



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

STAFF REPORT

REPORT DATE
January 4, 2019

PLANNING BOARD MEETING
January 9, 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

Request by applicant for **Site Plan** approval for new construction of 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.

Additionally, the applicant requests 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 on this site. **The applicant proposes 16 parking spaces where 25 spaces and 1 loading space are required under ordinance. Therefore the applicant requests a reduction of 9 parking spaces and 1 loading space.**

Note: The proposal also requires a 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 are scheduled to be heard February 14, 2019.

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.



Proposed Conditions

The proposal is for the new construction of a 2,002 SF fast-food restaurant (Dunkin’) with drive-thru window. The building is proposed in the approximate middle of the site with a double drive-thru lane circling the proposed building. The two lanes (drive-thru lane and “mobile pick-up” by-pass lane) will merge in the northwest corner of the site into one lane along the west side of the site. Parking will be provided in the southern portion of the site. Vehicles will enter the site via a driveway off of 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 & Loading. The applicant proposes to provide sixteen (16) off street parking spaces. As shown on plans submitted, the applicant proposes all sixteen on the south side of the site. One (1) handicapped space is proposed directly adjacent to the front entrance of the building. No bicycle parking accommodations are proposed. A loading space is not proposed.

Under the zoning ordinance the proposal requires twenty-six (26) parking spaces: twenty-five (25) parking spaces and one (1) loading space; therefore the applicant petitions for a Special Permit to allow for a parking reduction. The applicant requests a reduction to sixteen (16) parking spaces.

Circulation. The site as proposed would have two driveways; one bi-directional (entrance & exit) while the other would be an exit only. Vehicles will therefore access the site via the main entrance on Ashley Boulevards 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, wrapping around the rear of the building where they will merge into one lane, and then continue around the west side of the building to the drive-thru window. One lane is a traditional drive-thru lane where customers drive up to a menu board with voice box to place their order. The second lane is a “mobile pick-up” by-pass lane where the customer has pre-ordered via a mobile device.

A truck turning movement exhibit has been submitted with the application showing that large delivery trucks or emergency vehicles would enter the site via the Ashley Boulevard entrance and exit via the York Street exit. DPI comments note a concern about the turning exhibit.

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

- Directional arrows at 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” and “Mobile Pick-up” to differentiate the lanes
- Painted lines for the drive-thru lanes;
- Striped parking spaces;
- Marked Handicapped parking space with striped loading zone.

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.

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.

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

<u>Parking Calculations</u>	
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

Landscaping. Grass areas and mulched landscaped beds are proposed along the perimeter of the site. The proposed plantings throughout the site include shrubbery and perennial flowers: a.) sixteen New Jersey tea b.) twenty-three Sea Green Junipers, c.) twenty-eight Traditional Pink Azealeas and d.) thirty-two "happy return" daylilies. The landscaping is proposed predominantly along the rear property line and around the building – with beds proposed bookending the parking area in front of the building as well as an area around the menu board in the rear of the building. The frontage landscaping is proposed as turf with small landscape beds planted with daylilies at the driveways.



A six foot (6') high, opaque 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 on the southeast corner of the site at the end of the parking area. The trash and recycling will be enclosed by a six foot tall vinyl fence with gates.

Stormwater. The applicant proposes a new stormwater management system on-site to include: three deep sump hooded catch basins, which will drain to an underground infiltration systems consisting of fifteen 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.

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

In regards 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 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 signage materials are not specified. The sign will have a white face with magenta and orange colored wording. The wording shown is to include "Dunkin'", and "Drive Thru". The sign base and surround is shown as gray.
- **Six branded 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 2.7 SF (sign face), with an overall height of 4'-10", width of 2'-10", and depth of 4". It is presumed but not stated in the submission that the directional signage will be internally illuminated. 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 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 lanes. 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 the 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 unknown if this sign is internally illuminated or a flat sign. The board may wish to confirm.

- 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 the 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. The board should condition any approval that all sign specifications be submitted for review and for the case file.

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

- A. 2 – 20’ tall LED Area lights, both are proposed on the south side for lighting the parking area. *Please note: specifications were not submitted for these light fixtures;*
- B. 2 – 20’ tall LED Area lights, shielded; both are proposed over drive-thru lanes – one on the east side of the building and the other on the north side. *Please note: specifications were not submitted for these light fixtures;*
- C. 3 – WAC Lighting wallpacks installed at 12’ height; two on the northeast corner of the building and one on the west side of the building.
- D. 4 – LED down lights are to be installed under the drive-thru canopy; *Please note: specifications were not submitted for these light fixtures;*
- E. 3 – Hi-Lite gooseneck decorative lighting on the west elevation in the rear over the channel letters sign.

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. Further, staff notes that some of the light fixture specifications submitted does not match the fixtures noted in the lighting plan while others are missing. The applicant should submit the correct specifications.

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 has submitted comments dated January 2, 2019. 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”.

Additional 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 “Site Development Plans for: Dunkin’ Brands with Drive-Thru Location of Site: 970 Ashley Boulevards, City of New Bedford Bristol County, Massachusetts” dated 12/06/18, date stamped received by City Clerks’ Office December 11, 2018. 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

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 101 Belleville Avenue, New Bedford, MA”, dated October 25, 2018. Plans were prepared by AHaronian & Associates Inc., in Smithfield, RI, unstamped.
- Proposed Pylon Sign –“ Dunkin’ Donuts 970 Ashley Boulevards New Bedford, MA”, dated November 12, 2018. Plans were prepared by AHaronian & Associates Inc., unstamped.
- Elevations -“Dunkin’ Donuts 970 Ashley Boulevards New Bedford, MA”, dated December 5, 2018. 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.
- 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:
 - Bicycle racks are to be installed on site [*in location specified by board*].
 - The correct light fixture specifications are to be submitted for the file.
 - The site plan is to be revised to show only one drive thru window/canopy.
 - 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.

