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

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**CITY OF NEW BEDFORD**
JONATHAN F. MITCHELL, MAYOR

# NOTICE OF DECISION

| | |
|---|---|
| Case Number: | 02-17 |
| Request Type: | Site Plan |
| Address: | NW Corner of Church & Chaffee Streets |
| Zoning: | Industrial A (IA) zoning district |
| Recorded Owners: | Jose J. & Marian F. Silva |
| Applicant: | Marcio Silva |
| Applicant Address: | 78 Moorings Road, Marion, MA 02719 |

| Application Submittal Date | Public Hearing Date | Decision Date |
|---|---|---|
| February 6, 2017 | March 8, 2017 | March 17, 2017 |

| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
|---|---|---|---|---|
| 130G-1 | f/k/a Lots: 22, 41-44 | 9036 | 79 | |

**Application:** Request for Site Plan approval for new construction of the 5,200+/- SF Xcel Brazilian Jiu Jitsu Gymnasium located at the NW corner of Church and Chaffee Streets (Map 130G-1, formerly known as Lots 22 and 41-44) on a 27,871 SF site in the Industrial A (IA) 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 March 17, 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

3/17/17
Date

Colleen Dawicki, Chair
City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

Applicant's agent Boucher & Heureux, Inc., (648 American Legion Hwy, Ste. 1, Westport, MA 02790), submitted Case 02-17: Site Plan Review under Chapter 9 Comprehensive Zoning, §5400 Site Plan Review, for new construction of the 5,200+/- SF Xcel Brazilian Jiu Jitsu Gymnasium located at the NW corner of Church and Chaffee Streets (Map 130G-1, formerly known as Lots 22 and 41-44) on a 27,871 SF site in the Industrial A (IA) zoning district for applicant Marcio Silva.

A plan of land under the ANR (Approval Not Required) process, merging lots 22 and 41-44 into one parcel was prepared and recorded by Prime Engineering (P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347) for the development of the site on land owned by the applicant's family, Jose J. & Marian F. Silva.

The applicant intends to erect a 5,200+/- SF prefab metal structure, with silver finish roof, with a maximum height at 16.54+/- feet, to be served by 30 associated off-street parking spaces, two (2) handicap spaces, and one (1) loading zone on an undeveloped lot located at the northwest corner of Church and Chaffee Streets.

Two (2) single face, externally illuminated wall signs whose dimensions measure approximately 16 feet 6 (six) inches in length by two (2) feet in width, will be attached at the south elevation facing Chaffee Street and the east elevation facing Church Street. There is an unpermitted pylon ground sign located within the area perimeter that shall be removed by the applicant and owners. At the time of this proposal, no application for new Ground Sign Site Plan review had been presented for consideration by the Planning Board. The applicant anticipates an application forthcoming at a later date.

The applicant states 31.5% of the developed site will remain as green space, exceeding the current ordinance threshold of 20% Green Space in the IA zoning district. The buffer zone of old growth trees at the Tacoma Street alignment in the adjacent RC zoning district is of benefit as this offers additional Green Space in proximity to the site development; this vegetated buffer is to be preserved.

Review of the Drainage Stormwater Analysis Report submitted as a part of this application finds stormwater run-off from the proposed building roof will be directed to two (2) separate infiltration systems; access driveways and parking areas will be directed to two (2) Stormceptors that will provide water quality treatment prior to discharging to two (2) infiltration systems to provide retention, water quality, and recharge to the groundwater.

The proposal for Site Plan Approval is consistent with the city's master plan (A City Master Plan-New Bedford 2020) goal to expand workforce opportunities and communicates a positive message for business development.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

**Plans Considered to be Part of the Application**

The submittal is shown as Xcel Brazilian Jiu Jitsu, Map 103G-1, Formerly Lots 22, 41-44, New Bedford, MA prepared for Marcio Silva, dated January 23, 2017, revised thru March 2, 2017, prepared by Boucher & Heureux, Inc., 648 American Legion Highway, Ste. One, Westport, MA 02790 [consisting of three (3) pages]

- **Layout & Landscape Plan**
- **Grading & Utilities Plan**
- **Details & Notes**

And
**Approval Not Required Plan** in New Bedford, MA for Jose J. & Maria F. Silva, dated January 18, 2017 as revised thru February 8, 2017, prepared by Prime Engineering, P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347.

