



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD

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

Registry of Deeds/City Clerk Use Only:

NOTICE OF DECISION

Case Number:	29-17			
Request Type:	Special Permit			
Address:	801 Mt. Pleasant Street			
Zoning:	Mixed Use Business (MUB) Zoning District			
Recorded Owners:	Ming-Tong Nguyen & Cuc-Thi Tran			
Applicant:	Ming-Tong Nguyen & Cuc-Thi Tran			
Applicant Address:	11 John Alden Court, Dartmouth, MA 02747			
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
123A	79 & 80	11844	115	

2017 SEP 27 P 1:15
CITY CLERK
CITY CLERK'S OFFICE
NEW BEDFORD, MA

Application: Request by applicant for **Special Permit** for Parking Reduction for a commercial nail salon located at 801 Mt. Pleasant Street (Map 123A, Lots 79 & 80) on a 6792 +/- SF 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.

9/27/2017

Date


Kathryn Duff, Vice Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

SITEC, Inc (49 Faunce Corner Road, Dartmouth, MA 02747) submitted concurrent applications under Chapter 9 Comprehensive Zoning §5400 Site Plan Review for a 1700+/- SF commercial nail salon, §5300-5390 for Special Permit for parking reduction, and §3100-3130 Parking and Loading, located at 801 Mt. Pleasant Street (Map 123A, Lots 79 & 80) on a 6792+/- SF site in the Mixed Use Business (MUB) zoning district on behalf of owners, Minh-Tong Nguyen and Cuc-Thi Tran.

The applicant proposed on-site demolition of a ranch-style, single-family dwelling unit built approximately 1955 to be replaced by new construction of a single-story, clapboard-sided, commercial structure with associated parking.

The use of this business is permitted by-right under the city ordinance in the MUB zoning district. As per Appendix C-Table of Parking & Loading Regulations of the zoning ordinance, the applicant is required to provide nine (9) parking spaces for this intended use. Shown on the plan submittal were seven (7) nine by twenty foot parking spaces, which included one ADA compliant space. Plans show a 22 foot aisle width, in compliance with §3144. Spaces are oriented so vehicles may enter and leave the site facing the street.

The applicant sought relief for the balance of two (2) parking spaces required under the ordinance. Offsite parking is available on adjacent streets and a Southeastern Regional Transit Authority (SRTA) Bus 8 stop is located in front of the proposed nail salon.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal is shown as the Proposed Nail Salon, 801 Mt. Pleasant Street, New Bedford, MA, dated June 30, 2017, prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, consisting of eight (8) sheets;

- **Cover Sheet**
- **Locus Plan (Sheet 1 of 7)**
- **Site Layout (Sheet 2 of 7)**
- **Grading/Utility Plan (Sheet 3 of 7)**
- **Landscape / Lighting Plan (Sheet 4 of 7)**
- **Demolition/Erosion Control (Sheet 5 of 7)**
- **Existing Conditions (Sheet 6 of 7)**
- **Detail Sheet (Sheet 7 of 7)**

And

Proposed New Building at 801 Mt. Pleasant Street, New Bedford, MA, dated 08/02/2017, prepared by Comprehensive Design-Build Service, P.O. Box 578, West Wareham, MA 02576, consisting of two (2) sheets;

- **Proposed First Floor Plan**
- **Proposed Elevations**

Other Documents and Supporting Materials

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

- Project Narrative
- Site Plan Review Application
- Site Plan Review Application Checklist

- Special Permit Application
- Certified Abutters List
- Photos
- Bristol County (S.D) Registry of Deeds Book 11844, Page 115
- Stormwater Management Report Dated August 7, 2017
- Building Commissioner's Review Comments
- Lighting Cut Sheets
- Plan Set

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.

Steve Gioiosa, P.E., of SITEC, Inc., described the proposal for nail salon. Accompanying Mr. Gioiosa was Armando Pereira of Comprehensive Design-Build Service. Site development involves demolition of an existing single-family dwelling unit, storage shed, and obsolete septic design on the combined parcel lot held in common ownership. The septic system is to be excavated and new easement created and recorded by the applicant at Bristol County (S.D) Registry of Deeds over adjacent parcel (Map 123A, Lot 78) immediately south of the site to connect service with the existing sewer line at Downey Street. Discussion elaborated on new construction of the freestanding nail salon [to be set back one (1) foot from the city right-of-way], associated parking, landscaping, control and ventilation of hazardous [nail product] chemical fumes, and installation of new stormwater recharge system following best management practices (BMPs) to mitigate stormwater drainage.

