



## City of New Bedford

### Department of Planning, Housing & Community Development

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## STAFF REPORT

### REPORT DATE

July 30, 2018

### PLANNING BOARD MEETING

August 8, 2018

#### Case #18-36: SPECIAL PERMIT

NS Rivet St./ ES Hyacinth St.  
Map: 30 Lot: 235, 233, & 231

#### Owner:

Roman Catholic Bishop of Fall  
River Corporation  
PO Box 2577  
Fall River, MA 02722

#### Applicant:

North Star Learning Centers, Inc.  
53 Linden Street  
New Bedford, MA 02740



#### Overview

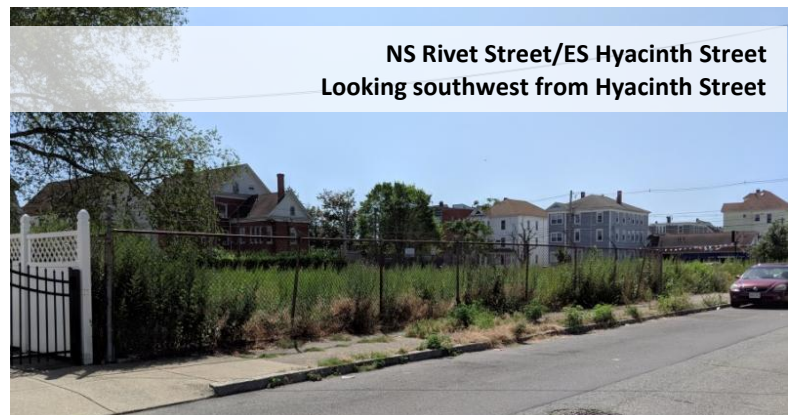
Request by applicant for a **Special Permit** for a reduction in the number of parking spaces required for a child care facility with associated administrative offices, located at **NS Rivet Street/ES Hyacinth Street** (Map: 30 Lots: 235, 233, & 231) on a 0.74± acre parcel in a Residential C [RC] zoned district.

The applicant **proposes nineteen (19) parking spaces** where **thirty-eight (38) are required within the zoning ordinance**. The applicant therefore seeks a reduction of **nineteen (19) parking spaces**.

**Due to the proposed educational use of this site, the project is subject to M.G.L C. 40A Sec. 3, the Dover Amendment.**

#### Existing Conditions

The existing site, formerly the site of St. Hyacinth's Church, is a 32,547 SF vacant lot located at the northeast corner of the Rivet Street and Hyacinth Street intersection. The relatively flat lot has 151'± of frontage on Rivet Street and 262'± on the adjacent Hyacinth Street. The lot currently has areas of broken bituminous concrete, gravel, and



overgrown vegetation. Concrete blocks, boulders, and a section of barbed wire fence define the property boundary. Concrete sidewalks are present on both street frontages. Two street trees are located along the Rivet Street frontage in tree wells. There is one existing driveway curb cut along the Rivet Street frontage.

Rivet Street and Hyacinth Street allow for two-way traffic flow. Thompson Street, intersecting at the north end of the Hyacinth Street, is one-way west bound. No parking is allowed on the north side of Rivet Street along the length of this property. One SRTA bus route (route 4) serves Rivet Street and another route (route 1) serves nearby County Street. A SRTA bus stop for the Route 4 bus is located within this block, and a stop for the Route 1 bus is located two blocks east on County Street.

The surrounding neighborhood is a dense residential neighborhood with a mixture of commercial and residential uses present. Directly abutting this property to the east is a parking lot owned by Bank5 and directly south across Rivet Street is Joe's Auto Sales. All other abutting and adjacent uses are multifamily or group residential uses.

### **Proposed Conditions**

This project before the Planning Board is for consideration of a Special Permit for a parking reduction.

The petitioner proposes constructing a 16,072 SF, modern child care facility with associated administrative offices. The proposed "C" shaped building will be positioned in the southwest corner of the site. As proposed, the building will have two stories along the west side (Hyacinth Street) frontage and taper down to a single story on the east side of the site. Two grass play areas are proposed on the east side of the site.

An eighteen (18) space parking lot is proposed in the northwest corner of the site. This parking lot will include one (1) ADA accessible handicapped parking space. Two curb cuts are proposed to provide ingress/egress to the lot. The driveways will be limited to one entrance and one exit drive to control traffic flow. One (1) loading space is proposed in the southeast corner of the site to provide access to a screened waste/recycling area. The application indicates there will be eight (8) short term bicycle parking spaces, however these spaces nor a bicycle rack are indicated on the plan set. The site plan also does not have a designated drop-off area. Parking and loading requirements require the site to have thirty-five (35) parking spaces, three (3) drop-off zone spaces, and one (1) loading space (see table below).

### **Demand and Operations**

The application indicates the child care facility and offices will have thirty-five (35) employees, with the hours of operation from 6am-6pm, Monday-Friday. Deliveries are anticipated between the hours of 10am-12noon. The application does not specify the number of customers/clients to be served. However, the cover sheet of the plans indicates the facility as designed can accommodate one hundred and thirty-five (135) children and thirty-five employees, for a total maximum occupancy of one hundred and sixty-nine (169). Information about operations has not been provided, such as the number of part-time employees, various shift times, or anticipated child drop-off and pick-up time periods.

