.

The board should note that the New Bedford Department of Public Infrastructure will make the final determination as to whether the city will accept the traffic improvement plan (new roadway layout).

A revised traffic study has been submitted. The report by McMahon Transportation Engineers and Planners includes a manual turning movement count and automatic traffic recorder data collected on April 10, 2018 from 7am-9pm and from 2pm-6pm at Acushnet Avenue at Ashley Boulevard and Acushnet Avenue at Belair Street. **An additional manual turning movement count was conducted on January 17, 2019 from 7am-9am and from 4pm-6pm at the intersection of Acushnet Avenue and Bowles Street and Acushnet Avenue at Phillips Road.** The report utilizes the collected data in combination with the Institute of Transportation Engineers Institute (ITE) standards for trip generation predictive calculations for the type of proposed uses (convenience store, gas station, and car wash). ITE standards are based on data collected for the same uses across the country.

The automatic traffic recorders (ATRs) were placed on Acushnet Avenue just north of Belair Street and Victoria Street. They recorded traffic volumes of 10,810-17,160 vehicles per day on this segment of Acushnet Avenue. The study observed traffic peaks in this area in the morning from 7:15AM-8:15AM and afternoon from 4:45PM-5:45PM.

As requested, the applicant has expanded the study area to include additional intersections and updated the crash data.

The report notes that the statewide average crash rate is 0.77 and the MassDOT District 5 crash rate is 0.76 crashes per million entering vehicles. The table shows the number of

Intersection	# of crashes (2012-2016)	Crash rate
Acushnet Ave at Ashley Blvd.	15	0.38
Acushnet Ave at Belair St	22	0.56
Acushnet Ave at Bowles St	15	0.38
Acushnet Ave at Phillips Rd	55	1.29

crashes and the crash rate for the intersections included in the study. It is noted the Acushnet Avenue at Belair Street intersection is an identified Crash Cluster in the 2013-2015 Highway Safety Improvement Program, which represents the top 5 percent of crash clusters in each MassDOT region.

As requested by the board, the applicant conducted counts at the existing Cumberland Farms on Shawmut Avenue and the Tarkiln Hill Car Wash on Tarkiln Hill Road on January 15, 2019 and January 10, 2019 for the morning peak (7am-9am) and afternoon peak (4pm-6pm). These counts were used to calculate a trip generation rate in order to determine the expected trips generating characteristics of the proposed project. The study predicts the proposed development will have 357 total daily trips during the weekday morning peak and 289 total daily trips during the weekday afternoon peak. The board should note trips are counted as both entering and exiting the site. The report notes a caveat that approximately 63% of the morning total trips and 66% of the

afternoon peak total trips will come from existing traffic that passes by the site versus new users being added to the existing roadway network. Therefore, the assessment also includes an adjusted measurement, which deducts a percentage of “pass-by” trips. With the adjustment they predict the site will therefore generate 135 “new trips” during the morning peak and 103 “new trips” during the afternoon peak.

A traffic operations analysis was completed for the site development that includes the proposed roadway improvements. The current level of service (LOS) at the intersections studied are either level B or C during morning and afternoon peak times. The projected level of service for the intersections after project is constructed would be a level C during the morning and afternoon peak times. Level of service is a measure of average total vehicle delay. It is reported on a scale of A to F. LOS A represents a 10 second or less delay and LOS F represents delays in excess of 50 seconds for unsignalized intersections and 80 seconds for signalized intersections. **LOS C represents a delay of 15-25 seconds at unsignalized intersections and 20-35 seconds at signalized intersections.**

Driveway sight distances were included in the report for both driveways. Each driveway exceeds sight distances standards required for the travel speeds on the adjacent roadway according to the report. Each drive would have over 500 feet of sight distance.

Circulation. Vehicles will access the site via one of two driveway entrances. **The applicant has revised the site plan to have the northern driveway align with Belair Street.** The other driveway remains unchanged at the corner of the site. The traffic study indicates more traffic will enter and exit the site via the northern drive. The report also notes that the fuel delivery vehicles will be utilizing the northern entrance to enter the site in order to access the underground fuel tanks located near the service island and then exit via the southern drive.

Pavement markings shown on plans include directional arrows at the two driveway entrances, throughout the site, and for the car wash lanes. The car wash also has stripping. There is a stripped pedestrian crosswalk through the site. The pedestrian crosswalk aligns with the pedestrian crosswalk at the Acushnet Avenue and Ashley Boulevard traffic island, which the applicant proposes to extend and realign as part of the roadway improvement.

Operations.

