



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

PATRICK J. SULLIVAN
DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING

August 10, 2016

Case # 26-16: SITE PLAN REVIEW

Assured Collision

314 Church Street

Map 113, Lots 68, 174, 175

and

Map 109,

Lots 237, 238, 239 & 240

Applicant/

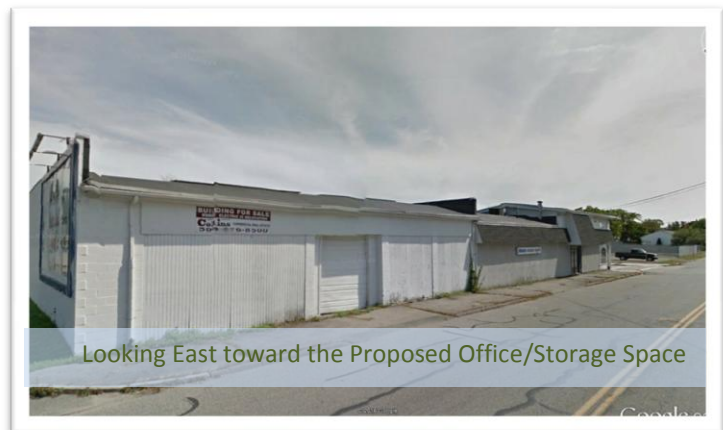
Owner:

Will Needle

W. Needle LLC

440 West Street

Walpole, MA



Looking East toward the Proposed Office/Storage Space

Applicant's

Agent:

Farland Corp

401 County Street

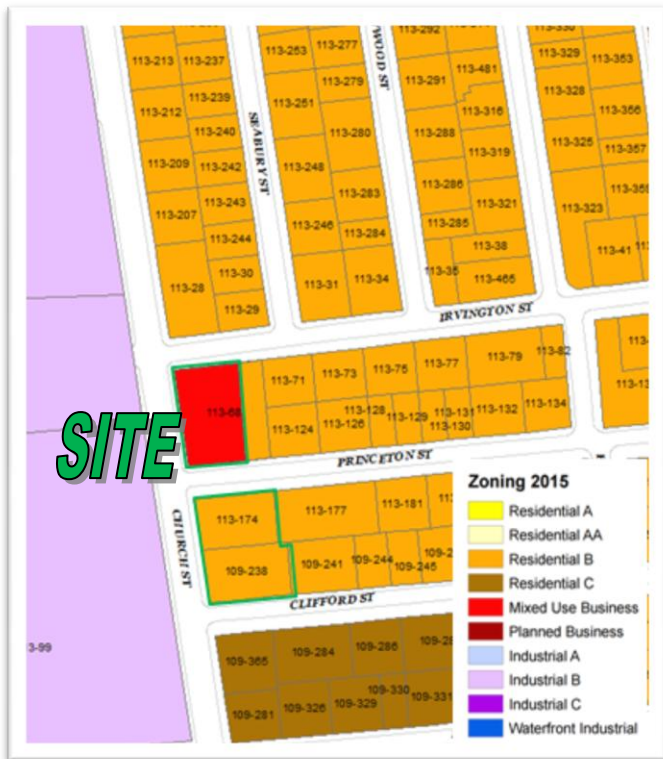
New Bedford, MA 02740

Overview of Request

This is a request by applicant 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.

Existing Conditions

The site parcel, together with the buildings and other improvements, is described by Deed Book 11475, Page 297 as registered and unregistered land which is comprised of several lots that have been merged by deed and title. These associated parcels under this proposal are known as Registered Land-Parcel One-Lot One; Parcel Two - Lots 2 & 3; and Unregistered Land-Parcel Three. Parcels One and Two are illustrated on Land Court Land Plan 29714A (Attachment 1). Unregistered Land -Parcel Three is described in the deed by metes & bounds and shown on the City of New Bedford Zoning Map as Map 109, Lot 238.



The existing 16,300+/- SF building structure at 314 Church Street, built about 1940, is located on Registered Land-Parcel One-Lot One, known as Assessors Map 113, Lot 68. Lot 68 is within the Split Zones of Business and Residence B, as shown in Attachment 2. A Variance (#2778) was granted by the Zoning Board of Appeals on May 7, 1987 to allow for the construction of an addition to the existing structure, thereby allowing an exemption from the requirements of use governed under each distinctive zone (Attachment 3).¹

The current applicant's proposed site plan shows on its face Map 109, Lot 238, which is recognized as 314 Church Street straddling two zoning districts, and so identifies the land under discussion as associated parcels. In considering the use at this site under this case submittal, staff references the history of land use.

Employee parking is currently provided at Princeton and Church Streets (Map 113, Lot 174). Staff notes a new, white vinyl fence has been installed at the adjacent parcel property line to screen the residential use from

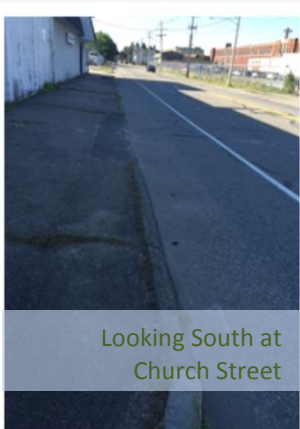
the non residential use.

Roadside assistance vehicles park at Clifford and Church Streets (Map 109, Lot 238). The parking area at Clifford and Church Street is enveloped by a perimeter barbed wire and chain link having white vinyl inserts. Municipal Code § 2339 prohibits barbed wire in all residential zones, or on property lines abutting residential zones below a height of eight (8) feet above grade.

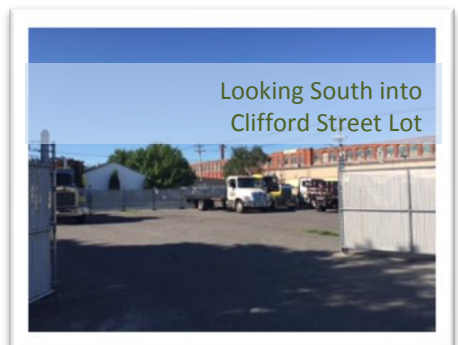
Existing built conditions at the site feature a mix of bituminous concrete sidewalk with rolled bituminous curb along the frontage between Irvington and Church Streets, grass ribbon at Church between Princeton and Clifford Streets, concrete sidewalks with grass ribbon and granite curb along Princeton Street, and grass ribbon along Irvington Street. There are several driveway curb cuts allocated to the combined lots. No street trees trace the limits of the site. The memorandum from the Department of Public Infrastructure offers its recommendations to address existing conditions.



Looking South from
Princeton Street



Looking South at
Church Street



Looking South into
Clifford Street Lot

¹ Prior to Variance #2778, an earlier Variance (#2109) was granted for 314 Church Street (Unregistered Land-Parcel Three) Map 109, Lot 238 at the north side of Clifford Street to allow four (4) preexisting 25' x 12' billboards to remain on land zoned as Res-B after New Bedford passed an ordinance making all billboards in residentially-zoned areas illegal in response to the State Outdoor Advertising Authority Regulations (Attachment 4). The bill boards had been erected at that site for forty years prior to the ordinance change.

The proposed business expansion site is surrounded by a residential neighborhood. Adjacent business entities along Church Street, classified as a Minor Arterial road, include Rexel Electrical Supply, Pinto Auto, and the Chamberlain Manufacturing Corporation, which leases to Guildan Active ware.

Proposed Conditions

The applicant's Plan Review Application states the proposed building footprint will encompass 13, 750 +/- SF. The Project Narrative further describes approximately 4,500 SF of the building will be utilized as office space. The Narrative prepared by the applicant's agent notes 23 parking spaces are required for Office Use whose number also accounts for one handicap parking space. These parking spaces are illustrated on Layout, Utilities & Grading Sheet 3 of 4.