### **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 informed staff they will need additional information for further permitting of the project. However, the additional information would not impact the special permit review for a parking reduction. DPI requests the applicant submit the following plans for their review: sidewalk and driveway work in the City layout, landscape within the City layout, drainage within the site, and water and sewer services.

Comments from other city departments were not 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 "keep residential neighborhoods intact while allowing for industrial and commercial growth in strategic areas...if compatible with the neighborhood character."<sup>1</sup> The proposed use as a child care facility is a supportive use to the densely populated neighborhood and activates a lot that has been unused for a significant period of time. The project is also within walking distance of public transit.

### **Materials for Consideration**

The plan submittal is shown as New Construction of North Star Child Care Center Rivet Street New Bedford, MA 02740, dated July 13, 2018. The architectural plans were prepared by Davis Square Architects, Inc., in Somerville, MA and stamped by Clifford Jerome Boehmer, RA. The engineered plans were prepared by and Devellis Zrein, Inc., in Foxborough, MA and stamped by Imad A. Zrein, PE.. The plans consist of the following sheets:

- Cover                      Cover Sheet
- Sheet C-0                Existing Conditions
- Sheet C-1                Layout Plan and Materials
- Sheet A100              Basement Plan
- Sheet A101              First Floor Plan
- Sheet A102              Second Floor Plan
- Sheet A201              Building Elevations
- Sheet A202              Building Elevations
- Photos                    Photos of Existing Conditions

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 not provided a 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.

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<sup>1</sup> Vanasse Hangen Brustlin, Inc (2010). *A City Master Plan New Bedford 2020. Neighborhoods and Housing* p.6-8.

### Parking and Loading Requirements

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Schools, Adult Day Care Centers, Day Care Centers, excluding family day care homes	One (1) space for each employee in addition to three (3) space Drop-Off Zone	One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for buildings containing 100,000 sq. ft. or more of gross floor area

<b><u>Parking Calculations</u></b>		
<b>35</b> parking spaces for employees (1 space per employee) <b>3</b> parking spaces for Drop-Off Zone <hr/> <b>38</b> Total parking spaces required	<b>1</b> Loading space (1 for >= 10,000 SF) <hr/> <b>1</b> Loading space	

## **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 parking 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 proposal provides a supportive use in a densely populated neighborhood of the city while also reactivating a vacant site.

- **Traffic flow and safety, including parking and loading.**

The proposal does not meet the parking requirements for the intended use which requires one space per anticipated number of employees (35) and a designated drop-off area large enough to accommodate three (3) vehicles. While, a reduction in the parking requirements may be warranted, without information about the anticipated shift schedules or break down of part-time versus full-time employees or peak drop-off/pick-up times of the children, it is difficult to establish the expected parking and vehicular demands at any given time for the site.

As designed the proposal to have one driveway for ingress and one driveway for egress will control traffic flow through the proposed parking lot. However, given the site is intended to be used as a child care facility where drop-off and pick-up demand may be expected to occur; the current site design does not provide for a designated drop-off area on-site. A designated drop-off area is required to facilitate a safe transition area for entering/exiting vehicles and the efficient flow of vehicles through the site. A lack of a designated drop-off area may result in traffic impacts on Hyacinth Street and Rivet Street during peak periods of vehicular demand. Particularly, as no parking is allowed on the north side of Rivet Street along the length of this property and there is existing on-street parking demand on Hyacinth Street for the dense multifamily residential neighborhood.

The board may wish to inquire further about the facility operations to determine the anticipated periods of vehicular demand at the site, the anticipated circulation of those vehicles on-site, and impacts to the adjacent public streets. This information could clarify whether there is a need for a designated drop-off zone and if the proposed numbers of parking spaces are sufficient for the proposed use.

### **Special Permit (continued)**

- **Adequacy of utilities and other public services**

There are no anticipated issues related to utilities or other public services.

- **Neighborhood character and social structures.**

This neighborhood is a densely populated residential neighborhood located along the busy Rivet Street mixed use corridor and in close proximity to the more heavily traveled County Street commercial corridor. The proposed would add to the mixture of uses in the neighborhood. The use as child care facility would be a supportive use to the predominantly residential neighborhood.

- **Impacts on the natural environment**

Redeveloping the site will have impacts on storm water management. The site design and request for a parking reduction allows for the retention of green space on site to mitigate some of these impacts.

- **Potential fiscal impact, including impact on City services, tax base, and employment**

Having an active use and new facility at this property will have a positive fiscal impact on the city and the broader neighborhood by improving property values. Staff does not believe any additional city services are necessitated by this application beyond those that currently serve the site.

### **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:
  - The eight (8) short term bicycle parking spaces proposed are to be shown on the plans.
  - A designated drop-off zone on-site be added to the plans [*If the board determines it is needed.*].
  - The items requested in the DPI comments letter dated August 1, 2018 be submitted to and the items are to be approved by the DPI.
- ☐ 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.
  - 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.
  - 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/>



## NS Rivet Street/ES Hyacinth Street Map: 30, Lot: 235, 233, 231

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

