



**Planning Board**  
City Hall, Room 303  
133 William Street,  
New Bedford, MA 02740  
(508)979-1488  
[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2016 AUG 22 P 12:12  
CITY CLERK

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

## NOTICE OF DECISION

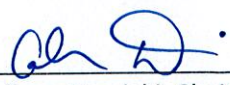
Case Number:	26-16			
Request Type:	Site Plan Approval			
Address:	314 Church Street			
Zoning:	Mixed Use Business and Residence B zoning districts			
Recorded Owner:	W. Needle LLC			
Applicant:	Will Needle			
Applicant Address:	440 West Street, Walpole, MA 02081			
Application Submittal Date	Public Hearing Date		Decision Date	
July 18, 2016	August 10, 2016		August 22, 2016	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
113 109	68, 174, 175 237, 238, 239 & 240	11475	297	

**Application:** Request by applicant for site plan approval for a commercial business expansion at 314 Church Street (Map 113, Lot 68, 174, 175 & Map 109, Lots 237, 238, 239 & 240) in the Residence-B and Mixed Use Business (MUB) zoning districts.

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

A copy of this decision was filed with the City Clerk of the City of New Bedford on August 22, 2016. 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.

8/22/16  
Date

  
Colleen Dawicki, Chair  
City of New Bedford Planning Board

## **1) APPLICATION SUMMARY**

This is a request by applicant and owner, Will Needle, for site plan approval for a commercial business expansion at 314 Church Street, located on a 0.94 +/- acre site, in the Residence-B and Mixed Use Business (MUB) zoning districts. The proposed project is for the conversion from a warehouse/distribution business use to office and storage use for roadside assistance vehicles.

## **2) MATERIALS REVIEWED BY THE PLANNING BOARD**

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

The submittal is named on the Title Sheet as Site Plan #314 Church Street, Assessors Map 113, Lots 68, 174, New Bedford, MA, dated July 14, 2016, prepared for Will Needle, 440 West Street Walpole, MA 02081, as prepared by Farland Corp., 401 County Street, New Bedford, MA 02740 consisting of four (4) sheets; *and*

Architectural Plans – North, South, East & West Elevation and Floor Plan conceptual plans were presented without Title Box or other descriptive information.

Cover Sheet – Sheet 1 of 4

Existing Conditions – Sheet 2 of 4

Layout, Utilities & Grading Plan – Sheet 3 of 4

Details – Sheet 4 of 4

### **Other Documents and Supporting Material**

Staff Report with attachments:

1. Land Court Plan 29714A (with Notations)
2. Locus Plan for Case 2778
3. Variance 2778
4. Variance 2109
5. Site Plan Review Application
6. Project Narrative
7. Deed – Bristol County (S.D) Registry of Deeds Book 11475, Page 297
8. Memorandum from Department of Public Infrastructure dated July 26, 2016
9. Plan Set Dated July 14, 2016
10. Conceptual Elevations & Floor Plan
11. Letter from Abutter
12. Site Photographs received into the record

## **3) DISCUSSION**

Board Members Colleen Dawicki, Kathryn Duff, Peter Cruz and Alexander Kalife were present on the evening of the discussion. Recusing himself from the hearing was Board Member Arthur Glassman. Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were also present during proceedings for the subject case review.

Project Manager Nicholas Dufresne of Farland Corp represented the applicant before the Planning Board. Applicant Will Needle was in attendance for discussion of the case submittal.



The applicant's agent described the proposal to relocate a towing facility to this site which includes interior and exterior improvements of the warehouse storage structure that will serve to garage emergency roadside assistance vehicles for seventeen employees. No repair work is to be done at this place of business. Business hours of operation were given as 8:00 a.m. to 5:00 p.m. with employees taking trucks back to their residence during off-hours, so as to respond to calls with minimal disturbance to the neighborhood. Also, the applicant intends to have employees park transported vehicles inside the structure at 314 Church Street during off hours, to be later unloaded during normal business hours. Furthermore, as a courtesy to neighbors, the applicant will require that his drivers silence truck backup alarms and turn off emergency roadside assistance lights while driving in the neighborhood. Vehicles will be impounded within the fenced area at Church and Clifford Streets.

Landscaping and other site improvements were presented and duly considered by the Planning Board. Site photographs were received into the record.

Chair Dawicki requested a motion from the Board to open the public hearing; motion moved by Board Member K. Duff, with second by Board Member P. Cruz by vote of four (4)-zero (0).

No one spoke or asked to be recorded in favor of the project submittal; however the applicant and Board provided clarification regarding the project's intent for abutter Elizabeth Mitchell of 319 Irvington Street.

No one asked to speak in opposition of the proposal; however, a letter from Nelson and Teresa Alves of 290-292 Princeton Street was read into the record.

With no other comments received, a motion was made by Board Member K. DUFF, with a second by Board Member P. Cruz to close the hearing. Motion carried four (4) to zero (0).

A brief discussion followed to further clarify the use, traffic circulation, and intent of the proposal. The Planning Board, being mindful of the neighboring Residence-B zoning district, requested the applicant reconsider the ingress and egress of tow trucks and truck travel path along the neighborhood one-way streets. The Planning Board requested the applicant revise the site plan to clarify that the curb cut servicing Church Street be the point of ingress and egress for parking and storage at Map 113, Lot 174 and Map 109, Lot 238, as shown on the plan (Layout, Utilities and Grading Sheet 3 of 4).

