



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

*AMENDED STAFF REPORT

REPORT DATE

April 8, 2019

PLANNING BOARD MEETING

April 10, 2019

Case #19-03: SITE PLAN REVIEW

Case #19-04: SPECIAL PERMIT

970 Ashley Boulevard
Map 127D Lots 89 & 98

Applicants: Yearly Grind II Realty, LLC
c/o Tom Daly
PO Box 51147
New Bedford, MA 02745

Owner: John T. Ricciuti, Trustee
The Ricciuti Realty Trust II
970 Ashley Boulevard
New Bedford, MA 02745

Applicant's Agent: Bohler Engineering
352 Turnpike Road
Southborough, MA 01772



970 Ashley Blvd

Looking southeast from York St at Ashley Blvd

Overview

The applicant initially sought **Site Plan** approval and a **Special Permit (Case #19-04)** for a reduction in the number of parking spaces required for a 2,002 SF fast-food restaurant (Dunkin' Donuts) with drive-thru window; located at **970 Ashley Boulevard** (Map: 127D, Lots: 89 & 98) on a 0.45± acre site in a Mixed Use Business [MUB] and Residential B [RB] zoned district. The applicant previously proposed 16 parking spaces where 25 spaces and 1 loading space are required under ordinance. Therefore, requesting a reduction of 9 parking spaces and 1 loading space.

***Revised plans have been submitted to reflect comments and concerns expressed by the board and abutters at the initial public hearing held on February 13, 2019. The following staff report has been amended relative to the revised plans:**

The applicant currently requests **Site Plan** approval and a **Special Permit (Case #19-04)** for a reduction in the number of parking spaces required for a **1,067 SF** fast-food restaurant (Dunkin' Donuts) with drive-thru window; located at **970 Ashley Boulevard** (Map: 127D, Lots: 89 & 98) on a 0.45± acre site in a Mixed Use Business [MUB] and Residential B [RB] zoned district.

The applicant **proposes 13 parking spaces** where 25 spaces and 1 loading space are required under ordinance. **Therefore, requesting a reduction of 12 parking spaces and 1 loading space.**

Note: The proposal also requires two Special Permits from the Zoning Board of Appeals: one for the fast-food restaurant use and the second for a commercial parking in a residential district. The Special Permit petitions before the ZBA were initially scheduled for February 14, 2019 but was continued to the April 25, 2019. The continuance was due to the ZBA only having 4 members in attendance at the February 14 meeting. The applicant preferred to have a full board of 5 members hear the case.

Existing Conditions

The project site is a 19,806 SF, “L” shaped, corner lot. The site has 234’± of frontage on Ashley Boulevard, 101’± of frontage on York Street, and 130’ of frontage on an unnamed private way on the south side of the site. The site, currently home to Hancock Monuments, has a 580 SF flat roof retail building with an attached garage. The building is setback along the rear lot line. The lot is wooded along the rear of the lot, while the majority of the site frontage is used as a landscaped display area with shrubbery and headstone monuments. A gravel parking area is located to the north of the building. One curb cut driveway serves the parking area via Ashley Boulevard. There is no other access to the site from the adjacent roadways. The site is relatively flat, however the board should note York Street slopes downward easterly, so the site is elevated slightly above York Street roadway toward the rear of the site.

The surrounding neighborhood consists of commercial businesses along Ashley Boulevard while a residential neighborhood is located directly behind the site. Directly abutting the site to the south is Gary’s Best Hot Dog Stand, directly north across York Street is Bay Coast Bank, while directly west across Ashley Boulevard is Webster Bank and Ray’s Auto parts Store.

A SRTA bus stop is located along the property frontage on Ashley Boulevard.

Proposed Conditions

The revised proposal reduced the size of the building, made modifications to the layout of the lot, relocated the proposed trash enclosure, and reduced the number of proposed parking spaces.

Therefore, the revised proposal is for a to 1,067 SF fast-food restaurant with a drive-thru window. The restaurant will no longer have a seating area and instead will provide counter service and drive-thru service.



A designated loading area has been added to the plans along the east side of the building.

The drive-thru and by-pass lanes have been altered slightly. The drive-thru window and lane has been shifted approximately six feet (6') easterly to increase the turning radius for vehicles exiting the drive-thru and the site. The by-pass lane has also shifted approximately 3.2'± easterly which leaves a 11.3' green space buffer between the lane and the rear property line on the northeast corner of the site.