The remaining 9,250 SF space for storage and servicing of motor vehicles requires seven (7) spaces. This requirement could be accommodated at Clifford and Church Streets (Map 109, Lot 238) where the applicant currently parks emergency roadside vehicles. As City of New Bedford regulations call for thirty (30) spaces, the applicant is required to provide a minimum of two (2) handicap accessible spaces under 521 CMR: Architectural Access Board-Section 23.2.1.

Appendix C-Table of Parking & Loading Regulations

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Businesses engaged in retail sale, rental, repair, servicing, storage and distribution of motor vehicles, trailers, campers, boats, furniture or building materials.	One (1) space per each 400 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area.
Offices: General, professional, business, banks, medical clinics and laboratories, radio and television stations; office of non-profit educational, cultural, or charitable organizations.	One (1) space per each 200 sq. ft. of gross floor area but not less than two (2) spaces for each business unit intended to occupy the premises. After 10,000 sq. ft. of gross floor area, one space for every 1,000 sq. ft. of gross floor area.	One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for 100,000 sq. ft. or more of gross floor area.

The business expansion expects to staff seventeen (17) employees with business hours of operation between 8:00 a.m. and 5:00 p.m. Monday thru Friday. As stipulated under ordinance at §17-15 (b) the applicant shall subscribe to quiet hours between 10:00 p.m. and 7:00 p.m.

Site Plan Review

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;

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

- The architectural plans have not been stamped or signed; staff recommends the applicant be reminded of the requirement to have the plans stamped by a registered architect as stipulated under §5440 of the city's zoning ordinance.

Cover Sheet – Sheet 1 of 4

Existing Conditions – Sheet 2 of 4

Layout, Utilities & Grading Plan – Sheet 3 of 4

- The 4' Chain Link Fence noted on the plan at Map 113/Lot 177 has been replaced with a vinyl fence.
- Update Zoning Matrix to reflect parking calculations to include requirements for storage and servicing of motor vehicles.

Details – Sheet 4 of 4

- The Department of Public Infrastructure stipulates cement ribbon sidewalks and granite curb; as such, staff recommends the applicant be required to delete reference to bituminous concrete.
- Staff recommends the applicant be required to change all Hay references to Straw.

Review Comments

Plans for site plan review approval were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department offices.

The Department of Public Infrastructure has proved a memorandum with recommendations for the Planning Board's consideration. The Conservation Commission finds the project is not located in or within 100 feet of State or Local Wetlands; therefore permits from the Conservation Commission are not required for the proposal.

Outside of this, no further comments from city offices were received in this matter.

Staff Recommendation:

The proposed business expansion may impact the quiet enjoyment of the abutting Residence B zoning district. However, there have been special business uses under the associated parcels since 1977. Given the evidential use of Clifford and Church Streets (Map 109, Lot 238) as an area currently utilized for parking emergency road assistance vehicles, (also known as Tow Trucks or Wreckers), staff recommends the applicant adhere to the stipulations set forth under **§3300-Screening and Landscaping** for Map 113, Lots 68, 174, 175 and Map 109, Lots 237, 238, 239 & 240.

The Board may wish to remind the applicant of the standards set forth under §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, with landscape schedule and landscape buffering plan to be presented for the Planning Board's review and consideration. The Board may wish to consider the extent to which the landscape buffer will mitigate greenhouse gases and idling noise levels from the commercial vehicles that could be

A note regarding Heavy Truck Parking in Residential Zones

Under §23 Heavy Truck Parking in residential zones, it is stipulated that: "No vehicle which is required under MGLA c.90 to have other than a class D license, as well as all tow trucks also known as wreckers as defined by Webster's Dictionary (*Tow Truck/Wrecker: Wreckers are an automotive vehicle with hoisting apparatus and equipment for towing wrecked or disabled automobiles, or one that salvages junked automobiles, parts and materials*) shall be parked or be left standing within residence zones AA, A, B or C at any time. The prohibition hereby imposed shall not apply to the parking or standing of such a vehicle for the purpose of making pickups or deliveries from or to any building or structure located within such residence districts or for the purpose of delivering materials to be used in the repair, alteration, remodeling or construction of any such building or structure for which a building permit has been obtained. This prohibition shall apply not only on public streets but also on private property, driveways and parking areas, except garages.

experienced by the residents of the neighborhood.

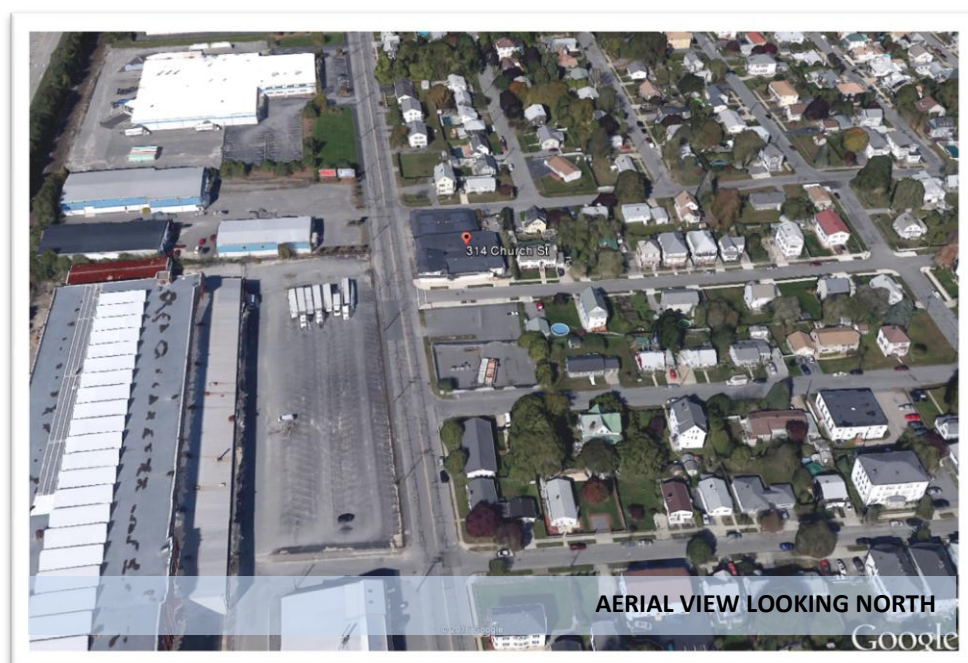
As this commercial business is adjacent to a residential zone, the Planning Board may wish to require the applicant to provide a Lighting Plan to illustrate the location of site illumination.

