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STAFF REPORT

REPORT DATE
October 5, 2018

PLANNING BOARD MEETING
October 10, 2018

Case #18-39: SPECIAL PERMIT
152-160 Belleville Avenue
Map: 93 Lot: 138 & 216

**Owner/
Applicant:** DBD Investments, LLC
c/o Dan Quintal
73 Columbia Street
Fall River, MA 02721

**Applicant's
Agent:** SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747



152 Belleville Avenue
Looking west from Belleville Avenue

Overview

Request by applicant for a **Special Permit** for a reduction in the number of parking spaces required for a commercial storefront, located at 152 Belleville Avenue (Map: 93, Lot: 138 & 216), on an 8,100 SF lot* in an Industrial A [IA] zoned district.

The applicant **proposes nine (9) parking spaces** where **fifteen (15) are required** under zoning ordinance.

Note: The property is currently a 10,900 SF merged lot with two structures: a two family dwelling (160 Belleville Ave.) and a commercial building (152 Belleville Ave.). The petitioners propose to divide the lot via the Approval Not Required (ANR) process. The proposed division will create two lots with each structure on its own individual lot, as shown on the plans submitted with the application.

***Parcel 2 (152 Belleville Ave.) as shown on the plans is the subject site for this special permit request before the board.**

The proposed lot division requires a variance for dimensional requirements and a special permit for a change to an existing non-conforming structure from the Zoning Board of Appeals. The ZBA will hear the cases on October 18, 2018. **The board may wish to continue the case until the Zoning Board of Appeals has made a determination or condition any approval upon the applicant receiving approval from the Zoning Board of Appeals.**

Existing Conditions

Currently the property is a 10,900 SF lot with two structures on the lot: a two family dwelling (1,776 SF) and a vacant commercial building (2,944 SF). The remainder of the parcel is paved. A retaining wall with fencing encloses the rear of the lot.

A single access drive located between the two buildings provides access to a rear parking area and garage bays. Both structures have attached garages. The two-family dwelling has an attached garage/storage structure (17'x20') in the rear with wooden swing doors. The commercial building also has an attached garage (20'x24') in the rear with two overhead garage doors. A third overhead garage door is located in the rear of the commercial building where the building jogs to form an "L" shape. The site currently can accommodate up to thirteen (13) parking spaces - nine (9) parking spaces in the paved area and four (4) additional spaces in the garages. A drainage basin is located in the rear parking lot.

On-street parking is allowed on both sides of Belleville Avenue along this block. However, parking is limited to 30 minutes except for weekends and holidays on the west side of the street directly across from this site. Traffic is relatively heavy as this site is in close proximity to the signalized intersection of Belleville Avenue at Coggeshall Street. SRTA bus Route 2 outbound services this section of Belleville Avenue and nearby Market Basket. The Route 2 inbound bus serves other bus stops in the surrounding neighborhood but not this section of Belleville Avenue.

The surrounding neighborhood is a dense mixture of commercial and residential uses. Multifamily residential properties are directly abutting on all sides and directly across the street. Autobody repair and auto sales shops, a cellular service provider store, and a liquor store are commercial uses present in this block. The cellular storefront (metroPCS) and liquor store (R&B Liquors) are located on the ground floor of mixed residential and commercial structures.

Proposed Conditions

This project before the Planning Board is for consideration of a Special Permit for a parking reduction for the proposed Parcel 2 (152 Belleville Avenue).

The proposed conditions remain mostly the same in regards to the physical site layout. The proposed change is a legal lot line change where a new property line is drawn between the single access drive. The plot line division proposed creates a rectangular, 2,800 SF, lot around the two-family dwelling (Parcel 1); and an "L" shaped, 8,100 SF, lot around the commercial building. The result is a total of nine (9) parking spaces remaining on Parcel 2, where fifteen (15) are required under zoning ordinance for a commercial use. Of the nine spaces proposed, seven (7) parking spaces are proposed in the paved area and two (2) spaces are proposed in the garage.



Demand and Operations

The commercial use is not specified for this proposal. The applicant indicates in the project narrative that “it is reasonable to assume that any future business operation would be of similar parking needs.”

Without a specified use it is difficult to assess the vehicular demands the site may have.