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

Speaking in support of the project was Ms. Dee Martin [Realtor for applicants], who commented on the relocation to New Bedford and longevity of the business.

Abutter Bob Andrade voiced concerns and questions regarding stormwater mitigation.

No one asked to 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 A. Glassman, 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 29-17 for **Commercial Nail Salon** located 801 Mt. Pleasant Street (Map: 123A Lots: 79 and 80) in New Bedford, Massachusetts, dated June 30, 2017, prepared by SITEC, Inc., and

Proposed New Building at 801 Mt. Pleasant Street, New Bedford, MA, dated 08/02/2017, prepared by Comprehensive Design-Build Service, P.O. Box 578, West Wareham, MA 02576, WITH THE FOLLOWING CONDITIONS:

List of Specific Conditions:

There were no specific conditions stipulated by the Planning Board.

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 5, 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 formatand 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 9 to 7 spaces on a 6792+/- SF site in the Mixed Use Business (MUB) zoning district at 801 Mt. Pleasant Street

The Planning Board finds this request to be in accordance with the City of New Bedford Code of Ordinances Chapter 9 Section 5300-5390 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 §3000-General Regulations, 3100-Parking & Loading, 3110-Applicability, 3120-Special Permit for Parking Reduction, §5300 thru 5390. Special Permit, and 3130-Table of Parking and Loading Requirements - Appendix C - Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein.

Associate Member Smith - Yes
Board Member Glassman – Yes

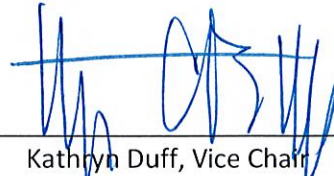
Board Member Kalife-Yes
Vice Chair Duff - Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

9/27/2017

Date



Kathryn Duff, Vice Chair
City of New Bedford Planning Board



Department of Public Infrastructure


Manuel H. Silva
Acting Commissioner

CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Forestry
Energy

MEMORANDUM

TO: City of New Bedford Planning Board 

FROM: Manuel H. Silva, Acting Commissioner, DPI

DATE: September 5, 2017

RE: Proposed Nail Salon
Mount Pleasant Street
Plot 123A, Lots 79 & 80

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

1. Driveways to be built in accordance with City of New Bedford regulations, 90 degrees to curb line with 4 foot transition curb on both sides. Extend proposed concrete driveway brow to limits of City Layout therefore installing a cement concrete apron 22 feet by 18 feet. (22 foot curb cut at gutter line of Mount Pleasant Street.)
2. Install 5.0 foot wide cement concrete sidewalk with an 8.0 foot grass ribbon within the limits of the project.
3. Install 2 trees in the 8.0 foot grass ribbon within the limits of the project. Trees are to be spaced a minimum of 40.0 feet apart and maximum of 60.0 feet apart on center.
4. Commercial driveways and permits are subject to Traffic Commission approval.
5. Permits for driveways, sidewalk and utilities must be obtained from the Department of Public Infrastructure Engineering Division.
6. Sewer clean-out to be installed, at grade, 7.0 feet from the edge of roadway.
7. Utility easement to be recorded for maintenance of sewer service connection from proposed building to Downy Street.
8. All buildings require rain leaders to be contained within site and tie into the site's infiltration drainage system.
9. Developer to check condition of existing sewer and water services.
10. Any existing water and/or sewer services to be abandoned are to be capped. Water services are to be capped at the main. Sewer services are to be capped at the property line.
11. All utilities to be installed in accordance with City of New Bedford standards.

PLANNING
SEP 12 2017
DEPARTMENT

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

Order 20-17 + 29-17

ATTACHMENT 1

12. Any construction within the roadway of Downy Street will require a full width patch (curb to curb).
13. Any paving within City Layout requires 1½" top over 2½" binder. Revise typical section of "Paving Section" on Sheet DS-1.
14. The proposed project contains two separate parcels which may have to be combined for zoning purposes.
15. Owner/Developer must contact the Department of Public Infrastructure Engineering Division to assign a new address for the renovated buildings.
16. The Department of Public Infrastructure requires a final set of plans to be submitted that reflects all revisions made prior to the start of construction.
17. Developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.
18. Upon completion, Engineer must submit "As Built Drawings" in AutoCAD format prior to the certificate of occupancy being issued.

/sd

Cc: Department of Inspectional Services
Environmental Stewardship
SITEC
Minh-Tong Nguyen & Chu-Thi Tran