The trash enclosure has been removed from the southeast corner of the site and relocated to the rear of the building (north side). Parking has been reconfigured and additional green space has been added in the southeast corner of the site. A sidewalk has been added at the southwest corner of the site providing pedestrian access into the site. The sidewalk ramp coincides with the striped handicapped parking loading zone and crosswalk to provide pedestrian access to the front door.

Vehicles will enter the site via a driveway off Ashley Boulevard and exit via the same or an "exit only" drive to York Street.

Demolition & Site Preparation. The applicant proposes to remove everything from the site. The existing driveway curb cut will be removed and closed. A fire hydrant present along Ashley Boulevard frontage is proposed to be relocated. During construction erosion control measures will include straw bales, siltation fencing, and filter sacks. Tree protection is also proposed for existing street trees and a tree on the abutting southern property line.

Parking and Loading Requirements

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS						
Fast-food drive-in, carry-out restaurants	One (1) space per each employee per shift for a minimum of five (5) spaces plus one (1) space per 100 sq. ft. of gross floor area with a minimum of twenty (20) spaces	One (1) loading space for each building						
<p><u>Parking Calculations</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">5 parking spaces (1 per employee/max. 5)</td> <td style="width: 50%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">20 parking spaces (1 per 100 SF / min. 20)</td> <td style="border-bottom: 1px solid black; text-align: right;">1 Loading space (1 per building)</td> </tr> <tr> <td>25 Total parking spaces required</td> <td style="text-align: right;">1 Loading space required</td> </tr> </table>			5 parking spaces (1 per employee/max. 5)		20 parking spaces (1 per 100 SF / min. 20)	1 Loading space (1 per building)	25 Total parking spaces required	1 Loading space required
5 parking spaces (1 per employee/max. 5)								
20 parking spaces (1 per 100 SF / min. 20)	1 Loading space (1 per building)							
25 Total parking spaces required	1 Loading space required							

Parking & Loading. Parking has been reconfigured to include six (6) parking spaces along the south property line; five (5) spaces near the southeast corner of the site, and two (2) "staff" parking spaces in front of the trash enclosure. One (1) handicapped space is proposed directly adjacent to the front entrance of the building. A striped loading zone and crosswalk are provided for visibility and safety from the parking space to the front door.

A six-loop bicycle rack has been added to the plan on the sidewalk in front of the building.

Under the zoning ordinance the proposal requires twenty-six (26) parking spaces: twenty-five (25) parking spaces and one (1) loading space. The proposal includes 13 parking spaces and 1 loading area; therefore, the applicant petitions for a Special Permit to allow for a parking reduction. The applicant requests a reduction of twelve (12) spaces.

Planning staff express a concern for the parking spaces located in front of the trash enclosure. The board may wish to have this area stripped no parking.

Circulation. The site as proposed would have two driveways; one full access (entrance & exit) while the other would be an exit only. Vehicles will therefore access the site via the main entrance on Ashley Boulevard and exit the site via the same drive or the exit drive on York Street.

The drive-thru will have two lanes along the east side of the building, the drive-thru lane and a by-pass lane. The drive-thru lane will wrap around the building counter clockwise to the drive-thru window on the west side of the building. The by-pass lane will exit to York Street.

It is unclear if the by-pass lane is still intended to be utilized for the “mobile pick-up” lane; where the customer has pre-ordered via a mobile device and can by-pass the standard drive-thru lane cue. The board should clarify if the mobile ordering cueing will be occurring in this lane. Additionally, it should be clarified if the limit bar detail on sheet 16 is accurate. The detail shows two extended arms for the limit bar which does not coincide with the location shown on the site.

A revised truck turning movement exhibit has been submitted with the application. The revised exhibit includes three diagrams: a pedestrian vehicle, delivery truck (WB-40), and a garbage truck (SU-30).

Pavement markings are proposed to direct vehicles through the site. Pavement markings include:

- Directional arrows near all driveways, and along the drive-thru lanes;
- The word “Stop” with stop bar at each exit and the drive-thru window,
- The words “Do Not Enter” at the York Street exit and end of the drive-thru lane;
- Triangular graphics with words “Drive-Thru”
- Painted lines for the drive-thru lane;
- Striped parking spaces;
- Marked Handicapped parking space with striped loading zone.
- Striped crosswalk from handicapper parking loading zone to the front door

Standard traffic signage is also proposed on site including:

- “Stop” signs at each exit and paired with “Do Not Enter” signage at the end of the drive-thru lane and York Street exit.