And
**Floor Plan & Elevations** for Silva's Gym, Church Street, New Bedford, MA dated 07/01/2016, prepared by Cape Building Systems, Inc., 13 Industrial Drive, Mattapoisett, MA 02739.

**Other Documents and Supporting Materials**
A Staff Report was provided for the March 8, 2017 Planning Board meeting with the following attachments:

- Narrative
- Site Plan Review Application
- Deed
- ANR Plan - Bristol County (S.D) Registry of Deeds Book 175, Page 49
- Elevation Drawing
- Plan Set
- Drainage Stormwater Analysis Report Prepared for Marcio Silva by Gustavo O. Raposo, P.E., Raposo Engineering Consulting, LLC, 411 Gulf Road West, Dartmouth, MA, signed January 24, 2017.
- Memorandum from the Department of Public Infrastructure Dated February 21, 2017

Additional case submittals received March 1, 20017:

- Lighting Tear Sheet
- **Wall Sign Elevation Plan** prepared for Xcel Brazilian Jiu Jitsu dated 02/23/2017 prepared by Poyant Signs, 125 Samuel Barnet Blvd, New Bedford, MA
- Site Plan showing location of wall sign prepared for Xcel Brazilian Jiu Jitsu dated 02/23/2017 prepared by Poyant Signs, 125 Samuel Barnet Blvd, New Bedford, MA
- Building Sign Color and Material Specifications prepared for Xcel Brazilian Jiu Jitsu dated 02/23/2017 prepared by Poyant Signs, 125 Samuel Barnet Blvd, New Bedford, MA
- **Lighting Plan** for Xcel Brazilian Jiu Jitsu, New Bedford, MA , dated January 23, 2017, prepared by Boucher & Heureux, Inc., 548 American Legion Hwy, Suite One, Westport, MA 02790

## 3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Associate Member George Smith were present on the evening of the discussion.

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

Alan Heureux, P.E. of Boucher & Heureux presented the overview of scope of the project for Excel Brazilian Jui Jitsu Gymnasium at Church and Chaffee Streets. Accompanying Mr. Heureux was Marcio Silva, owner and world champion Brazilian Jui Jitsu instructor. Mr. John Folino, Jr., President of Cape Building Systems responded to questions regarding roof specifications.

Discussion focused on revised plans and letter of response accepted into the record addressing the February 21, 2017 Department of Public Infrastructure (DPI) comments. The applicant and owner made clear installation of signage at this time was limited to the two (2) wall signs as shown on plan submittals and removal of the existing pylon sign at the corner of Chaffee and Church Streets. The purpose of the north elevation overhead door was described as a means of ventilation and air circulation inside the gymnasium during temperate weather. Waste disposal is to be managed between the gymnasium and abutting business, Interstate Equipment Rental & Sales, owned and operated by the applicant's family, with dumpster to serve both business entities located at Interstate Equipment Rental & Sales. Mr. Folino clarified roof pitch at 1/12, specified roof construction material as silver-finish metal, and affirmed LED low Light Pollution wall pack lighting will be installed, in response to questions from the Board. The Planning Board stipulated wall pack outdoor lighting illumination would be limited to one (1) hour before the 10:00 a.m. open of business to one (1) hour after the 9:00 p.m. close of business. The drainage report and landscape plant schedule were found acceptable by the Planning Board.

Chairperson Dawicki asked for a motion to open the Public Hearing which was moved by Board Member K. Duff then 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.

Speaking in opposition was Ms. Elizabeth Ortiz; no one asked to be recorded in opposition of the proposal.

Hearing no further comment, the public hearing was closed on a motion by Associate Board Member G. Smith, with second by Board Member K. Duff. Motion carried unanimously five (5) to zero (0).

**4) DECISION**

Board Member K. Duff made the motion to approve the Site Plan (set) entitled Xcel Brazilian Jiu Jitsu Gymnasium, prepared by Boucher & Heureux, Inc. and filed by applicant in Case 02-17 for Marcio Silva, for new construction of a 5,200 SF gym located at the NW corner of Church and Chaffee Streets (Map 130G-1, Lots 22, 41-44) on a 27,871 SF site in the Industrial A (IA) zoning district with the following conditions:

**List of Specific Conditions:**

- ☐ All lighting on the building shall be turned on no sooner than one (1) hour before opening and off no later than one (1) hour after closing.
- ☐ The existing [pylon] sign on the property is to be removed by the applicant.
- ☐ That the applicant modifies the drawings according to Staff [Report] comments, and include the submission of a construction schedule.
- ☐ The applicant shall incorporate the response by Boucher & Heureux to DPI comments as part of the decision for approval (Attachment 1).

