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 1:15
CITY CLERK

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	28-17
Request Type:	Site Plan
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	

Application: Request by applicant for **Site Plan** approval 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).

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 Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance

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 featuring intersecting gabled roof lines.

The use of this business is permitted by-right under the city ordinance in the MUB zoning district. To accommodate the use, the applicant was required to provide 9 (nine) parking spaces. The Special Permit for Parking Reduction is discussed under the notice of Decision for Case #29-17.

This proposal is consistent with the master plan's goal [of establishing a sound foundation for future growth that builds upon its coastal location, preserves its historic legacy, and expands cultural and workforce opportunities] as it restores blighted property, improves the neighborhood, and attracts emerging businesses.

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 the proposed 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.

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 P. Cruz, to approve Site Plan (set) entitled Proposed Nail Salon, 801 Mt. Pleasant Street, New Bedford, Massachusetts, 02745 dated June 30, 2017, prepared by SITEC and filed by the applicant in Case #28-17 for Minh-Tong Nguyen and Cuc-Thi Tran for the site located at 801 Mt. Pleasant Street (Map 123A, Lots 79 & 80), New Bedford, MA 02745

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:

- ☐ Signage and area lighting shall be illuminated no earlier than one (1) hour before the open of business and turned-off no later than one (1) hour after the close of business.
- ☐ The applicant shall provide evidence that septic service has been discontinued and system has been properly removed.
- ☐ Applicant shall obtain written approval from the Traffic Commission for driveway modification and provide for Planning Division files as soon as the approval has been received.
- ☐ Site Layout plan sheet Note No. 4 shall be modified to read: Any minor modifications (as determined by the City Planner and City Engineer) to the information shown on the approved site plans shall be submitted to the City Planner and City Engineer as a Minor Plan Revision for approval prior to the work being performed.
- ☐ Screening materials to visually obscure the trash enclosure shall be reviewed and approved by the Planning Board or City Planner prior to final approval.
- ☐ Snow storage area shall be added to the Site Layout, Landscape, and Lighting plan sheets.
- ☐ Height of stockade fence shall be noted on plan. Height shall be at least six (6) feet but no greater than ten (10) feet as per §3333.
- ☐ Additional trees and shrubs shall be added along stockade fence line as per §3332.
- ☐ Note on planting schedule shall be revised to reflect tree diameter of October Glory Red Maple to be a minimum of 3" at a point three (3) feet from ground level.
- ☐ Site distances shall be verified at entrances on Landscape and Lighting plan sheet.
- ☐ Change references from Hay to Straw wherever applicable in Stormwater Management report.
- ☐ Clarification as to color, specification, and type of construction materials to be used for the exterior finish shall be specified on revised architectural elevation drawings.
- ☐ Sign plan, specifications and Sign Schedule shall be provided to, and approved by, Planning designee or City Planner.
- ☐ Lighting location shall be shown on building elevation drawings.
- ☐ All existing and proposed exterior materials, treatments, and colors-including roofing, roof eaves, eave brackets, siding, doors, trim, sills, windows, fences, and railings for the exterior expansion shall be reviewed and approved by the Planning Board designee or City Planner before construction commences.
- ☐ Applicant to show/provide details of proposed new exterior elements.
- ☐ Plans to show any exterior mechanical, duct work, and/or utility boxes.
- ☐ The applicant has not provided a DIS for the proposed development.
- ☐ The applicant has not provided a Traffic Study.
- ☐ An application for Ground Sign review has not been included inthis review; any such ground sign will necessitate that the applicant return to the Planning Board for submittal and review.

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 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 Site Plan 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 they were granted or they will lapse.

The Planning Board found this request to be in accordance with City of New Bedford Code of Ordinances Chapter 9 §5400 Site Plan Review. As a result of such consideration, the Board moved approval on the subject application with the conditions so noted, with motion seconded by Board Member P. Cruz. A roll call vote was taken and unanimously approved five (5) to zero (0).

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

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

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

Case 26-17 + 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 formart prior to the certificate of occupancy being issued.

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