Branded traffic management signage proposed includes:

- Branded directional signage
- Double clearance bar delineating the “order” vs “mobile pick-up” lanes.
- Wayfinding signage for the “order lane” vs “mobile pick-up” lanes.

The board may wish to clarify if the signage with references to “mobile pick-up” lane is accurate given the new site layout.

Operations.

The proposed business is expected to have 20 employees, with 6 employees working per shift. The proposed hours of operation are from 4am-9pm, seven days a week. Deliveries are anticipated between 9am-5pm, with daily deliveries via a “small truck” and two other deliveries weekly.

The business anticipates serving 500 customers per day.

Traffic Generation Analysis. A traffic assessment report has been submitted with the application. The assessment includes automatic traffic recorder data collected on Ashley Boulevard for a 48 hour period from Tuesday, November 6, 2018 to Wednesday, November 7, 2018. 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 use. ITE standards are based on data collected for the same use across the country.

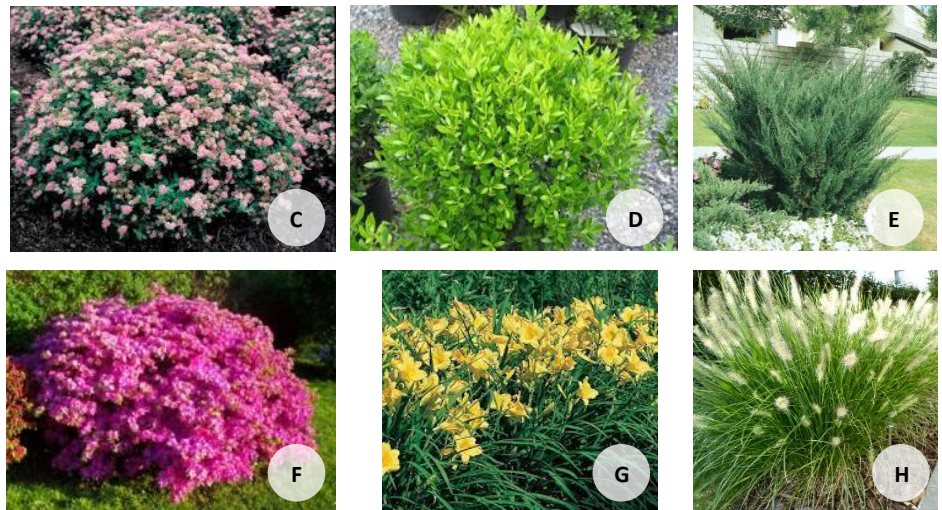
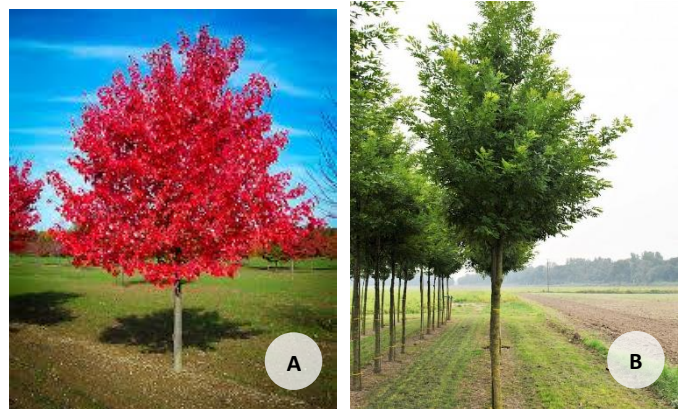
The automatic traffic recorders (ATRs) recorded traffic volumes of 11,800 vehicles per day on this segment of Ashley Boulevard. The study observed traffic peaks in this area in the morning from 7AM-8AM and afternoon from 4PM-5PM. The morning peak hour recorded volume of 630 vehicle trips, while the afternoon peak recorded 400 vehicle trips.

The report by McMahon Transportation Engineers and Planners utilizes the Institute of Transportation Engineers Institute (ITE) standards for trip generation calculations. The study predicts a total of 1,640 site trips per day. The site is predicted to see a volume of 178 trips in the morning peak and 86 trips in afternoon peak. The board should note trips are counted as both entering and exiting the site. They also note a caveat that much of the site traffic 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 generate a total of 179 “new” trips per day impacting the surrounding roadway network. The morning peak (7am-8am) is predicted to see an additional 19 “new” vehicle trips, while the afternoon peak (4pm-5pm) is predicted to have 8 additional “new” vehicle trips to the surrounding roadways.