Staff note the site is located in an Industrial A zone which might result in large vehicles entering and exiting the site. As the proposed half of the driveway shown allocated to Parcel 2 is approximately 7.5'± wide, the Board may consider conditioning the approval with an access easement to ensure the driveway entrance width remains wide enough for vehicles accessing either parcel.

Review Comments

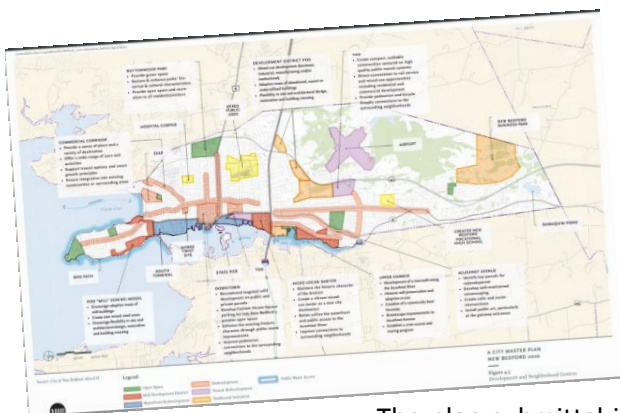
As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The Department of Public Infrastructure informs the board “there is no proposed work in the City layout, we have no comments.”

No other comments from city departments were received as of the writing of this report. Any comments received will be made available at the public meeting.

Master Plan Goal

The proposal for a Special Permit for parking reduction is consistent with the master plan’s goal to have Belleville Avenue as a commercial corridor that allows for a variety of destinations.



152 Belleville Avenue
Garage & Rear of building



160 Belleville Avenue
Garage & Rear of building



Rear parking area
Looking northwest from SE corner of property

Materials for Consideration

The plan submittal is shown as Variance Petition Plan Map 93 Lots 138 & 216 152-160

Belleville Avenue in New Bedford, MA prepared for DBD Investments LLC. The plans were prepared by SITEC, Inc., in Dartmouth, MA and stamped by Sean Michael Leach, PLS.

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

- **Waivers**
There are no waiver petitions submitted by the applicant for consideration by the Planning Board.
- **Development Impact Statement (DIS)**
The applicant has provided a brief DIS for the proposed development. Development Impact Statements are not required unless requested by the Board.
- **Traffic Impact & Access Study**
The applicant has not provided a traffic analysis for the proposed development. Traffic Impact and Access studies are not required unless the Board requests it.

Parking and Loading Requirements

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	One (1) space per each 200 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 sq. ft. gross floor area, one space per 400 sq. ft.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area

Parking Calculations	
19 parking spaces (3,664 SF / 200 SF)	1 Loading space (1 for >5,000 SF< 10,000 SF)
19 Total parking spaces required	1 Loading space required

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.

The majority of the expected occupants of the facility will be children, which reduces the expected vehicular demand at the site. The site is also in close proximity to available public transit.

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.**
The proposed lot line change would allow for the parcels to be conveyed separately, which could be seen as an economic benefit.
- **Traffic flow and safety, including parking and loading.**
The lot division creates clearly designates parking areas for both parcels which could be seen as a benefit for the orderly use of the parking area on the site. The driveway width reduced to approximately 7.5' for Parcel 2 from the existing shared width of 12' **could be problematic for traffic flow** and safety unless there is evidence this area will have an access easement across it for both parcels' use. The driveway location between two buildings is not ideal for sightlines but it is an existing condition.
- **Adequacy of utilities and other public services.**
Existing utilities and public services will remain unchanged for the site.
- **Neighborhood character and social structures.**
The commercial use of the property is consistent with the previous use of the site and the mixed use neighborhood.
- **Impacts on the natural environment**
No new impacts on the natural environment are anticipated as a result of this proposal.
- **Potential fiscal impact, including impact on City services, tax base, and employment**
The separation of the structures into two separate parcels may increase the independent value of either or both.

Staff Recommendations



Special Permit 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 Special Permit request for the project:

That the following specific conditions be applied to this decision:

- An access easement to ensure the driveway entrance width remains wide enough for vehicles accessing either parcel be recorded and submitted to the case file.
- This approval is for Parcel 2 as shown on plans submitted.
- 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.

That the following general conditions 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.
- 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/>)

152-160 Belleville Avenue Map: 93, Lot: 138 & 216

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

