



CITY CLERKS OFFICE  
**PLANNING BOARD**  
City Hall, Room 303  
133 William Street  
New Bedford, MA 02740  
(508) 979-1488  
[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

Registry of Deeds/City Clerk Use Only:

**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number:	18-39			
Request Type:	Special Permit			
Address:	152-160 Belleville Avenue			
Zoning:	Industrial A Zoned District			
Recorded Owners:	DBD Investments, LLC			
Owner Address:	73 Columbia Street Fall River, MA 02721			
Applicant:	SITEC, Inc.			
Applicant Address:	449 Faunce Corner Road Dartmouth, MA 02747			
Application Submittal Date	Public Hearing Date(s)	Decision Date		
September 14, 2018	October 10, 2018	October 10, 2018		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
93	138 & 216	12491	275	

**Application:** SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) on behalf of DBD Investments, LLC (73 Columbia Street Fall River, MA 02721) for a Special Permit for a reduction in the number of parking spaces required for a commercial storefront located at 152-160 Belleville Avenue (Map 93 Lot 138) on a 0.25± acre site in a Industrial A (IA) zoned district.

**Action:** GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this Decision was filed with the City Clerk of the City of New Bedford on October 24, 2018. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

10/24/2018

Date

Kathryn Duff, Chair  
City of New Bedford Planning Board

### **1) APPLICATION SUMMARY**

SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) on behalf of DBD Investments, LLC (73 Columbia Street Fall River, MA) for a Special Permit for a reduction in the number of parking spaces required for a commercial storefront located at 152-160 Belleville Avenue (Map 93 Lot 138) on a 0.25± acre site in a Industrial A (IA) zoned district.

The request is for the number of required parking spaces to be reduced from nineteen (19) to nine (9) spaces, a reduction of ten (10) spaces.

The following decision granted a reduction from nineteen (19) to nine (9) spaces, a reduction of ten (10) spaces.

### **2) MATERIALS REVIEWED BY THE PLANNING BOARD**

#### **Plans Considered to be Part of the Application**

- ❑ Plan - Variance Petition Plan Map 93 Lots 138 & 216 152-160 Belleville Avenue in New Bedford, MA prepared for DBD Investments LLC; dated June 18, 2016; date stamped receive by City Clerk's Office September 14, 2018. The plan was prepared by SITEC, Inc., in Dartmouth, MA and stamped by Sean Michael Leach, PLS.

#### **Other Documents and Supporting Materials**

- ❑ Special Permit Application, stamped received by City Clerk's Office September 14, 2018.
- ❑ Certified Abutters List
- ❑ Bristol County (S.D) Registry of Deeds Book 12491, Page 275
- ❑ Department of Planning, Housing & Community Development Staff Report dated October 5, 2018
- ❑ Department of Public Infrastructure (DPI) Comments dated October 1, 2018

### **3) DISCUSSION**

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, and Kamile Khazan were in attendance at the October 10, 2018 meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion.

Mr. Steven Gioiosa, SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) on behalf of DBD Investments, LLC (73 Columbia Street Fall River, MA) presented the proposal. Mr. Gioiosa described the Special Permit request as unusual as nothing on the lot was changing but rather the proposal is for an Approval Not Required (ANR) Plan proposed to divide the existing lot into two lots. The property is a single lot with two structures: one residential dwelling and one commercial building. The petitioner wants to separate the property as a family member resides in the residential property. The reasoning is that if the family ever sells the commercial property they can retain rights to the residential property and have parking on-site.

Mr. Gioiosa explained the proposal is to divide the lot so that the two-family dwelling has two parking spaces in the rear lot and two spaces in the attached garage. The commercial building would have nine parking spaces; two parking spaces in the attached garage, four on the north side of the rear parking lot, and three on the south side of the rear lot. He noted nine parking spaces are proposed, where nineteen are required under ordinance for the commercial use. The parking and buildings exist, he explained, however by dividing the lot there is not enough parking for the commercial use as required under ordinance. He acknowledged, with the lot division, the access isn't wide enough to access the parking for either lot therefore an overlapping access easement will be recorded with the ANR plan for both lots. He also noted

on-street parking is available on Belleville Avenue and any change to the use of the commercial building may trigger additional permits and review of parking requirements in the future.

Chair Duff noted the limited width of the access drive and two egress doors that exit into the laneway. She expressed a concern for safety. She noted the doors cannot be blocked by vehicles. Also, she expressed concern for visibility in the laneway as only one vehicle can be in this area at a time.

Mr. Gioiosa said he was not aware of any accidents with the site egress and noted the laneway area is a fire lane. Vehicles are not supposed to park there. Further, given the site the commercial use would be limited to a low intensity use.

It was noted that the project also required approval from the Zoning Board of Appeals in order to be allowed to divide the lot with insufficient lot frontages and lot sizes. Chair Duff noted the ZBA approval is required for the lots to be created, otherwise the parking issue before the Planning Board for the commercial lot (Parcel 2) is moot.

The board discussed the site limitations, noted the neighborhood is dense, and that the parking reduction was in line with the master plan goals to create walkable neighborhoods. It was noted, however, that parking reductions were intended to allow for reduce lot coverage and provide green space. Chair Duff asked if there was any opportunity to add green space on-site.

Mr. Gioiosa offered that a five foot (5') wide green area could be provided in the rear on both the north and south sides, in front of the parking spaces proposed. He also agreed to a condition that the applicant stripe the area "no parking" between the two buildings.

Board Member Glassman made a motion, seconded by Board Member Cruz to open the public hearing. The motion passed unopposed.

In response to Chair Duff's invitation to speak or be recorded in favor, no one in attendance spoke in favor of the petition or wished to be recorded in favor of the petition.

In response to Chair Duff's invitation to speak or be recorded in opposition, no one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

Board Member Glassman made a motion, seconded by Board Member Cruz to close the public hearing. Motion passed unopposed.

The board briefly discussed the case and conditions before indicating a readiness to vote.

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Mr. Cruz to approve Case #18-39, for Special Permit for a reduction in the number of parking spaces required for a commercial storefront located at 152-160 Belleville Avenue (Map 93 Lot 138) on a 0.25± acre site in a Industrial A (IA) zoned district. Applicant: DBD Investments, LLC (73 Columbia Street Fall River, MA 02721). Applicant's Agent: SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA); a reduction of ten (10) spaces from nineteen (19) for a total nine (9) spaces on-site. The approval is subject to:

**Specific Conditions:**

1. An access easement shall be recorded and submitted to the case file.
2. This approval is for Parcel 2 as shown on plans submitted.
3. The project requires approval by the New Bedford Zoning Board of Appeals. Any conditions imposed in such approval shall also be conditions of this special permit.
4. Provide plans depicting a five foot (5') wide green space is to be installed on the north and south sides of the lot in the rear.
5. Provide plans indicating the area between the buildings to be designated a "no parking area" and striped.

**General Conditions:**

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. 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.
10. The applicant shall ensure that a copy of the recorded decision be provided for the Planning Division Case file folder.
11. 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.
12. 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.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved four (4) to zero (0).

Board Chair Duff -- Yes

Board Member Kalife-Yes

Board Member Glassman -- Yes

Board Member Cruz -- Yes

Filed with the City Clerk on:

10/24/2018

Date



Kathryn Duff, Chair  
City of New Bedford Planning Board