Sight distances were also assessed at all driveways. The sight distances for the proposed Ashley Boulevard drive exceed the recommended standard distances. The York Street drive exceeds sight distance looking east; yet is shorter than standards looking west to the intersection at Ashley Boulevard. The report notes that sight distances are available through the intersection.

Landscaping. Grass areas and mulched landscaped beds are proposed along the perimeter of the site. Trees are proposed along the rear property line and in the sidewalk grass ribbon.

The trees proposed are: a.) Five October Glory Red Maple trees, along the rear property line and b.) three Princeton Upright Pagoda trees in the sidewalk grass ribbon on York Street. The other proposed plantings throughout the site include shrubbery, perennial flowers, ornamental grasses: c.) three little princess Spirea, d.) fifteen shamrock inkberry holly, e.) seventeen sea green juniper, f.) twenty-five traditional pink azaleas, forty-eight dark American arborvitae, g.) sixty 2-gallon happy return daylily containers, h.) five 22-gallon dwarf fountain grass containers.



A six foot (6') high, vinyl fence is proposed along the rear property line to act as a screen for the abutting residential properties.

Snow Storage & Waste Receptacles. A snow storage area is proposed in the rear (east side) of the site. Trash and recycling dumpsters are proposed on a reinforced concrete slab located behind the building (north side). The trash and recycling will be enclosed by an 8'-9" wood frame enclosure with fiber cement board siding on the north, south, and east elevations; and chain link gates with vinyl privacy slats on the west elevation.

Stormwater. The applicant has revised the proposed new stormwater management system on-site to include: three deep sump hooded catch basins, which will drain to an underground infiltration system consisting of twelve 3.5' Retain-It Chambers. A rooftop runoff system will also drain to the underground system. According to the Stormwater Report, the system is designed to provide at least 80% removal of Total Suspended Solids in accordance with the MassDEP Stormwater regulations. The proposed stormwater management system also results in a reduction in peak runoff rates from the site when compared to the existing conditions for the 2-, 10-, 25-, and 100-year storm frequencies. The system is designed to retain and infiltrate the first one inch of runoff from all impervious cover on site, per the New Bedford Stormwater By-law.

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

In regard to ground signs: the applicant proposes a pylon sign, directional signage, preview menu board, menu board, and a double clearance bar for the drive-thru.

- An LED internally illuminated **pylon sign** is proposed at the northwest corner of the site. The overall sign area as proposed is 25 SF, with an overall height of 10' width of 2'-1", and depth of 2'-1". The face will be formed clear polycarbonate with decorative vinyl applied. With the word "Dunkin'" and "Drive-Thru" in the colors in the vinyl design are orange, magenta, and dark brown.
- Six branded, internally illuminated, **directional signs** are proposed; two at the Ashley Boulevard driveway; one at the York Street driveway; three around the building to direct vehicles through the drive-thru. The overall sign area of the directional signs as proposed will be 2.75 SF (sign face), with an overall height of 4'-10", width of 2'-10", and depth of 4". The sign face as proposed is a light gray, the base and accents a darker gray, and lettering to be magenta and orange. The sign wording is to include "DD", and "Dunkin'" with additional words depending on the sign location to include "Do not enter", "See you soon", "Welcome Back", and "Drive Thru" with arrows.
- An internally illuminated, **menu board** is proposed in the north side of the building. The overall sign area as proposed is 36.8 SF, with an overall height of 7'-4", width of 8'-6", and depth of 8". The menu board as proposed would be an aluminum cabinet with plexiglass doors. The aluminum cabinet is proposed to be a dark brown, with orange and magenta door frames.
- An internally illuminated, **preview board** is also proposed on the north side of the building. The overall sign area as proposed is 15.75 SF, with an overall height of 7'-3", width of 3'-1", and depth unknown. The sign as proposed would be in a brown aluminum clad cabinet.
- An overhead **double clearance bar** is included in the site details page on Sheet 16. As shown in the details the signage is intended to warn drivers of the drive-thru awning clearance of 10' as well as designate the "mobile order pick-up lane" from the "order lane". The double clearance bar is proposed on the north side

of the building over the drive-thru lane. As proposed, the sign will have an overall height of 12'-2 1/8" with an overall width of 14'6" with an extended arm in each direction from a center pole. The clearance bar is proposed to be charcoal gray colored aluminum. A hanging reflective orange and white striped crash tube with the warning words "Clearance 10 FT" will hang down from each of the extended arms. An internally illuminated sign will be installed on top of each extended arm. The first internally illuminated sign will have the words "Order Lane" with orange lettering and "Mobile Order Pick Up" with magenta lettering on the other. An 18"x45" sign will be installed on the middle pole also indicating the "order lane" from the "mobile pick-up" lane. **It is unclear however from the revised site plan if this is the correct signage proposed. As the site plan shows a single arm clearance bar. The board may wish to have this clarified.**

