PLANNING BOARD
City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508) 979-1488
www.newbedford-ma.gov

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NEW BEDFORD, MA
2017 SEP 27 P 3:10
CITY CLERK

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	30-17
Request Type:	Special Permit
Address:	2112 Acushnet Ave
Zoning:	Mixed Use Business (MUB) Zoning District
Recorded Owner:	CMAC Realty, LLC
Applicant:	Lance Sylvia, Manager
Applicant Address:	83 Chershire Avenue, Acushnet, MA 02743

Application Submittal Date	Public Hearing Date	Decision Date
August 11, 2017	September 13, 2017	September 27, 2017

Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
119	13	10323	289	

Application: Request by applicant for a **Special Permit** for parking space reduction located at 2112 Acushnet Avenue (Map 119, Lot 13) on a .501 acres site in the Mixed Use Business (MUB) zoning district.

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

The work described herein requires the approval of a site plan by the New Bedford Planning Board pursuant to Section 5400 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall also be conditions of this special permit. A copy of this Decision was filed with the City Clerk of the City of New Bedford on September 27, 2017. 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.

9.27.17
Date

Jennifer Clarke, AICP
Acting City Planner

1) APPLICATION SUMMARY

Comprehensive Design Build Services (P.O. Box 578, West Wareham, MA 02575) submitted the application under Chapter 9 Comprehensive Zoning, §3100. Parking and Loading., 3100. Applicability., 3120. Special Permit., 3130. Table of Parking and Loading Requirements – Appendix C., and §5300. Special Permit., §5310-5330 and 5360-5390 for Parking Space Reduction located at 2112 Acushnet Avenue (Map 119, Lot 13) on a .501 acre site in the Mixed Use Business (MUB) zoning district on behalf of owner CMAC Realty, LLC 83 Chershire Avenue Acushnet, MA 02743.

As per **Appendix C-Table of Parking & Loading Regulations** of the zoning ordinance, the applicant was required to provide 56 parking spaces for the intended uses. [**20** spaces for tenants that occupy the 3982+/- SF floor area [absorbed by Shooter's billiard hall and Clip Joint barber/beauty shop] at the east elevation with ingress/egress via the rear of the building on a sloped lot; **32** spaces for the 6262+/- SF street level floor area [currently occupied by Wash World Laundromat, with vacancy left by The Farmer's Kitchen; and **4** spaces for the two residential units intended for the 3232 +/- SF top floor.] The applicant sought relief for the balance of 23 parking spaces required under the ordinance.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal is shown as Conceptual Site Plan for New Bedford, MA Acushnet Avenue dated 10/07/16, as prepared by Hunt Real Estate, 5100 W. Kennedy Blvd, #100, Tampa, FL 33609, consisting of one (1) sheet;

And

The Proposed Renovation for CMAC Realty, LLC, 2112 Acushnet Avenue, New Bedford, MA 02745, dated 04.07.2016 prepared by Comprehensive Design Service, P.O. Box 578, West Wareham, MA 02576, consisting of five (5) sheets;

- Cover Sheet – A 0.1
- Existing Conditions Lower Level Plan – EX 1.1
- Existing Conditions Main Level Plan – EX 1.2
- Existing Conditions Upper Level Plan - EX 1.3 [MISSING FROM PLAN SET}
- Proposed Renovation Upper Level Plan –A 0.1 [DUPLICATED]

And

Site Layout Plans for Mixed Use Retail at 2112 Acushnet Avenue, New Bedford, MA, dated March 29, 2012, prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, consisting of one (1) sheet.

And

Special Permit Reduction of Parking for 2112 Acushnet Avenue (Plot 119, Lot 13) New Bedford, MA, for CMAC Realty, LLC, 2112 Acushnet Avenue, New Bedford, MA 02746, dated 08.08.2017, prepared by Comprehensive Design Build Services, P.O. Box 578, West Wareham, MA 02576, consisting of two (2) sheets

- Cover Sheet – C 1.0 [Plan is labeled Proposed Parking Lot]
- Existing Conditions Plan – C 1.1

Other Documents and Supporting Materials

A Staff Report was provided for the September 13, 2017 Planning Board meeting with the following attachments:

- Zoning Board of Appeals Decision for Case #4259
- Special Permit Application
- Development Impact Statement
- Construction Control Document
- Bristol County (S.D) Registry of Deeds Book 10323, Page 289
- Photos
- Plan Set

Received into the Record:

- DRAFT Easement Agreement with Covenants, Conditions and Restrictions between the City of New Bedford, CMAC Realty, LLC, and HRES Acushnet, LLC.

3) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Associate Member George Smith were present on the evening of the discussion. Chairman Colleen Dawicki was not in attendance.

Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during proceedings.

Armando Pereira of Comprehensive Design-Build Service described the proposal for the parking area intended to serve the mixed-use business use. Mr. Pereira introduced a draft easement agreement for parking at adjacent lots into the record. Because the contents of the draft had not been reviewed by the New Bedford City Solicitor, the Planning Board declined to act on the document at the evening's proceedings.

Discussion ensued regarding existing site pavement conditions and characteristics of the site. Recommendations were made by the board to reset the parking stops and reclaim and improve the overgrown and neglected landscaping areas at the parcel.

Vice Chair Duff asked for a motion to open the Public Hearing which was moved by Board Member P. Cruz and seconded by Board Member A. Glassman. Motion carried unanimously five (5) to zero (0).

No one asked to speak or be recorded in favor of the project.

No one spoke or asked to be recorded in opposition of the proposal.

When considering this application for Special Permit, the Board took into account the characteristics of the site and the proposal in relation to that site, specific factors that set forth under **Section 5320. Criteria** of the zoning ordinance and the project's consistency in meeting the strategic goals set forth by the city's Master Plan.

The public hearing was then closed on a motion by Board Member P. Cruz, with second by Associate Board Member G. Smith. Motion carried unanimously five (5) to zero (0).

4) DECISION

Board Member A. Glassman made the motion, seconded by Board Member P. Cruz, to approve the Special Permit application filed by the applicant in Case 30-17 located at 2112 Acushnet Avenue (Map 119, Lot 13) in

New Bedford, date stamped by the Office of the City Clerk August 11, 2017, prepared by Comprehensive Design Services, WITH THE FOLLOWING CONDITIONS:

List of Specific Conditions:

- ☐ That the applicant corrects the typo for side yard setbacks in Zoning Matrix on revised plans.
- ☐ That the car stops be reset for safety reasons.
- ☐ To mitigate the urban heat island effect, existing landscape plantings should be properly maintained and cared for.
- ☐ Areas of pavement on the site where subsidence has occurred should be repaired for safety reasons.

List of General Conditions:

- That the project shall be undertaken according to the plans submitted with the application with adherence to all notes on plans as reviewed by the Planning Board on this date as modified by the conditions of this decision.

- The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure dated September 6, 2017 and that the Planning Board incorporates the DPI memo as part of these conditions (Attachment 1).

- The applicant shall ensure that any plan corrections identified by the Planning Division shall be completed and presented on the final plan set and/or case documents.

- The applicant shall submit final plan revisions to the Planning Division in the following formats:
  One (1) -11" x 17" Plan Set
  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 provide a copy of the Notice of Decision certifying no appeal has been brought forward by the office of the City Clerk 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 Special Permit must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date they were granted or they will lapse.

This motion to approve with conditions is for Special Permit for a parking reduction from 56 to 33 spaces on a 0.501 acre site in the Mixed Use Business (MUB) zoning district at 2112 Acushnet Avenue.

The Planning Board finds this request to be in accordance with the City of New Bedford Code of Ordinances Chapter 9 Section 5310-5330 and 5360-5390 relative to the granting of Special Permits because the board found that the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, and because the board found that the proposal conforms with the standards for special permits in Chapter 9 Sections 5321-5326. This request was also found to be in accordance with the City of New Bedford's Code of Ordinances Chapter 9 Sections 3100. Parking and Loading., 3100. Applicability., 3120. Special Permit.,

3130. Table of Parking and Loading Requirements – Appendix C. - Two Family Dwelling, Places of Assembly, and Businesses engaged in retail sale of goods and services.

Associate Member Smith - Yes
Board Member Glassman – Yes
Board Member Kalife-Yes
Vice Chair Duff - Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

9.27.17
Date

Jennifer Clarke, AICP
Acting City Planner

Department of Public Infrastructure

Manuel H. Silva
Acting Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Forestry
Energy

CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

MEMORANDUM

TO: City of New Bedford Planning Board

FROM: Manuel H. Silva, Acting Commissioner, DPI (MHS)

DATE: September 6, 2017

RE: Renovations of
2112 Acushnet Ave.
Plot 119, Lot 13

The Department of Public Infrastructure has reviewed the proposed site plan referenced. There is no work proposed within City Layout or to existing utilities, therefore, the department does not have any further comments or instructions for this renovation.

/sd
Cc: Department of Inspectional Services
Environmental Stewardship
Comprehensive Design-Build Services
CMAC Realty, LLC

PLANNING
SEP 12 2017
DEPARTMENT
CASE 30-17

1105 Shawmut Avenue, New Bedford, MA 02746 Telephone 508-979-1550 Fax 1-508-961-3054

ATTACHMENT 1