#### **4) DECISION**

Chair Dawicki asked for a motion on the Site Plan approval. Board Member Duff moved to approve with conditions, a request by applicant for site plan approval for a commercial business expansion at 314 Church Street (Map 113, Lot 68, 174, 175 & Map 109, Lots 237, 238, 239 & 240) located on a 0.94+/- acre site in the Residence-B and Mixed Use Business (MUB) zoning districts as presented by Applicant's Agent Farland Corp, of New Bedford, Massachusetts.

The Planning Board finds 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 moves approval on the subject application with the following conditions:

- ☐ That the building be used for the storage of vehicles not the service of vehicles.



- ☐ That the applicant agree to work with a Board member regarding the egress of trucks [from parking area] to least impact the residential areas, specifically those around the Princeton Street area.
- ☐ That the applicant agree that the safety lights and back-up alarms on vehicles be turned off after business hours.
- ☐ That the project 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.
- ☐ That the applicant shall have the elevation plans stamped by a registered architect as stipulated under §5440 of the city's ordinance for final consideration, review and approval by the Planning Board's agent.
- ☐ That the applicant shall undertake the parking calculations to include the requirements for office use and storage and servicing of roadside assistance vehicles on final site plan revisions.
- ☐ The applicant shall ensure installation and show evidence of all relevant ADA parking requirements as set forth by the Department of Inspectional Services on final site plan revisions.
- ☐ That the Planning Board incorporates the Memoranda from the Department of Public Infrastructure dated July 26, 2016 [Attachment 1].
- ☐ Additionally, as the Department of Infrastructure Memorandum stipulates cement ribbon sidewalks and granite curb, the applicant shall delete reference to bituminous concrete on final plan revisions.
- ☐ That the applicant adhere to the stipulations set forth under §3300-Screening and Landscaping and §3332 and Appendix B of the Zoning Code, whereby Green Space in Mixed Use Business [MUB] and Residence-B must comprise a minimum of 35% of the site for Map 113, Lots 68, 174, 175 and Map 109, Lots 237, 238, 239 & 240.
- ☐ That the Landscape schedule and landscape buffering plan shall be presented for the Planning Board's agent for review, consideration, and approval. Landscape and Lighting Plans may be submitted for review and approval by Planning Staff.
- ☐ That as this commercial business is adjacent to a residential zone, the applicant shall provide a Lighting Plan to illustrate the location of site illumination for consideration; this is just relative to the building--we realize that the parking area is not lit because you're not in business after hours.
- ☐ That the applicant updates plans to note the 4' Chain Link Fence as shown on the Layout, Utilities and Grading Plan at Map 113/Lot 177 has been replaced with a vinyl fence on final plan revisions.
- ☐ That the applicant shall change all Hay references to Straw on final plan revisions.



- ☐ That the applicant shall ensure operations on site shall subscribe to quiet hours between 10:00 p.m. and 7:00 a.m. as stipulated under City Ordinance at §17-15 (b).
- ☐ That the applicant remove any barbed wire fencing on property lines abutting residential zones below a height of eight (8) feet above grade, as stipulated under Municipal Code §2339.
- ☐ That 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.
- ☐ That 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.

Motion seconded by Board Member Cruz. Motion carried unanimously four (4) to zero (0).


Board Member Kalife – Yes  
 Chair Person Dawicki – Yes

Board Member Cruz – Yes  
 Board Member Glassman – Recused

Board Member Duff -Yes

Filed with the City Clerk on:

8/22/16  
 Date

  
 Colleen Dawicki, Chair  
 City of New Bedford Planning Board





**CITY OF NEW BEDFORD**  
Jonathan F. Mitchell, Mayor

## Department of Public Infrastructure

Euzebio Arruda  
Commissioner

Water  
Wastewater  
Highways  
Engineering  
Cemeteries  
Park Maintenance  
Forestry  
Energy

### MEMORANDUM

To: City of New Bedford Planning Board

From: Euzebio Arruda, Commissioner, DPI

Date: July 26, 2016

**PLANNING  
JUL 28 2016  
DEPARTMENT**

RE: Site Plan- 314 Church St.  
Plot 113. Lots 68 and 174

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

1. Developer to install cement ribbon sidewalks on the east side of Church Street between Irvington Street and Clifford Street.
2. Developer to install granite curb on Church Street and Irvington Street within the limits of the project.
3. Driveway permits are subject to Traffic Commissions approval.
4. Driveways to be built in accordance with City of New Bedford regulations and with 4 foot transition curb on both sides.
5. Developer to plant trees on grass area on Irvington Street, Church Street and Princeton Street.( Location of trees to be determined by the developer and Department of Public Infrastructure)
6. Permits for sidewalk, driveways, drainage, sewer and water must be obtained from the Department of Public Infrastructure Engineering Division.
7. Developer to supply the city with a maintenance agreement for the oil/water separator.
8. All utilities to be installed in accordance with the City of New Bedford Standards.
9. Owner/ Developer must contact the Department of Public Infrastructure Engineering Division to assign new address for the proposed building if needed.



10. 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.
11. Developer and site contractor must schedule of pre construction meeting with the Department of Pubic Infrastructure prior to the start of construction.
12. 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  
Farland Corp.  
W. Needle, LLC