- A **wayfinding sign** is shown in the site details on sheet 16; **however its location is not shown on the site plan.** The wayfinding sign as proposed is 9 SF, with an overall height of 6', width of 1'-6", and depth of 4". It would be single sided. No specifications as to color or materials was provided. **The board may wish to clarify if this sign is proposed and its location.**
- An **ordering speaker station with canopy** is also proposed for the drive-thru. While no signage is shown on the structure it appears a screen is incorporated in the pole along with the speakers. If this is a digital display it may need to be re-reviewed by the Zoning Enforcement Officer for conformance with the zoning code. The overall height of the structure is unknown but presumed to be minimum clearance of 10' as the clearance bar precedes the structure in the lane. The Canopy will extend 7' from the pole over the drive-thru lane and have a width of 6'.
- **Wall signage** includes internally illuminated channel lettering in multiple locations. On the front (south) elevation of the building is a 12'-6' width x 2' height channel letter sign with the word "DUNKIN". The lettering colors are orange and magenta. On each the east and west elevation is a 6'-9" width x 3'-6" height channel letter sign with the word "DD" in orange and magenta. Also, on the west elevation and east elevations additional channel letter signs with the wording "Something Fresh is Always Brewing" and "New Bedford Runs on Dunkin", respectively, white in color, are shown without specifications as to sizing. No wall signage is shown on the rear (north) elevation.

Lighting. The applicant has revised the lighting plan and cut sheets for the proposed site lighting. The proposed site lighting includes:

- A. 4 – 15' tall LED Area lights, two are proposed along the rear of the lot, one on the north side at the drive-thru ordering station, and one at the southwest corner of the site. *Please note: specifications were not submitted for these light fixtures;*
- B. 4 – WAC Lighting wall-packs installed at 12' height; two on the north elevation and two on the east elevation.
- C. 4 – LED down lights are to be installed under the drive-thru canopy; *Please note: specifications were not submitted for these light fixtures;*
- D. 3 – Hi-Lite gooseneck decorative lighting on the west elevation in the rear over the channel letters sign.
- E. Staff notes the elevation plans show 3 additional Hi-Lite gooseneck decorative light fixtures on the east elevation, which are not shown on the lighting plan.
- F. Staff note something unknown is drawn over the drive-thru canopy. Staff presume it is a light fixture, but no details are provided. The board may wish to clarify.

Audible Exhibit (Drive-Up Speaker Sound). The applicant has provided an audible exhibit for the drive-up speaker and speaker specifications. The specifications note that the volume can be set to an audio sound pressure level of 65 decibels (dB) by the installer. The exhibit further shows the sound decibel (dB) levels at various radius distances away from the speaker box when the speaker is set for 65 dB at 4' from the speaker box. A chart of the proposed speaker volume and sound dispersal levels is provided below. A second chart is of a list of decibel comparisons for reference.

Proposed Drive-Thru Speaker Sound Levels	
Distance from speaker box	Decibels
4 feet	65 dB
8 feet	59 dB
16 feet	53 dB
32 feet	47dB
64 feet	41 B

The board may wish have the volume control be set to a **maximum of 65 decibels at a distance of 4 feet** as shown in the exhibit. Further, the board may consider the system includes an Automatic Volume Control so that the outbound sound level is never more than 15 decibels above the ambient noise level.

Decibel comparison Chart	
Source: https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf	
Environmental Noise	Decibels
Jet Engine	140
Pain Begins	125
Chain saw 3'	110
Subway train at 200'	95
Level at which sustained exposure may result in hearing loss	80-90
City traffic	85
Telephone dial tone	80
Vacuum cleaner	75
Moderately loud	70
Normal Conversation	60-70
Business Office	60-65
Quiet	50
Suburban area at night	40
Whisper	25
Quite natural area no wind	20

Review Comments

As required under city ordinance, the original 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 submitted comments dated January 2, 2019 on the original proposal. The comments include a detailed list of 24 numbered items.