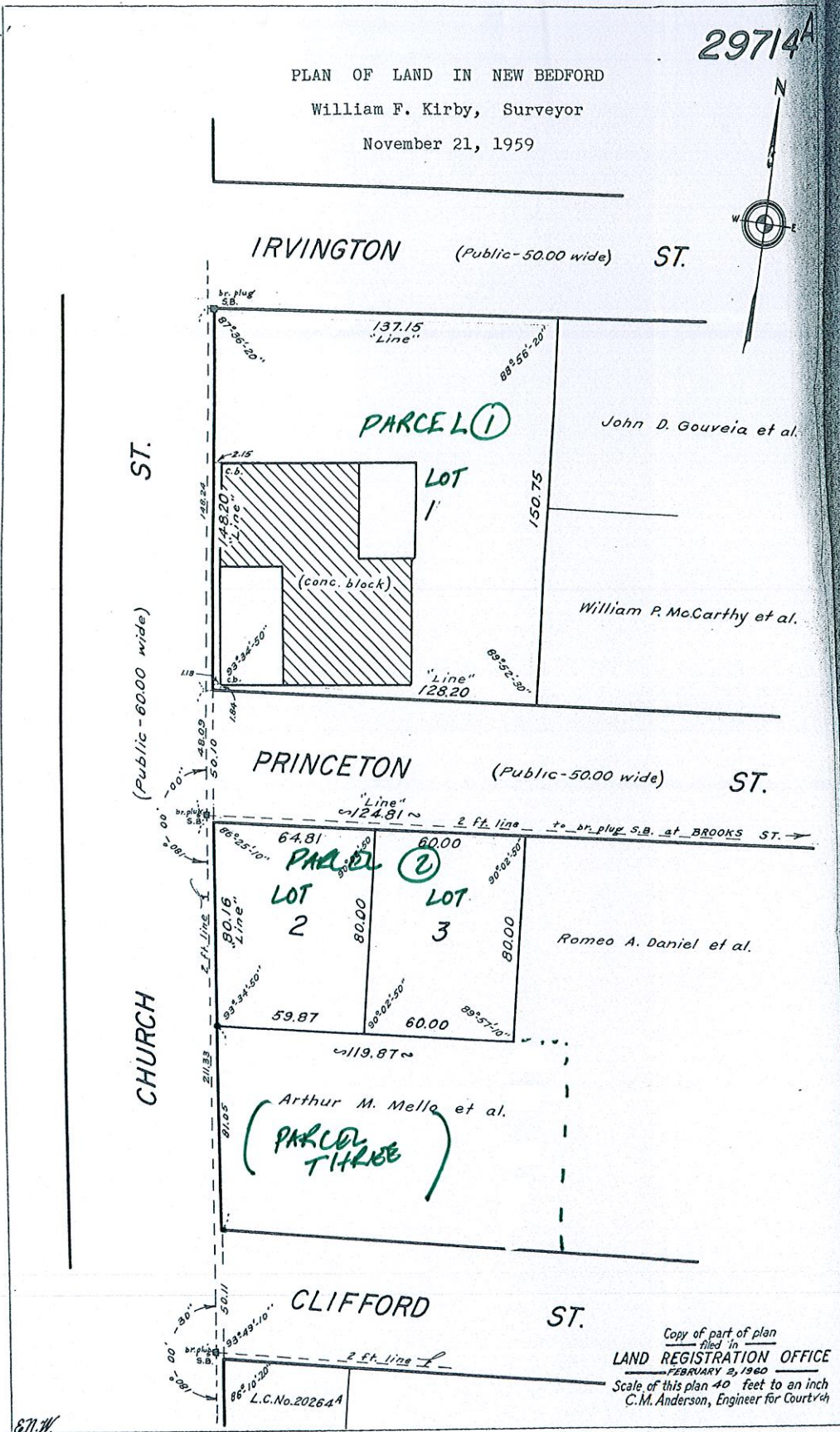
Having reviewed this request, the existing character of surrounding properties and thresholds required for Site Plan and Special Permit modification approval, staff recommends approval of this application to include the following conditions:

1. That a Lighting Plan be presented for review and approval by the Planning Board or its agent the Acting City Planner.
2. A Landscape Plan be presented for review and approval by the Planning Board or its agent the Acting City Planner.
3. Architectural Elevation drawings signed by the consulting architect be presented for review and approval by the Planning Board or its agent the Acting City Planner.

Attachments:

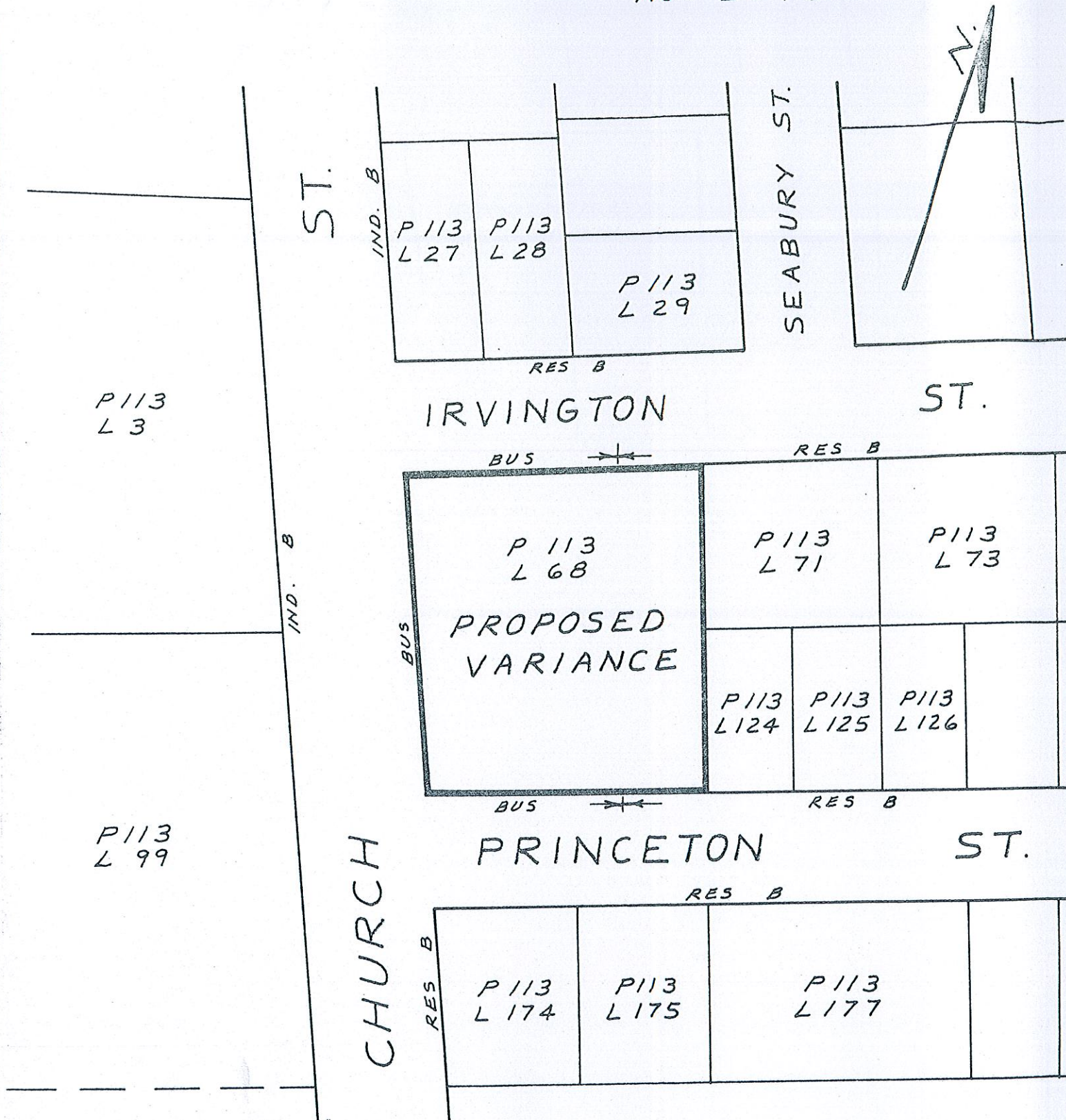
1. Land Court Plan 29714A (with Notations)
2. Locus Plan for Case 2778
3. Variance 2778
4. Variance 2109
5. Site Plan Review Application
6. Project Narrative
7. Deed – Bristol County (S.D) Registry of Deeds Book 117617, Page 297
8. Memorandum from Department of Public Infrastructure dated July 26, 2016
9. Plan Set Dated July 14, 2016
10. Conceptual Elevations & Floor Plan
11. Letter from Abutter





ATTACHMENT 1

Case 26-16
07/18/2016



ATTACHMENT 2

Case 26-16
07/18/2016

Locus affected by the petition of John M. Kalisz for a variance to build an addition to an existing structure. The locale 314 Church Street is in a Business/Residence B Zoned District.