**List of General Conditions:**

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

2. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure dated February 21, 2017 and that the Planning Board incorporates the DPI memo as part of these conditions (Attachment 2).

3. 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.

4. 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.

5. 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.

6. 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.

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

Board Member Duff -Yes
Chair Person Dawicki – Yes
Board Member Glassman – Yes
Associate Member Smith - Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

3/17/17
Date

Colleen Dawicki, Chair
City of New Bedford Planning Board

**Boucher & Heureux, Inc.**

Civil Engineers

Environmental Engineers

Land Surveyors

Planners

Scientists

Euzebio Arruda, Commissioner, DPI
City of New Bedford
1105 Shawmut Avenue
New Bedford, MA 02746

Re: XCEL BJJ Gymnasium
Church & Chaffee Street

March 2, 2017

Dear Mr. Arruda,

Thank you for your review comments, dated 2/21/17 for the XCEL BJJ Gymnasium project at the intersection of Church Street and Chaffee Street, proposed by Marcio Silva. We have responded positively to your conditions of approval as follows:

1) See Construction Note #7;
2) See Construction Note #7;
3) A granite curb is proposed in Chaffee Street between the proposed wheelchair ramp in Church Street and the proposed driveway;
4) We revised the design for the proposed driveway in accordance with the City of New Bedford standards (See Construction Notes #3 & 8);
5) We added three street trees across the frontage in Chaffee Street;
6) Prime Engineering, Inc. prepared the required ANR Plan of Land to combine the five Assessor's lots and copies have been delivered to the Planning Division and NBDPI. This plan was recorded at the NBROD;
7) See Construction Note #3;
8) A sewer cleanout is proposed in Chaffee Street (See Construction Note #11);
9) See Construction Note #14;
10) The "Driveway Pavement Section Detail" for the driveway in Chaffee Street is revised to show a 2-1/2" binder course with a 1-1/2" top course.. A separate "Parking Area Pavement Section Detail" is proposed showing a 1-1/2" binder course with a 1-1/2" top course;

648 American Legion Highway - Suite One, Westport, MA 02790 • (508) 636-5905 • fax (508) 636-2477

**ATTACHMENT 1**

11) See Construction Note #13;

12) See Construction Note #13;

13) See Construction Note #15.

We respectfully request your approval of the enclosed Layout & Landscape Plan, Grading & Utilities Plan and Details & Notes, revised through March 2, 2017. If you have any questions or require additional information, please contact me.

Sincerely,

BOUCHER & HEUREUX, INC.

Alan J. Heureux, P.E.

xc: Planning Division
Department of Inspectional Services
Environmental Stewardship
Marcio Silva

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**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: Euzebio Arruda, Commissioner, DPI

Date: February 21, 2017

RE: XCEL Brazillian Jiu Jitsu- Site Plan
Chaffee Street – Plot 130G Lots 22,44,42,43 &44

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

1. Driveway permits are subject to Traffic Commission approval.
2. Permits for sidewalk, driveway, water, sewer and drainage must be obtained from the Department of Public Infrastructure Engineering Division.
3. Install granite curb on Chaffee St. between proposed wheelchair ramp and the proposed driveway.
4. Driveway to be built in accordance with City of New Bedford regulations and with 4 foot transition curb on the east side.
5. Add 3 trees to the Chaffee St. sidewalk area.
6. This site plan includes 5 different lots. Owner to provide copy of recorded plan for combining the parcels.
7. All utilities to be installed in accordance with City of New Bedford standards.
8. Owner must install sewer clean out, on the proposed service, within the city layout.
9. Owner must contact the Department of Public Infrastructure Engineering Division to assign a new address for the proposed building.
10. Revise the "Pavement Section Detail" to show a 2 ½" binder course.

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

**ATTACHMENT 2**

11. The Department of Public Infrastructure requires a final set of approval plans to be submitted that reflects all revisions made prior to the start of construction.
12. Developer and site contactor must schedule a pre- construction meeting with the Department of Public Infrastructure prior to the start of construction.
13. Upon completion, Engineer must submit "As Built Drawings" in CADD format prior to the Certificate of Occupancy being issued.

CC: Department of Inspectional Services
Environmental Stewardship
Boucher & Heureux, Inc.
Marcio Silva