



PATRICK J. SULLIVAN
DIRECTOR

City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

October 20, 2016

Case # 4249: SPECIAL PERMIT

306 Mount Pleasant Street

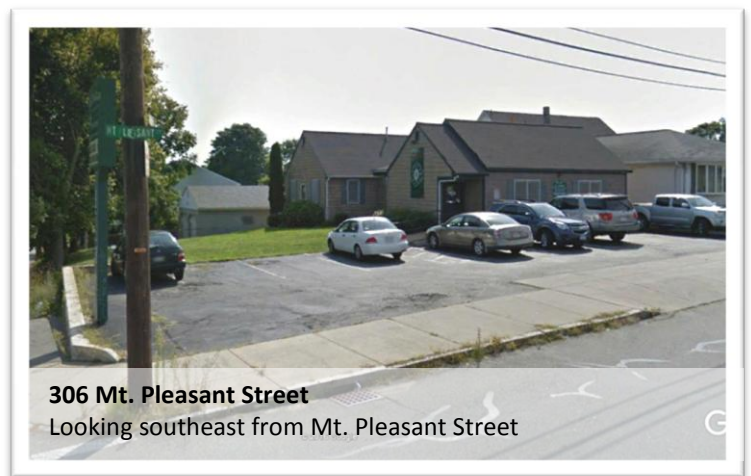
Map: 91, Lot: 49

Owner:

James M. Doherty, Trustee
Doherty Family Nominee Trust
15 Harbor Road
Mattapoisett, MA 02739

Applicant:

Michael Frias, Owner
New Bedford Counseling Group Inc.
131 Willis Street
New Bedford, MA 02740



Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a **Residential B [RB]** zoning district. The property is an existing nonconforming use and structure under the city's code of ordinances as an office building in a residential district. The petitioner proposes to convert the use to a counseling practice. A change to an existing nonconforming property requires a Special Permit.

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a.) social, economic, or community needs which are served by the proposal;
- b.) traffic flow and safety, including parking and loading;
- c.) adequacy of utilities and other public services;
- d.) neighborhood character and social structures;
- e.) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Additionally, the ZBA must determine that the proposed change to the nonconforming structure shall not be:

- f.) substantially more detrimental than the existing nonconforming structure to the neighborhood.

Existing Conditions: The west end 9,507 sq. ft. lot is located near the Carlos Pacheco Elementary School, Peckham West Cemetery, and Presidential Heights (public) Housing. The corner lot has 91'± frontage on Mt. Pleasant Street and 114'± on the adjacent Fillmore Street. The property consists of a 2,148 sq. ft. office building with wheelchair accessible ramp main entrance, nine (9) striped on-site parking spaces, and fencing along the east and south property boundaries.

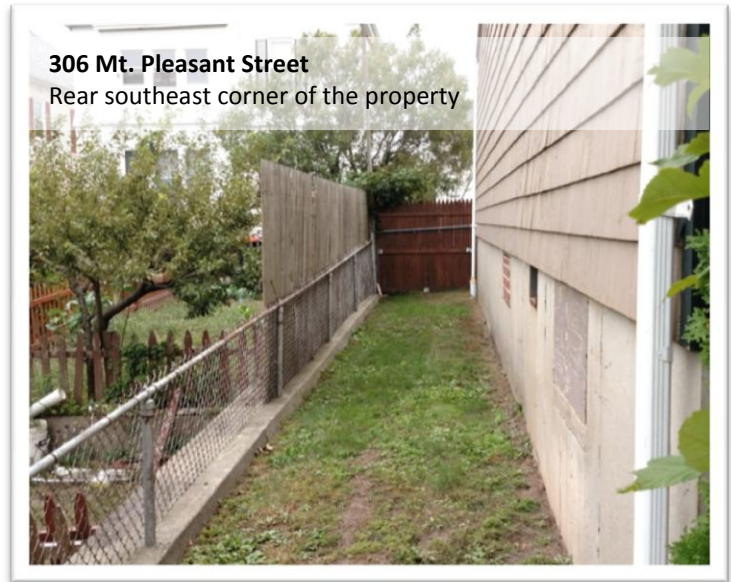
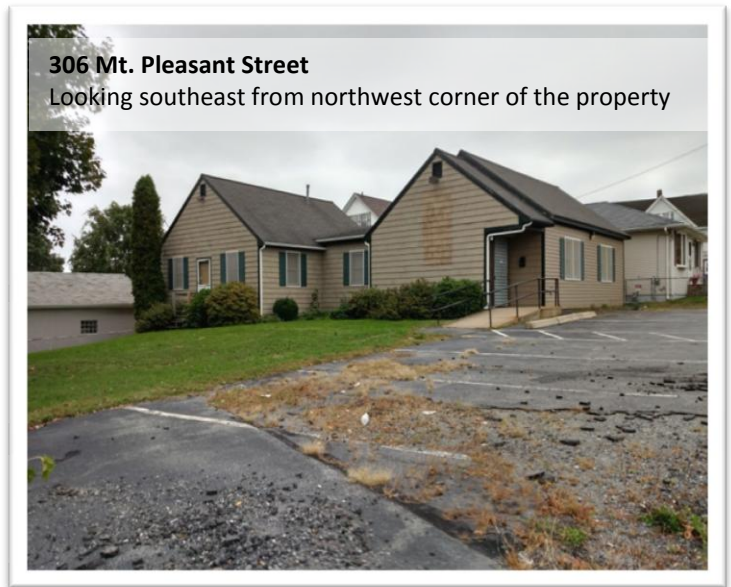
The surrounding neighborhood consists of a mix of single, two- and three- family housing as well as a New Bedford Housing Authority property directly across Fillmore Street. Directly across Mt. Pleasant Street is a cemetery and diagonally opposite the site is an elementary school.