LOT 1

KEA

MAP 113/LOT 68

15541

02778

NOTICE OF ZONING VARIANCE

The Zoning Board of Appeals of the City of New Bedford, Massachusetts on the 7th. day of May 1987 granted a zoning variance (or special permit) in connection with the use of the following described parcel of land in said New Bedford:-

Name of owner Mr. John M. Kalisz

Address of owner 314 Church Street, New Bedford, MA 02745

Location of land affected 314 Church Street, New Bedford, MA 02745

Assessors' Plot 113 Lot 68 in a Business and Residence B zone

Decision of the Zoning Board of Appeals is on file in the office of the City Clerk.

JUN 26 1987

This is to certify that notice of the grant of this appeal was filed with City Clerk on May 8, 1987 and no appeal from the decision of the Board has been filed within the 30 day appeal period.

Certified by

William J. Jelleh
Chairman-Clerk of
Zoning Board of
Appeals

Date

Request: To build an addition to the existing business and to be exempt from the requirements of Uses, a Split Zone.

VARIANCE GRANTED, allowing to build an addition to the existing business and to be exempt from Uses, a Split Zone.

All prerequisites for the granting of the variance were met.

6/26/87

Received & Recorded
Attest

John M. Kalisz
June 26, 1987 at 2 hrs. 11 min. M.
John Gomez Register

8K2033PC0445



CITY OF NEW BEDFORD

MASSACHUSETTS

BOARD OF APPEALS

CITY CLERK'S OFFICE
NEW BEDFORD, MASS.
JAN 10 3 32 PM '87
CITY CLERK

To: Janice A. Davidian
City Clerk
New Bedford, MA

Appeal No.: 2778
Appellant: John M. Kalisz
Locus: 314 Church Street

At a duly advertised public hearing of the Zoning Board of Appeals held on Thursday, May 7, 1987, the request of John M. Kalisz, for a variance at 314 Church Street, Assessor's Map Plot 113, Lot 68 in a Business and Residence B zoned district to build an addition to the existing business was considered. This use would be in violation of Article 2, Chapter 9, Section 9-218 Uses, a Split Zone of the City Code.

Attorney Aaron J. Bor, representative for the petitioner, spoke in favor of this petition. Mr. John M. Kalisz, the petitioner, spoke in favor of this petition. Mr. Gilbert Tavares who use to live on Lot 71, spoke in favor of this petition. Mr. Richard Viveiros of 67 Middle Road, Acushnet, representing Chamberlain Mfg. spoke in favor of this petition. Mr. William P. and Dorothy McCarthy of 293 Princeton Street and Mr. Mark Wellington of 103 Alley Road, Rochester, an abutter to abutter, spoke in opposition to this petition.

Following a discussion, a motion was made by Mr. Ralph Moore and seconded by Mr. Donald Gomes to grant this variance to twenty (20) feet use of Residence B land. I see no reason why we should deny this man the use of twenty (20) feet and giving sixteen (16) feet clearance, that will be a good buffer zone between that property and Mr. McCarthy's land for the property located at 314 Church Street, Assessor's Map Plot 113, Lot 68 located in a Business and Residence B zoned district and to be relieved of the violations of Article 2, Chapter 9, Section 9-218 Uses, Split Zone. Mr. Donald Gomes also stated that it meets all the prerequisites and particularly the hardship of prerequisites and I don't think we will be doing anything that will be against the public good and not derogating from the zoning ordinance or by laws. He has a piece of Residence B land and he can not use it. He can not put a house up there. On a ROLLCALL vote by the Board it was UNANIMOUSLY voted to GRANT the variance.

All prerequisites for the granting of a variance were met.

The petitioner was advised that within twenty (20) days of the date of such filing with the City Clerk, any person aggrieved by such decision may appeal in accordance with the procedures contained in Section 17 of Chapter 40A of the General Laws of Massachusetts.

Henry L. Constant
Henry L. Constant, Clerk

Case 26-16
07/18/2016



David A. Kennedy
City Planner

CITY OF NEW BEDFORD
MASSACHUSETTS
CITY PLANNING DEPARTMENT

MEMORANDUM

To: The Zoning Board of Appeals
From: The Planning Department Staff
Date: 7 May 1987

RE: Board of Appeals Case #2778

GENERAL INFORMATION:

Applicant: John M. Kalisz

Status of Applicant: Owner

Requested Action: Variance to waive use and off-street parking.

Purpose: To erect an addition

Existing Zoning: Business/Residence B

Location: 314 Church Street

Size: 21,168 sq. ft.

Existing Land Use: Commercial

Surrounding Land Use:

NORTH: Residential
SOUTH: Commercial
EAST: Residential
WEST: Industrial

Zoning History: Case #2119 Use premises for four (4) billboards in Residence B zone. Granted 7/19/77

SPECIAL INFORMATION:

Public Utilities: Adequate central water and sewerage service is available.

Public Services: Police, fire and sanitation services are available and considered adequate.

Transportation: Traffic flow will not be affected by the proposed change.

Parking: It is not clear that the required off-street parking (10 spaces) can be provided.

ANALYSIS

#2778

The petitioner wishes to construct a 20'x100' addition to the rear of his existing commercial building. A portion of the added floor space will be utilized as a showroom. The remainder of the space will be utilized for storage.

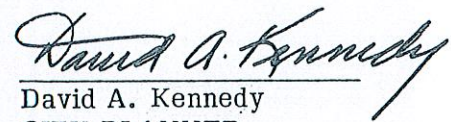
The petitioner's proposal has been cited for a use violation because the rear of the proposed addition will extend into a Residence B zone. In addition to this violation it is not clear that the required off-street parking, ten (10) spaces can be provided.

The split-zoning in this case does create a hardship on this property.

RECOMMENDATION:

The City Planning Department recommends that the variance be granted with the following provisions:

- . That a rear yard of at least ten (10) feet be provided.
- . That the required off-street parking is provided.


David A. Kennedy
CITY PLANNER

July 20, 1977

Mr. David R. Nelson
City Clerk
Municipal Building
New Bedford, Mass.

Appeal No.: 2109
Appellants: Teddy M. and Mildred
N. Kalisz
Locus: 314 Church Street

Dear Sir:

At a duly advertised public hearing of the Zoning Board of Appeals held on Tuesday, July 19, 1977 the petition of Teddy M. and Mildred N. Kalisz for a variance at 314 Church Street Plat 109 Lot 238 located in a Residential B Zone to use the premises for four billboards was considered. This hearing was originally scheduled for July 5th but due to a lack of representation was rescheduled to this date.

Teddy M. Kalisz, the petitioner and Franklin S. Seymour, President of the Hathaway Advertising Co., Inc. were present at the hearing and spoke in favor of the change. No one was opposed to this request.

After some discussion a motion was made by Richard Fontaine to Grant this request. Mr. Fontaine stated that this would be a hardship not to allow the billboards on this property as the property has been used for this purpose for the past forty years. This motion was seconded by Murray Goldberg and unanimously carried by the Board.

