



City of New Bedford

Department of Planning, Housing & Community Development

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STAFF REPORT

REPORT DATE

April 30, 2018

PLANNING BOARD MEETING

May 9, 2018

Case #18-23: SPECIAL PERMIT

330-332 Hathaway Blvd.

Map: 82 Lot: 225

Owner: Hari, LLC

330 Hathaway Boulevard

New Bedford, MA 02740

Applicant:

Rahmanz, Inc.

330 Hathaway Boulevard

New Bedford, MA 02740

Applicant's

Quality Construction, Inc.

Agent:

120 Lewin Street #29

Fall River, MA 02720



Overview

Request by applicant for a **Special Permit** for a reduction in the number of parking spaces required for the addition of a new take-out restaurant to the existing retail plaza, located at 330-332 Hathaway Boulevard (Map: 82 Lot: 225) on a 0.39+ acre parcel in a Mixed Use Business [MUB] zoned district.

The applicant proposes **thirty-three (33) parking spaces** where **forty-two (42) are required per the city's zoning ordinance**. The applicant therefore seeks a **reduction of nine (9) parking spaces**.

Existing Conditions

The project site is located at the corner of Hathaway Boulevard and Durfee Street, just north of Hetland Skating Rink, New Bedford High School, and Keith Middle School. The 16,772 SF lot has 140'± of frontage on Hathaway Boulevard and 76'± on adjacent Durfee Street. Located on-site is a 3150 sq. ft. single story retail plaza setback from the road with a thirty (30) space parking lot in front. The retail plaza currently has a convenience store at south end of the building and a laundromat at the northern end. The Hari-Mart also serves as a U-Haul Neighborhood Dealer, where customers can pick-up and drop-off U-Haul rentals (trucks, trailers, etc.). On the day of the staff site-visit, there were four (4) U-Haul trucks a located on site.

The parking lot stripping is faded. A handicapped ramp is present in front of the building; however, the handicapped spaces are not marked.

A circular landscaped area is located at the southwest corner of the site. The landscaped area has overgrown grass and large stones. A pylon sign and temporary signage are located in this landscaped bed. Another banner style sign post (without a sign) exists at the northwest corner of the site.

Staff noted that no physical boundaries exist between the parking spaces along the road frontages and the sidewalk area. The sidewalk area is more or less at grade with the parking lot.

The surrounding neighborhood is a mixture of residential, recreational, commercial, and educational uses. Surrounding the site to the north side and east (rear) is a condominium complex. Directly across Hathaway Boulevard are single family dwellings. A sporting goods store is located diagonally across the intersection. Hetland Skating Rink is located directly across Durfee Street; while New Bedford High School and Keith Middle School and associated recreational fields are located just south on Hathaway Boulevard.

Proposed Conditions

The petitioner proposes to make interior alterations to the building to include the addition of a Crown Fried Chicken take-out restaurant into the existing plaza. The take-out restaurant would be located in the middle of the plaza between the laundromat and convenience store. The proposed CFC chicken would be the third location within in the city.



This project before the Planning Board is for consideration of a Special Permit for a parking reduction, and is not subject to regulations of Site Plan Review.

The proposed change in use under zoning ordinance requires forty-two (42) parking spaces be provided on-site. The petitioner proposes thirty-three (33) parking spaces on-site per the site plan submitted.

A note on plans submitted and proposed parking. There is a discrepancy between the application and site plan submitted. The applicant has noted that thirty (30) spaces are proposed, which is the same as the existing conditions. The board may wish to clarify with the applicant whether or not the three (3) additional spaces will be added along the Hathaway Boulevard frontage as shown on the plans submitted. If the applicant is not adding the three (3) spaces in this area, revised plans should be submitted for the case file.

In an effort to address the faded markings on-site, the board may wish address any plans the applicant may have to restripe the parking lot. The board may require that handicapped spaces be marked, with signage installed as well. In regards to the non-existence of physical boundaries between parking spaces, the board may wish to have the applicant install wheel stops for all parking spaces adjacent to the sidewalks.

