



## City of New Bedford

### Department of Planning, Housing & Community Development

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## STAFF REPORT

### REPORT DATE

February 7, 2017

### PLANNING BOARD MEETING

February 14, 2018

#### Case #18-07: SITE PLAN REVIEW

**Property:** 102-104 Rockdale Ave  
Map 17 Lots 23 & 24

**Zoning:** MUB

**Owner:** 102-104 Rockdale Avenue, LLC  
1 Stonehill Court  
Westport, MA 02746

**Applicant:** Michael Walker D/B LLC  
500 Horseneck Road  
Dartmouth, MA 02748

#### Project Summary

The owner proposes to re-open a Donut Shop, which had been closed for renovations.

Under the Site Plan Review regulations, Section 5420, Applicability, the following activities and uses require site plan review by the Planning Board: 5423. Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; ***or at which the drive-thru is closed for a period of 10 days or more and to be reopened.***

The timeframe for the completion of interior renovations was, not surprisingly, longer than 10 days.



### **Existing Conditions**

The site consists of 0.18 acres of land with one single-story structure of approximately 1,600 sq ft. The site is almost entirely paved.

The eastern edge of the structure falls along the property line. Adjacent to the building, there had been parking which was located within the public right-of-way, although that area appeared to be part of the property. This was a very ambiguous and therefore potentially dangerous circulation pattern. However, the City has recently installed new sidewalks and plantings, more clearly demarcating the property bounds. This has improved the vehicular circulation by preventing cars from parking within and exiting over the public right-of-way along the eastern side of the site.

The site is almost entirely paved, with what little green space there is located along the westerly side of the site, forming a modest buffer to the adjoining property. There is little opportunity to add to the landscaping.

### **Proposed Conditions**

The applicant is proposing no changes to the existing site layout.

### **Materials for Consideration**

- ❏ **Planning Board Site Plan Review Application.**
- ❏ **Plot Plan.** The plan consists of a labeled aerial photo at an approximate scale of 1"=20'
- ❏ **Elevations.** The plan sheet consists of photos of the building taken from the northeast and the northwest
- ❏ **Project Narrative**
- ❏ **Certified Abutters List.** An abutters list has been provided for review.
- ❏ **Assessor's Map of the parcels**
- ❏ **Deed.** The deed was provided for staff review. Staff has confirmed current property ownership.

### **Waivers**

The applicant requested a waiver of Sections 5430-5440 of the Site Plan Review regulations, which follows what Section 5460 Waivers says:

The Planning Board may, upon written request of the applicant, waive any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans.

It's actually Section 5450 Contents of Plan, rather than 5430 Procedures and 5440 Preparation of Plans that our Zoning Ordinance should reference,. The waiver request would allow the applicant to not submit the following plan sheets: Site Layout; Topography and Drainage; Utility; Architectural; Landscaping; and Lighting.

### **Review Comments**

The applicant is not proposing any changes to the site, but the fact that the timeframe of the interior renovations caused the drive thru window to be closed for more than 10 days triggers site plan review. I'm torn about this project. On the one hand, this has been operating as a donut shop with a drive thru for decades and will continue to do so after undergoing interior renovations. Additionally, the applicant had worked primarily with the previous Acting City Planner on the proposal, so any comments made in this staff report are coming late in the game. On the other hand, our Site Plan regulations capture projects like this primarily so the Planning Board can bring sites up to current standards or, at minimum, make incremental improvements to existing sites.

The most significant issue with the site had been the parking along the eastern side of the structure within the public right-of-way, which was recently addressed by the City through the addition of a sidewalk and new plantings.

Other things typically reviewed under site plan review include landscaping and lighting. There is minimal landscaping and little opportunity to add to it. There is no mention of exterior lighting, whether any exists and whether any is being added. As a nod to making incremental improvements on sites through the site plan review process, the Board could consider:

- asking the applicant to plant a tree in the island before the first parking space at the Rockdale Ave entrance (there are overhead wires, so it would have to be a decorative rather than street tree)
- requiring any new and existing exterior lighting to be upgraded to Dark Sky compliant fixtures

However, because this site plan review is related to the drive thru window, any enhancements that the Planning Board might request should have a reasonable nexus to the subject of the review (the drive thru).

The proposal is consistent with the Master Plan in that it supports the active use of an existing commercial building and supports the expansion of business within the city.

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Inspectional Services, Department of Public Infrastructure, Conservation Commission and the Fire Department. Although no comments were received at the time this report was published, any material subsequently received will be made available to the Planning Board at its public meeting.

#### **Staff Recommendation**

Planning staff offers the following recommendations to the Planning Board:

Grant the waiver of Section 5450 Contents of Plan.

Grant Site Plan approval for the reactivation of a drive-thru window after being closed for a period of 10 days or more, with the following general conditions:

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. 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.
3. 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.
4. 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.

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**Materials for Case 18-07 are available at:** <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>