Very truly yours,

Benedict J. Harrison, Clerk

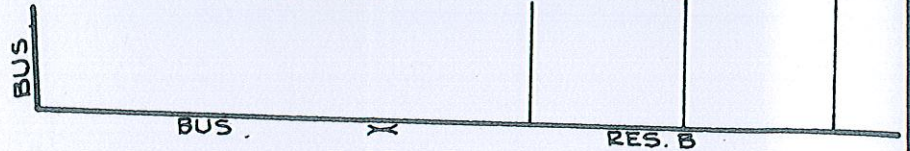
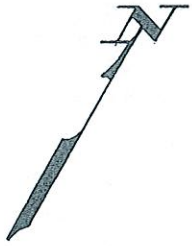
/ljt

ATTACHMENT 4

Case 26-16
07/18/2016

PLOTS 109 & 113

BOARD OF APPEALS #2109

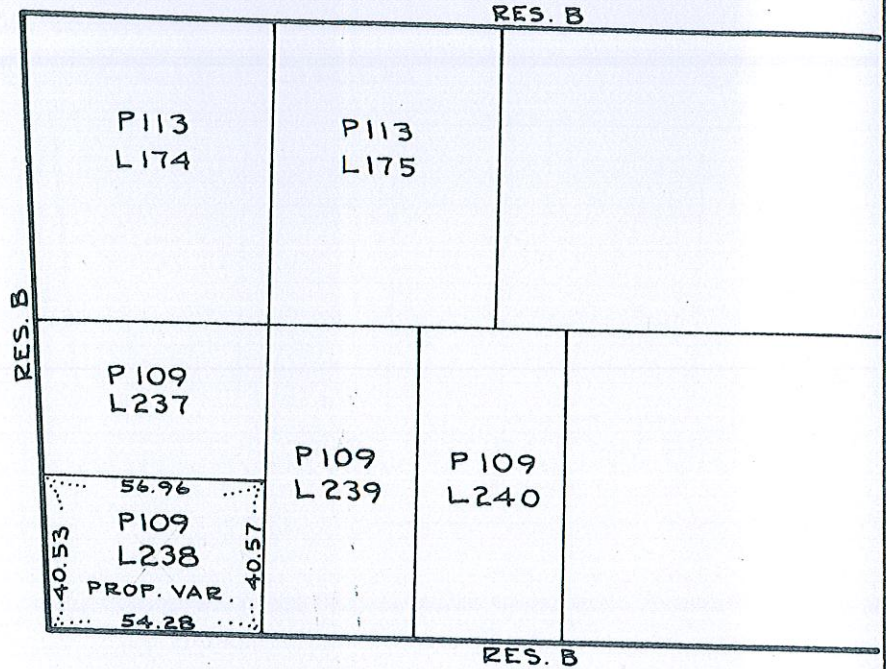


PRINCETON

ST.

ST.

IND. B



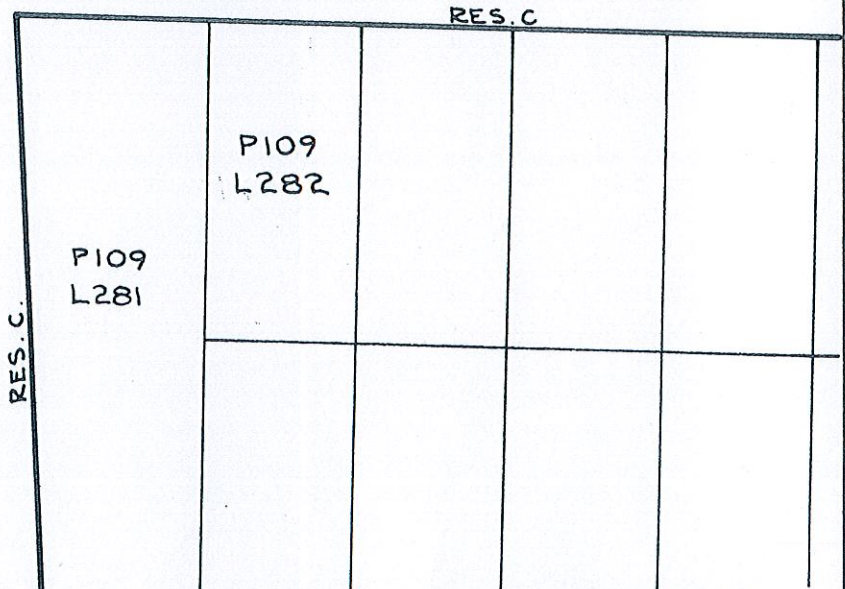
CLIFFORD

ST.

P109
L3

CHURCH

RES. C.



SCALE: 1" = 50'

JUNE 13, 1977

PROPERTIES AFFECTED BY THE PETITION OF TEDDY M. & MILDRED N. KALISZ FOR A VARIANCE PERMITTING RETENTION OF FOUR EXISTING BILLBOARDS AT 314 CHURCH ST. THE LOCALE IS ZONED RES. 'B'.



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
NEW BEDFORD, MA

PLANNING BOARD

2016 JUL 18 P 3:09

CITY CLERK

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

SITE PLAN REVIEW APPLICATION

The undersigned, being the Applicant, seeks Site Plan Approval for property depicted on a plan entitled: SITE PLAN by: FARLAND CORP. dated: 7/14/16

1. Application Information

Street Address: 314 CHURCH ST.

Assessor's Map(s): 113 Lot(s) 68, 174

Registry of Deeds Book: 11475 Page: 297

Zoning District: MUB/RES B

Applicant's Name (printed): WILL NEEDLE

Mailing Address: 440 WEST ST. WALPOLE MA 02081
(Street) (City) (State) (Zip)

Contact Information: 774-306-1733 collisionone@aol.com

Telephone Number

Email Address

Applicant's Relationship to Property: ☒ Owner ☐ Contract Vendee ☐ Other

List all submitted materials (include document titles & volume numbers where applicable) below:

- Application
- Architectural Plan
- Deed
- Abutters List
- Project Narrative
- Site Plan

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval (s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

7/15/16

Date

[Signature] TRUSTEE
Signature of Applicant

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov
PH: (508)979-1488 • FX: (508)979-1576

2. Review Applicability (Check All That Apply to Your Proposal)

Category

- ☒ Residential
☒ Commercial
☐ Industrial
☐ Mixed (Check all categories that apply)

Construction

- ☐ New Construction
☐ Expansion of Existing
☒ Conversion
☐ Rehabilitation

Scale

- ☐ < 2,000 gross sq feet
☒ > 2,000 gross sq feet
☐ 3 or more new residential units
☐ 1 or more new units in existing res. multi-unit
☐ Drive Thru Proposed
☐ Ground Sign Proposed
☐ Residential Driveway With > 1 curbcut

3. Zoning Classifications

Present Use of Premises: WAREHOUSE/DISTRIBUTION (VACANT)

Proposed Use of Premises: OFFICE/STORAGE

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

4. Briefly Describe the Proposed Project:

See Narrative 19 833
9987
11 116
40736 SF

5. Please complete the following:

$$19833 + 4987 + 4800 + 2360 + 2252 + 3248 + 3256 \text{ SF} =$$

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	68 19817	174 9788	10,000
Lot Width (ft)	148.20	80.16	75
Number of Dwelling Units	—	—	—
Total Gross Floor Area (sq ft)	14,400	—	13,750
Residential Gross Floor Area (sq ft)	—	—	—
Non-Residential Gross Floor Area (sq ft)	14,400	—	13,750
Building Height (ft)	< 25'	100'	—
Front Setback (ft)	2'	0	—
Side Setback (ft)	1.5'	16'	—
Side Setback (ft)	"	"	—

$$13750 - 4500 \text{ OFFICE} = 9250 \text{ WAREHOUSE} = \text{23} \text{ (1)}$$

1 SPACE 200 SF

1 SPACE WAREHOUSING - STORAGE - SERVICE UN

Rear Setback (ft)	13.7	10	-
Lot Coverage by Buildings (% of Lot Area)	72%		69%
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)	27%	0	31%
Off-Street Parking Spaces	-	23	23
Long-Term Bicycle Parking Spaces	-	-	-
Short-Term Bicycle Parking Spaces	-	-	-
Loading Bays	-	-	-

6. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	- - -	N/A
b) Number of employees:	-	17
c) Hours of operation:	-	8 AM - 5 PM
d) Days of operation:	-	Mon - Fri
e) Hours of deliveries:	- - -	N/A
f) Frequency of deliveries: <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: _____		

7. Planning Board Special Permits:

☐

The applicant is also requesting a Special Permit from the Planning Board.

Specify the requested Special Permit(s) below, and set forth within attached Development Impact Statement how the request meets approval criteria listed in §5320 of the zoning code.

8. ZBA Variances and Special Permits:

NOTICE: Checking below does not constitute application for a special permit or a variance. The applicant must also file the proper application form and fee with the Zoning Board of Appeals.