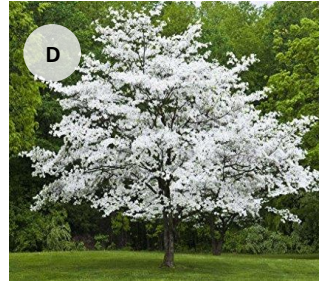
According to the Site Plan application, the proposed business is expected to have 20 employees, be open 24 hours, seven days a week. Deliveries are proposed “off-peak”. According to the application they anticipate serving “50+” customers per day. Staff notes this is likely a low estimate given the traffic study predicts nearly 357 vehicle trips throughout the peak hours of the day. The board may wish to seek further clarification about the business operations such as shift times, employees per shift, and whether the hours of operation apply to all services (convenience store, gas station, and/or car wash). Further, the board may wish to limit the hours of operation to 5am-11pm to be consistent with prior approvals for similar convenience stores with gas stations.

Landscaping. The proposal includes landscaped and grass areas around the perimeter of the site and in the parking lot islands. The proposal includes:

(A) 44 – Leyland Cypress trees around the east (rear) and south property lines; (B) 14 - Pyramidal White Pine trees dispersed around the north, east, and south landscaped areas; (C) 8 - Blue Spruce trees dispersed around the north, east, and south landscaped areas; (D) 9 – White Dogwood along the frontage and in the parking lot islands; (E) 6 – Japanese Lilac along the frontage and two in the rear.



The proposal also includes a variety of shrubs, flowering plants, and grasses including: (F) 45 – Inkberry holly bushes, (G) 72 - Blue star juniper shrubs, (H) 19 - Nikko Blue Hydrangea, (I) 10 – American Holly; (J) 30 - Autumn Anthem grass; and (K) 31 – Daylilies. **The landscape plan has changed slightly with a reduction in a few trees and increased number of shrubs, flowering plants, and grasses.**



Snow Storage & Waste Receptacles. Snow storage and removal areas are identified on the plan on the east (rear) landscaped area, the northwest corner, and along the south side of the site.



Waste and recycling dumpsters are proposed on a concrete slab in a centralized location between the store and car wash (to the north of the store). The dumpsters will be enclosed by a 6' tall vinyl fence with gates.



Stormwater. The project proposes roof drains for the two buildings and gas station canopy which will direct roof runoff to a new subsurface (underground) recharge system proposed under the southeast corner of the site. The recharge system is proposed to be tied into the city sewer system for overflow. Runoff from the parking and landscaped areas will be collected in deep sump catch basins connected to a Contech CDS water quality unit before discharging to the city sewer system.

The board should note that the plan also includes a change to the existing underground recharge system on the northeast corner of the site. The change replaces and relocates some of the chambers. This system is still to serve the credit union exclusively. The new project will not be tied into this system in the northeast corner.

Car Wash Water Collection. The car wash will recycle 25% of water according to information submitted by the applicant.

Signage. The applicant has included signage with the site plan application. Signage plans include both wall signage and ground signage.

Regarding ground signs the applicant proposes two pylon sign, wall signage, and directional signage:

A **pylon sign** is proposed along the site frontage near the gas service island. **The sign has been reduced in size from the initial proposal.** The overall sign area of the revised sign is 75 SF, with an overall height of 18', width of 6', and 1' depth. The sign as proposed includes an internally illuminated cabinet on the top (21.11 SF), with an LED price cabinet in the middle (40.54 SF), and an Electronic Message Center below (14.30 SF). The base of the sign will be surrounded by a raised planter bed (1'-6"H x 6'W x 14'L). The internally illuminated sign face as proposed would be white with blue and green lettering. The sign wording is to include "Cumberland Farms" "SmartPay Member" "Regular" "Diesel" and various electronic messages.

A **second pylon sign** is proposed along the frontage at the northwest corner near the car wash. The overall sign area is 24 SF, with an overall height of 18', width of 6', and 1' depth. The sign as proposed includes an internally illuminated cabinet. The internally illuminated sign face as proposed would be white background with vinyl colored graphic applied. **The sign has been reduced in size from the initial proposal and the electronic message cabinet has been removed from the plan.**

Note: Both pylon signs exceed dimensional requirements and the electronic message center is a prohibited sign type under zoning ordinance, therefore the proposed signage requires a **Variance and Administrative Appeal** from the Zoning Board of Appeals.