The property is currently vacant. The parking lot is in need of repair as the pavement is cracked, torn, and subsiding in the north and south edges. The preceding use was as an insurance and accounting office for thirty plus years; prior to that a monument works business was noted as operating at this location (as cited in a previous variance application.)

The property has three previously-granted variances. A variance was granted in 1979 for the use as “insurance and general business offices” (Case #2215). A variance was granted for the expansion of the insurance office in 1985 (Case #2553) and most recently in 1996 (Case #3248) a variance was granted once again for an insurance and accounting office. The 1985 application indicates the insurance office had two full time and two part time employees at this location. No other information about the number of employees after that could be found by Staff.

Proposal: The petitioner proposes to convert the vacant office space into a mental health counseling practice with ten (10) employees. The staff will consist of two operational staff (an office manager and one staff person) and four (4) to eight (8) therapists rotating shifts between 9am-7pm, seven days a week. The practice expects to see 30-50 clients per day. The petitioner proposes to have a waiting room and four (4) offices inside. Planning Staff inquired further about staffing and were informed by the petitioner via email, that there will be 3 full time therapists and 4-5 part-time therapists. Sessions are 45 minutes with a 10 minute interval between appointments, described as allowing for client privacy and parking. Currently, treatment is individual though they may wish to have group sessions in the future. If so, the group meetings will be held in the evening or weekends. At maximum the petitioner states there will be 6 individuals (employees and clients) on site at any given time.

In regards to the criteria necessary to grant the special permit, staff offers the following:



- a.) **Social, economic or community needs which are served by the proposal.** The application notes that the “counseling group will provide mental health treatment for our community” and notes that “two local agencies have a 3-6 month wait for an appointment.”
- b.) **Traffic flow and safety including parking/unloading.** The applicant points out that the location has 9 (on-site) parking spots. The petitioner indicates the shifts will be rotated so that parking will be available for staff and clients at all times. The office will open at 9am, which is described as being after the start time for Pacheco Elementary school, and is therefore intended not to conflict with the morning school traffic. Staff notes that it has concerns with respect to the existing condition of the parking lot.
- c.) **Adequacy of utilities and other public services.** Petitioner notes the office is located on the SRTA bus route. Staff adds that the location is served by SRTA bus route #8 –Mt. Pleasant Street.¹ Further, staff observes that the building was previously used as an office and is setup for a similar use.
- d.) **Neighborhood character.** The application states that the counseling office will be a great asset to the community providing clients counseling in a timely manner and assist them in securing available resources noting in particular that the practice will have a bi-lingual therapist due to a diverse ethnic community. Additionally, the applicant indicates the nearby school may be a source of referrals for the business. Lastly, the applicant cites there are multiple types of businesses in the area including a convenience store and a U-Haul. The rear and south side abutter are residential and staff found that in the previously-granted variances the rear and south side fencing was a requirement to be maintained on the property abutting these residential areas. The rear abutting property is approximately five feet below the grade of this lot.
- e.) **Impacts on the natural environment/potential fiscal impact, etc.** The applicant contends the office will not negatively impact the natural environment and will employ 6-10 individuals.
- f.) **Nonconforming structures.** With respect to criteria for nonconforming structures the applicant states “the business will bring very little traffic to the neighborhood” and further that “there are nine parking spaces.”

For Board Member Consideration:

There is a history of commercial use at this property with a professional office existing over the past thirty years in this location. The proposed use is considered a medical use under the zoning ordinance, though as a counseling practice staff notes the activity would be similar to a professional office use.

Staff has sought clarification as to whether the parking lot will be repaired prior to the business opening. The applicant indicated that he is in discussions with the landlord about the condition of the parking lot, with a resolution expected shortly. In light of this, the board may wish to further inquire about this concern if the applicant has yet to address it in the course of the presentation in the public hearing.

¹ Mt. Pleasant Street is served by SRTA bus Route #8. The monthly ridership on Route #8 varies seasonally from 6,766-10,760. *Source: Comprehensive Service Assessment Southeastern Regional Transit Authority Final Report*, pages 209, and 231. Accessible online as of 9/30/16: http://www.srtabus.com/wp-content/uploads/SRTA_2014_CSA_Final_Report.pdf



306 Mount Pleasant Street Map: 91, Lot: 49

NOTE: Property line is approximate; for discussion purposes, only.

Google Earth

41°39'27.56" N 70°56'23.47" W elev 158 ft eye alt 740 ft