☐

The applicant is also requesting a special permit from the ZBA:

Specify zoning code section & title

☐

The applicant is also requesting a variance from the ZBA:

Specify zoning code section & title

9. OWNERSHIP VERIFICATION

This section is to be completed & signed by the property owner:

I hereby authorize the following Applicant: WILL NEEDLE
at the following address: 440 WEST ST. - WALPOLE, MA
to apply for: SITE PLAN
on premises located at: 314 CHURCH ST.
in current ownership since: 9/11/15
whose address is: 440 WEST ST. - WALPOLE MA
for which the record title stands in the name of: W NEEDLE, LLC
whose address is: 440 WEST ST. - WALPOLE MA

by a deed duly recorded in the:

Registry of Deeds of County: Berkshire (S) Book: 11475 Page: 297

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

7/15/15

Date

[Signature] TRUSTEE

Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

PROJECT NARRATIVE

2016 JUL 18 P 3: 09

Site Description

The proposed project consists of two lots located on the east side of Church Street in New Bedford, Massachusetts. They are identified as Assessors Map 113 Lot 68, 19,817+/- sf and Lot 174, 9,788+/- sf. Lot 68 is located in a Mixed Use Business (MUB) zoning district and contains a 14,400+/- sf building previously occupied by Munro Electric Distributors. Currently, there is access to the building via doors or overhead garage doors by Church Street, Irvington Street and Princeton Street.

Lot 174 is located in a Residence B (RB) zoning district and is an existing paved parking area (8,800+/- sf impervious) with two curb cuts on Princeton Street. Existing stormwater flows off site to Princeton and Church Street into City drainage system.

Utilities available to the lots include City sewer and water, gas and overhead electric.

Project Description

The Applicant recently purchased the property and intends to use the building and adjacent lot to expand his towing business in New Bedford. The proposed project will convert the existing warehouse/distribution building into office space for the towing business and garage storage for the vehicles which are used for the towing of disabled vehicles, e.g. trucks, flatbed trucks, wreckers, etc. Approximately 4,500 sf of the building will be utilized as office space. This use will require 23 parking spaces including 1 designated as handicap accessible. The only change to the current footprint of the building will be to setback the existing wall on Church Street 6.5'. This is necessary to allow the trucks that will be exiting the garage enough room to check traffic before entering Church Street. A new concrete apron in front of the garage doors and concrete sidewalks will be installed along the entire frontage of Church Street in front of the building. The only other changes to the exterior of the building will be to update the deteriorating façade.

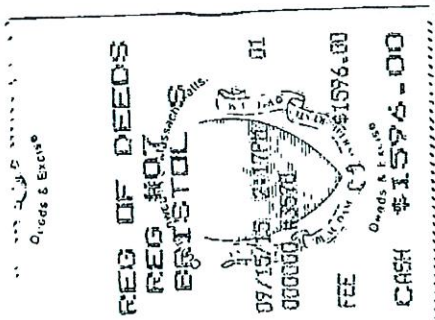
The required parking will be provided on the adjacent lot across Princeton Street. The proposed parking area will include landscaped islands provided by bituminous cape cod berm curbing. The lot will be striped to designate the 23 spaces. A landscaped buffer of 16 arborvitae trees will be planted along the easterly property line of land now or formerly owned by Linhares & Chaberek. Impervious area for this lot has been reduced by 400 sf.

As part of this project, sidewalks with a grass stripe and accessible ramps will be installed along Church Street in front of Lots 174 and 238.

The project as proposed will be an overall improvement to the site and neighborhood by updating a vacant warehouse, improving an existing parking lot and providing tow services and jobs to the City.

ATTACHMENT 6

117617



BK 11475 PG 297
09/15/15 02:14 DOC. 19293
Bristol Co. S.D.

QUITCLAIM DEED

Rexel Patriot Acquisition, LLC, a Delaware limited liability company having a principal office located at 14951 Dallas Parkway, Dallas, TX 75254

for consideration paid and in full consideration of Three Hundred Fifty Thousand (\$350,000.00) Dollars

grants to **W Needle LLC**,^{*} having an address of 440 West Street, Walpole, MA

with *Quitclaim Covenants*

That certain parcel of land, together with the buildings and other improvements thereon, located at 314 Church Street, New Bedford, Bristol County, Massachusetts, being more particularly described as follows:

REGISTERED LAND

Parcel One

SOUTHERLY	by the northerly line of Princeton Street one hundred twenty-eight and 20/100 (128.20) feet;
WESTERLY	by the easterly line of Church Street one hundred forty-eight and 20/100 (148.20) feet;
NORTHERLY	by the southerly line of Irvington Street one hundred thirty-seven and 15/100 (137.15) feet; and
EASTERLY	by lands now or formerly of John D. Gouveia et al and of William P. McCarthy et al one hundred fifty and 75/100 (150.75) feet.

Said Land is shown as Lot 1 on the plan hereinafter mentioned.

{00437984.DOCX/2}1

Parcel Two

WESTERLY by the easterly line of said Church Street eighty and 16/100 (80.16) feet;
NORTHERLY by the southerly line of said Princeton Street one hundred twenty-four and 81/100 (124.81) feet;
EASTERLY by land now or formerly of Romeo A. Daniel et ux eighty (80) feet; and
SOUTHERLY by land now or formerly of Arthur M. Mello et al one hundred nineteen and 87/100 (119.87) feet.

Said land is shown as Lots 2 and 3 on Plan 29714A filed with Certificate No. 7650 in Registration Book 39, Page 281.

All of the said boundaries are determined by the Court to be located as shown on a plan drawn by William F. Kirby, Surveyor, dated November 21, 1959, as modified and approved by the Court filed in the Land Registration Office.

For title, see Quitclaim Deed filed with the Bristol County South Registry District of the Land Court as noted on Certificate of Title No. 22954

UNREGISTERED LANDParcel Three

The land in New Bedford, Bristol County, in said Commonwealth, bounded as follows:

Beginning at a point formed by the intersection of the north line of Clifford Street with the east line of Church Street; thence Northerly in said east line of Church Street 81.05 feet; thence Easterly 139.65 feet to a point for a corner; thence Southerly 81.47 feet to the north line of Clifford Street; and thence Westerly in said north line of Clifford Street 134.28 feet to the point of beginning.

Containing 40.88 square rods, more or less.

For title, see Quitclaim Deed dated November 29, 2012 recorded with the Bristol County South District Registry of Deeds in Book 10601, Page 162.

The Grantor has not elected to be taxed as a corporation.

The conveyance does not constitute all of the Grantor's property in the Commonwealth of Massachusetts.

{This page ends here ~ signature page to follow}

Executed under seal this 11th day of September, 2015.

REXEL PATRIOT ACQUISITION, LLC

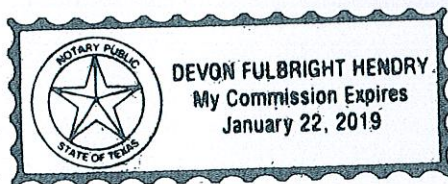
By: _____

Gary Haire
Gary Haire, its duly authorized
signatory

State of Texas

County of Dallas, ss

On this 11th day of September 2015, before me, the undersigned notary public, personally appeared Gary Haire, who proved to me through satisfactory evidence of identification, which was known, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purposed, as a duly authorized real property signatory of Rexel Patriot Acquisition, LLC.