Sarah Porter, Conservation Agent, has informed submitted comments noting the project “does not require Conservation Commission approval since no state or local wetlands resources are located on the property”. As required under city ordinance, the **revised** case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

Comments on the revised submittal 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 “Site Development Plans for: Dunkin’ Brands with Drive-Thru Location of Site: 970 Ashley Boulevards, City of New Bedford Bristol County, Massachusetts” dated 2/13/18 with revision date 3/22/19, date stamped received by City Clerks’ Office March 26, 2019. Plans were prepared by Bohler

Engineering, Southborough, MA, and stamped by James A. Bernardino, PE. The plan set consists of the following sheets:

- Sheet 1 Cover Sheet
- Sheet 2 General Notes Sheet
- Sheet 3 Demolition Plan
- Sheet 4 Site Plan
- Sheet 5 Grading & Drainage Plan
- Sheet 6 Utility Plan
- Sheet 7 Soil Erosion & Sediment Control Plan
- Sheet 8 Soil Erosion Control Notes & Details Sheet
- Sheet 9 Landscape Plan
- Sheet 10 Landscape Plan Notes & Details Sheet
- Sheet 11 Lighting Plan
- Sheet 12 Truck Turn Plan
- Sheet 13 Construction Detail Sheet
- Sheet 14 Construction Detail Sheet
- Sheet 15 Construction Detail Sheet
- Sheet 16 Construction Detail Sheet

The following additional plan materials were also submitted:

- "Boundary & Topography Survey for John T. Ricciuti", Prepared by Control Point Associates, Inc, dated
- Drawing K1.1 Proposed Floor Plan, "Dunkin' Brands 970 Ashley Blvd Avenue, New Bedford, MA", dated October 25, 2018. Plans were prepared by AHaronian & Associates Inc., in Smithfield, RI, unstamped.
- Elevations -"Dunkin' Donuts 970 Ashley Boulevards New Bedford, MA", dated March 20, 2019, consisting of 2 sheets. Plans were prepared by AHaronian & Associates Inc., unstamped.
- Cut/Fill Exhibit, "970 Ashley Boulevard New Bedford, Massachusetts", dated 12/06/18, prepared by Bohler Engineering.
- Proposed Pylon Sign -"Dunkin' Donuts 970 Ashley Boulevards New Bedford, MA", dated November 12, 2018. Plans were prepared by AHaronian & Associates Inc., unstamped.
- Drawing DD-SS-DS-01 Directional Sign- Fabrication / Install Details, drawn by P.Charboneau, dated 10/04/2018
- DT - DD Rotating Preview Board (Optional), prepared by Everbrite, dated 9/30/09
- Drawing DT-1 -"2 Panel DD Menu Board No Speaker", prepared by Hilton Displays, dated 10/16/14 with revisions through 7/22/15, consisting of 4 sheets.
- Double Clearance Bar, prepared by Uni-Structures, Inc., dated 5/18/2018.
- Footing Detail, prepared by Uni-Structures, Inc., not dated.
- Assembly #203162-01, prepared by Uni-Structures, Inc., dated 1/24/2018

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

- **Waivers**

The applicant submitted a number of waiver petitions for consideration by the Planning Board in the Development Impact Statement letter. The majority of the requests are to waive a strict adherence to the application checklist requirements and directions for plan sheet contents. As the information is simply provided elsewhere than where strictly required, staff recommend acceptance of the waiver requests.

One waiver is for the test pits and is noted that they are scheduled to be performed. Staff does not recommend a waiver of the requirement but would recommend the board condition that this information be added to revised plans and submitted to the case file.

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:
 - The area in front of the trash enclosure is to be striped “no parking”.
 - The correct signage plan and specifications are submitted for review and approval by the board.
 - Notes to be added to the plans that the wireless communication system (drive thru speaker) volume control is to be set to a maximum of 65 decibels at a distance of 4 feet and includes an Automatic Volume Control so that the outbound sound level is never more than 15 decibels above the ambient noise level.
 - All light fixture specifications are to be submitted for the file.
 - Test pit information is to be added to the plans once the tests have been completed. After the completion of the geotechnical exploration has been completed and submitted for Planning Staff 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 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.

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

970 Ashley Boulevard Map: 127D Lot: 89 & 98

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