The proposal also requires a Special Permit for the Fast-food/take-out use from the Zoning Board of Appeals (ZBA). This project is scheduled to be heard by the ZBA on May 17, 2018.

Demand and Operations.

The application projects the CFC take-out restaurant will serve twenty (20) customers per day, with four (4) employees, and be open seven days a week from 10am-11pm.



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 (DPI) provided comments dated April 30, 2018. The comments note the applicant is required to install a grease trap in accordance with MA plumbing codes and submit a FOG (Fats, Oils, and Grease) Permit to DPI. The applicant is instructed to contact DPI about assigning a new address for the restaurant.

Additional comments from 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 Special Permit for a parking reduction is consistent with the master plan's goal to "promote a mixed-use environment in Downtown New Bedford and other commercial centers and corridors to ensure a vibrant community during the day, evening and weekends, that creates walkable village-like neighborhoods throughout the city."¹

The proposal expands a commercial use in an existing plaza. It provides a new food service within walking distance to residential, recreational, and educational facilities.

Materials for Consideration



¹ Vanasse Hangen Brustlin, Inc (2010). *A City Master Plan New Bedford 2020 Executive Summary*. p.S-4.

The plan submittal is shown as “New Bedford, MA, 330 Hathaway Blvd.,” dated April 4, 2018. Plans were prepared by Quality Construction, Inc., in Fall River, MA and stamped by James D. Smith Registered Architect, West Barnstable, MA. The plan set consists of the following:

- Sheet A1 As-Build Floor Plan; Equipment Plan; Electric Plan
- Sheet A2 Reflected Ceiling/Lighting Plan/ Exterior Elevation
- Sheet L1 Site Plan

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.
- **Traffic Impact & Access Study**
The applicant has not provided a traffic analysis for the proposed development.

Parking and Loading Requirements

<u>Parking Calculations</u>	
<u>13</u> spaces for existing retail tenants -convenience store & laundromat (1 spaces per 200SF GFA)	
<u>4</u> spaces for the U-HAUL (1 space per vehicle)	
<u>25</u> spaces for the Fast-food/take-out use (minimum 5 spaces for employees + minimum 20 spaces GFA)	

Appendix C-Table of Parking & Loading Regulations

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Businesses engaged in retail sale of goods and services.	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.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area.
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

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 proposed use as a take-out restaurant is categorized as fast-food under zoning ordinance yet this type of food service is not comparable to the levels of vehicular demand seen at national franchise fast-food restaurants. Additionally the site has businesses with varying peak demands occurring at different times.

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 creates a new food service option in this area of the city.

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

The site provides adequate parking on-site for the proposed uses. The site circulation is safe and appropriate for this site. Safety would be improved on-site if wheel stops are installed for the parking spaces adjacent to the sidewalks. Handicapped accessibility would be improved if the handicapped spaces are appropriately marked and signed.

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

The utilities are adequate for the proposed use. The applicant must apply for the appropriate permits for wastewater with DPI. There are no new anticipated needs for other public services as a result of this proposal.

- **Neighborhood character and social structures.**

This neighborhood is a mix of residential, recreational, commercial, and educational uses. The site itself is an existing retail plaza in the neighborhood. The addition of a food service at this site would not be out of character with the neighborhood or site.

- **Impacts on the natural environment**

As the project makes no changes to the exterior site, no new impacts on the natural environment are anticipated as a result of the proposal.

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

Expanding the commercial use 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 parking lot pavement markings to be re-striped.
 - Wheel stops be installed for all parking spaces adjacent to the sidewalks.
 - Handicapped parking spaces are to be marked and include signage.
- ☐ 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 project shall be undertaken in a manner consistent with the (forthcoming) 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.
 - 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/>

330-332 Hathaway Boulevard Map: 82, Lot: 225

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