New Bedford, Code of Ordinances, Chapter 9 Section 3200 – Sign Regulations:

“3255. Area restrictions for ground signs. In Mixed-Use Business districts, no ground sign shall exceed one square foot in area for each linear foot of street frontage of the lot upon which it is erected, but in no event shall such sign exceed twenty-five (25) square feet in area, nor shall there be a distance of more than ten (10) feet from the ground to the bottom of the sign and not more than fifteen (15) feet from the ground to the top of the sign.”

Staff acknowledges the presence of other nonconforming signage in the immediate vicinity of the project site.



Directional signs were not included in the revised site plan package. The board may wish to clarify if this was intentional or an omission.

Wall signage remains unchanged from the prior submittal. It includes internally channel lettering in multiple locations. The same signage is proposed on three side of the store; the front (west elevation) and both sides (north and south) of the convenience store building. The wall signage proposed is the words “Cumberland Farms” in channel letters with a logo. Each sign would have an overall sign area of 37.6 SF and size of 5’5”H x 11’W. On the car wash building two signs with the words “Auto Spa” and logo are proposed on the west and south side elevations. The signs as proposed would have an overall sign area o 36.4 SF, and size of 4’9”H x 8’2”W.

Lighting. The applicant has provided a lighting plan and cut sheets for the proposed site lighting. The proposed lighting cuts off at or near the property line. The board should note the underside of the gas station island canopy will be highly illuminated and have higher illumination levels around the parking areas. The light poles in landscaped areas will be 15' in height. Specification information for the pole lights, canopy lights, soffit lights, and wall mounted light fixtures are provided. Please see site plan package for more information.

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 had provided comments dated January 4, 2019 regarding the previous plan submittal. Comments have not been received yet regarding the revised plans set, as of the publication of this report.

No other comments were 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 "Site Plan Cumberland Farms 2904 & 2914 Acushnet Avenue Assessors Map 130D Lots 117, 247, 248, and 447 New Bedford, Massachusetts" dated November 7, 2018, latest revision dated April 3, 2019 and date stamped received by City Clerks' Office April 3, 2018. Plans were prepared by Farland Corp, in New Bedford, MA and stamped by Christian Albert Farland, PE. The plan set consists of the following sheets:

- Sheet CFG0.0 Cover Sheet
- Sheet CFG1.0 General Notes
- Sheet CFG2.0 Existing Conditions Plan
- Sheet CFG2.1 Existing Conditions Plan
- Sheet CFG3.0 Site Demolition Plan
- Sheet CFG4.0 Site Plan
- Sheet CFG5.0 Site Grading & Drainage Plan
- Sheet CFG6.0 Site Erosion & Sedimentation Control Plan
- Sheet CFG7.0 Site Utility Plan
- Sheet CFG8.0 Site Landscaping
- Sheet CFG9.0 Site Construction Details 1
- Sheet CFG9.1 Site Construction Details 2
- Sheet CFG9.2 Site Construction Details 3
- Sheet CFG10.0 Site Lighting Plan
- Sheet CFG12.0 Canopy Elevations
- Sheet CFG12.1 Canopy Details
- Sheet CFG13.0 Sign Drawings
- Sheet CFG13.1 Sign Drawings
- Sheet A101 Floor Plan
- Sheet A130 Exterior Reflected Ceiling Plan
- Sheet A200 Exterior Elevations
- Sheet A201 Exterior Elevations
- Sheet X101 Utility Coordination
- Sheet CW-A-100 Floor Plan and Exterior Reflected Ceiling Plan
- Sheet CW-A-200 Exterior Elevations
- Sheet CW-X-101 Utility Coordination Plan

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

- **Waivers**

No waivers of site plan requirements have been requested.

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:
 - The applicant must submit a Form A plan to create the two parcels as shown on plans.
 - Hours of operation of the car wash is to be limited to *[time to be determined by board]*;
 - Hours of operation of the convenience store and gas stations is to be limited to *[time to be determined by board]*;
 - Ground sign approval is contingent upon the applicant receiving a variance and/or administrative appeal from the Zoning Board of Appeals. Any changes to the ground signs as a result of approval or denial by the Zoning Board must be submitted to the Planning Board for review.
 - Parking approval is contingent upon the applicant receiving a special permit from the Zoning Board of Appeals for shared parking. Any changes to the plan as a result of approval or denial by the Zoning Board must be submitted to the Planning Board for review.
- That the following general conditions also be applied to this decision:
 - The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
 - The applicant shall submit final plan revisions to the Planning Division prior to construction 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.

- 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.
- 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.
- The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
- 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.
- 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.
- 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: <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>).

2904, 2914 & ES Acushnet Avenue Map: 130D Lot: 117, 247, 248, 447

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