Devon Fulbright Hendry
Notary Public
Name: Devon Fulbright Hendry
My Commission Expires: 1/22/2019



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

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

**PLANNING
JUL 28 2016
DEPARTMENT**

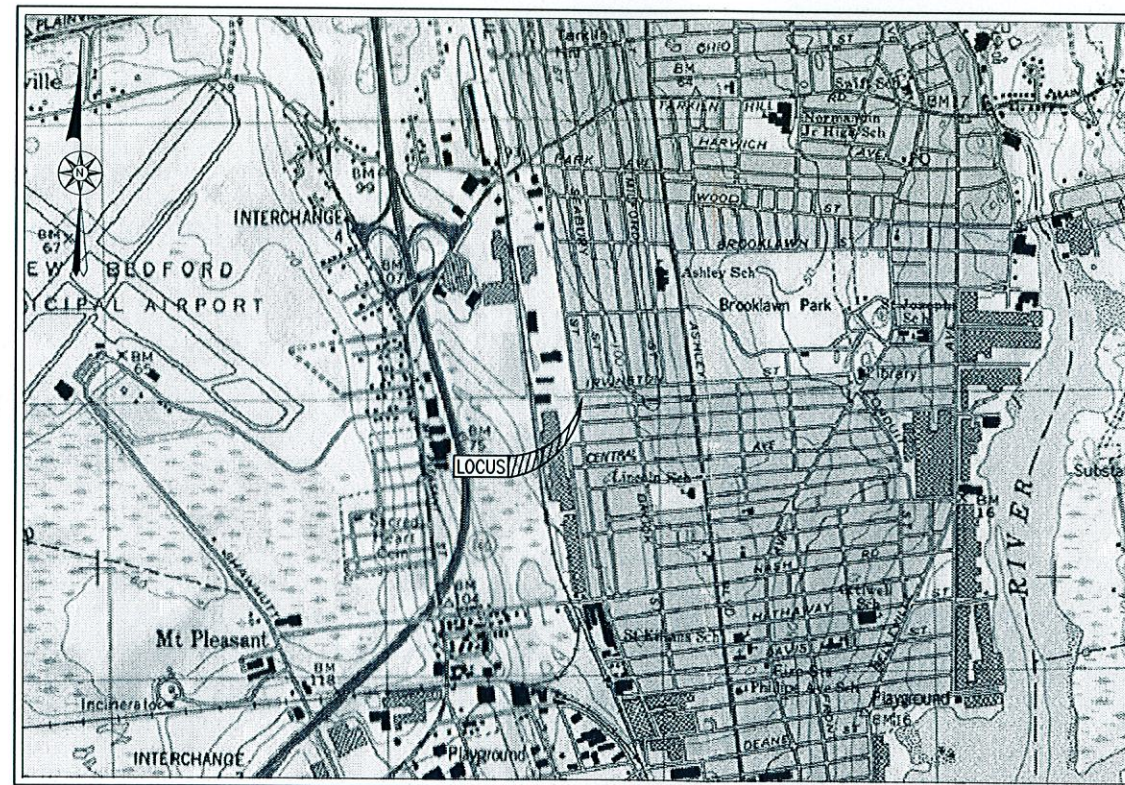
The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

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

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 JUL 18 P 3: 18
CITY CLERK



—AREA MAP—
SCALE: 1"=1,000'±

- INDEX -	
SHEET	DESCRIPTION
1	COVER
2	EXISTING CONDITIONS
3	LAYOUT, UTILITIES & GRADING
4	DETAILS

RECORD OWNER:
ASSESSORS MAP 109 LOT 238 &
MAP 113 LOTS 68, 174
W NEEDLE, LLC
440 WEST STREET
WALPOLE, MA 02081
DEED BOOK 11475 PAGE 297

PREPARED FOR: WILL NEEDLE
440 WEST STREET
WALPOLE, MA 02081

SITE PLAN
— #314 CHURCH STREET —
ASSESSORS MAP 113 LOTS 68, 174
NEW BEDFORD, MASSACHUSETTS

JULY 14, 2016
SCALE: AS NOTED
JOB NO. 15-1239
LATEST REVISION:

COVER

SHEET 1 OF 4

ATTACHMENT 9

Case 26-16
07/18/2016

CITY CLERKS OFFICE
NEW BEDFORD, MA

2016 JUL 18 P 3:18

CITY CLERK



REVISIONS



www.FarlandCorp.com

401 COUNTY STREET
NEW BEDFORD, MA 02740
P.508.717.3479
OFFICES IN:
•TAUNTON
•MARLBOROUGH
•WARWICK, RI

DRAWN BY: NPD

DESIGNED BY: NPD

CHECKED BY: CAF

SITE PLAN
#314 CHURCH STREET
ASSESSORS MAP 113 LOTS 68, 174
NEW BEDFORD, MASSACHUSETTS

WILL NEEDLE
440 WEST STREET
WALPOLE, MA 02081
PREPARED FOR:

JULY 14, 2016

SCALE: 1"=20'

JOB NO. 15-1239

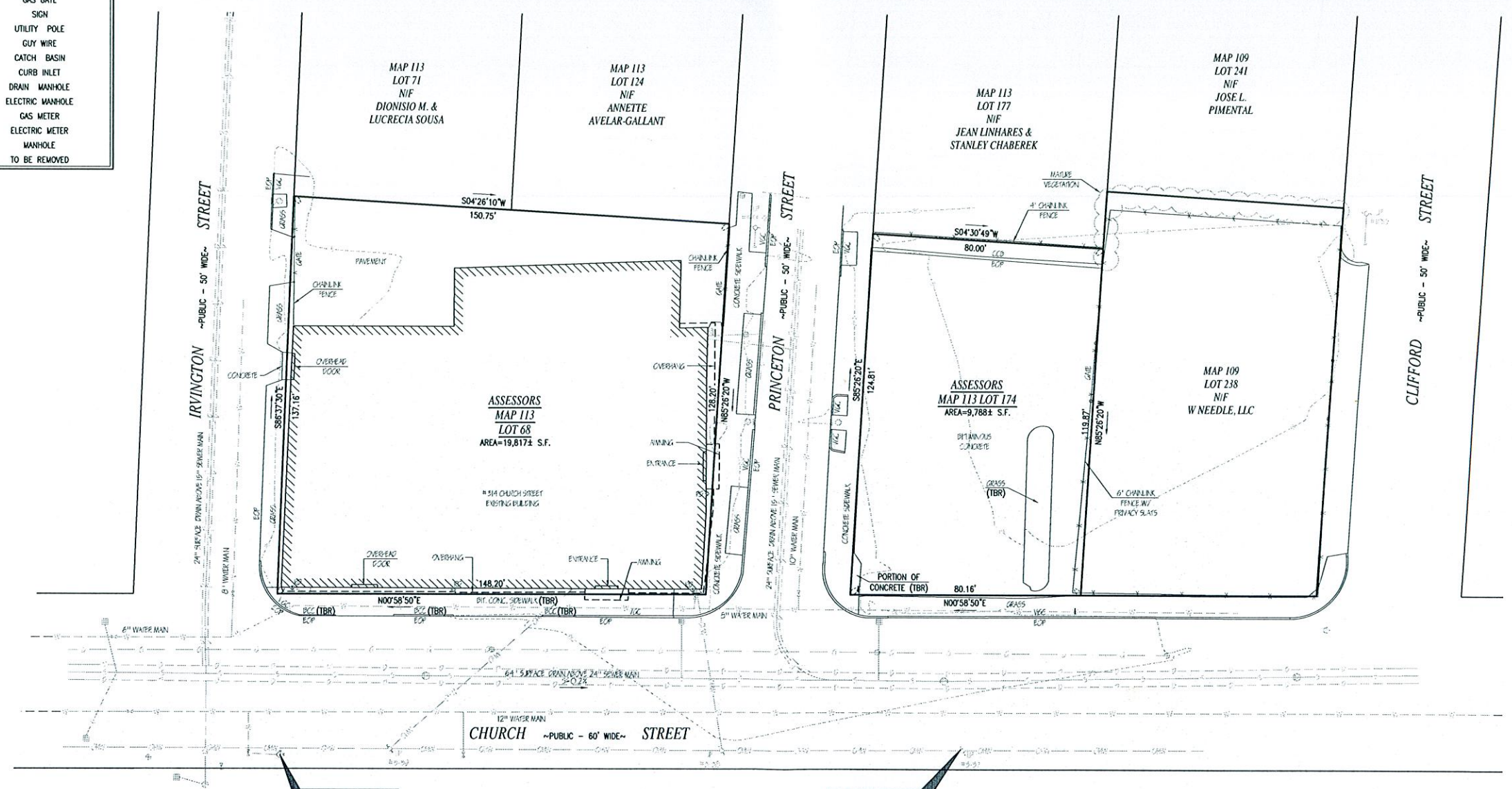
LATEST REVISION:

EXISTING CONDITIONS

SHEET 2 OF 4

LEGEND

EXISTING	DESCRIPTION
	PROPERTY LINE
	CONTOUR LINE
	EXTERIOR BUILDING WALL
	EDGE OF PAVEMENT
	BITUMINOUS CONCRETE CURB
	VERTICAL GRANITE CURB
	CAPE COD BERM
	FENCE
	WATER LINE
	GAS LINE
	OVERHEAD WIRES
	HYDRANT
	WATER GATE
	GAS GATE
	SIGN
	UTILITY POLE
	GUY WIRE
	CATCH BASIN
	CURB INLET
	DRAIN MANHOLE
	ELECTRIC MANHOLE
	GAS METER
	ELECTRIC METER
	MANHOLE
	TO BE REMOVED



NOTES:

1. TOPOGRAPHIC AND PROPERTY LINE SURVEY PERFORMED BY THOMPSON FARLAND, INC. IN DECEMBER 2015.
2. VERTICAL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. ZONING DISTRICT: MIXED USE BUSINESS



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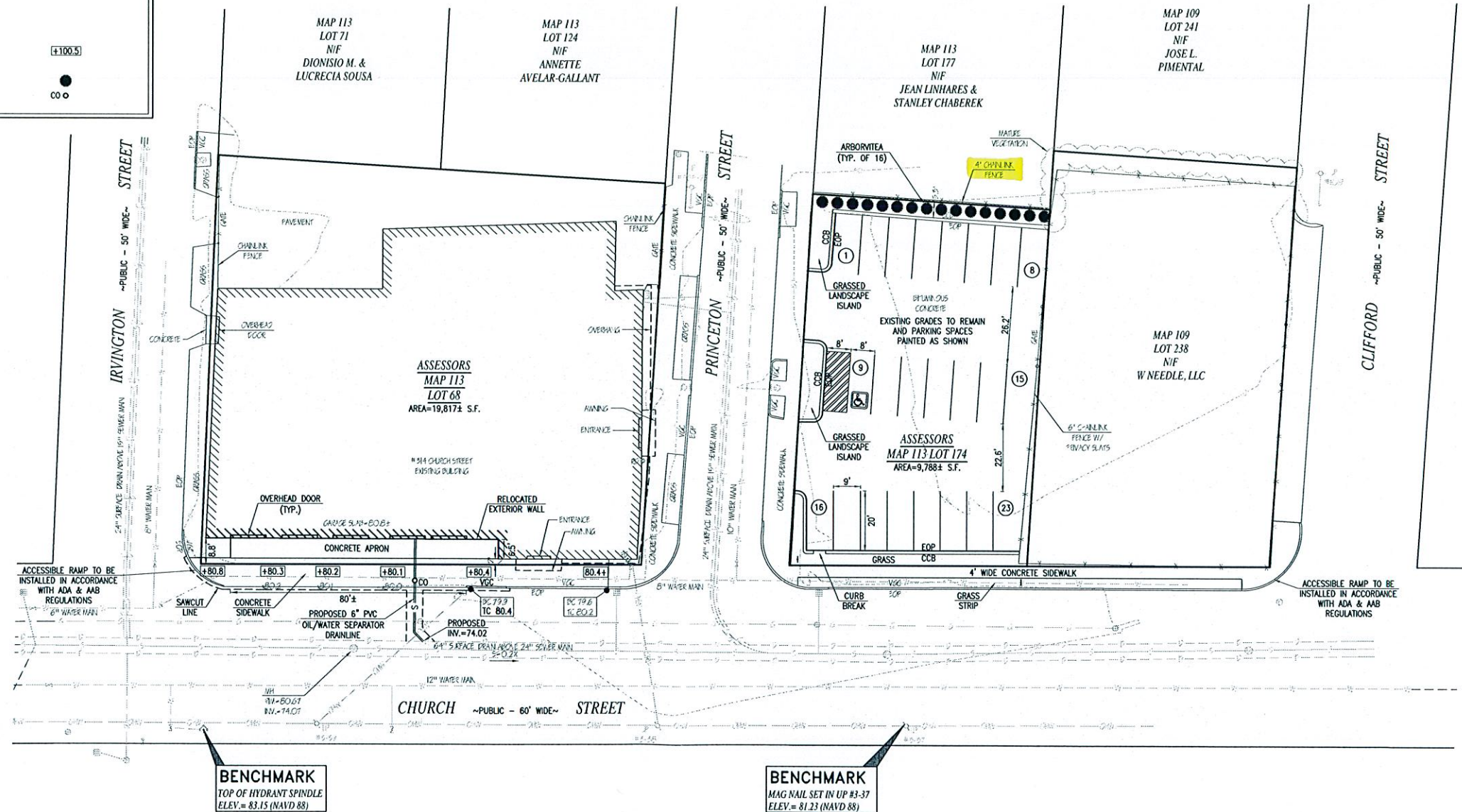
EXISTING	DESCRIPTION	PROPOSED
	PROPERTY LINE	
	CONTOUR LINE	
	EXTERIOR BUILDING WALL	
	EDGE OF PAVEMENT	
	BITUMINOUS CONCRETE CURB	
	VERTICAL GRANITE CURB	
	CAPE COD BERM	
	FENCE	
	WATER LINE	
	GAS LINE	
	OVERHEAD WIRES	
	SEWER	
	HYDRANT	
	WATER GATE	
	GAS GATE	
	SIGN	
	UTILITY POLE	
	GUY WIRE	
	CATCH BASIN	
	CURB INLET	
	DRAIN MANHOLE	
	ELECTRIC MANHOLE	
	GAS METER	
	ELECTRIC METER	
	SEWER MANHOLE	
	SPOT ELEVATION	
	TO BE REMOVED	
	ARBORVITAE TREE	
	CLEAN OUT	

CITY ZONING DATA
DISTRICT: MIXED USE BUSINESS
- PARKING REQUIREMENT -
PRINCIPAL USE: OFFICES

REQUIREMENT	REQUIRED	PROVIDED
1 SPACE PER EACH 100 SQ. FT. GROSS FLOOR AREA (4,500 SQ. FT. PROPOSED)	23 SPACES	23 SPACES

304 JUL 18 P 3:18

CITY CLERK



REVISIONS

www.FarlandCorp.com

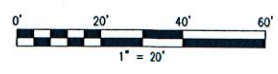
401 COUNTY STREET
 NEW BEDFORD, MA 02740
 P.508.717.3479
 OFFICES IN:
 •TAUNTON
 •MARLBOROUGH
 •WARWICK, RI

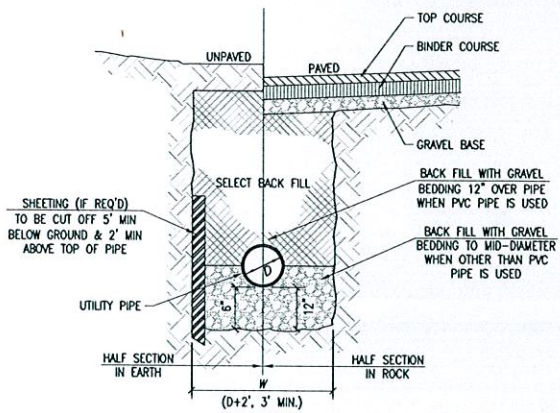
DRAWN BY: NPD
 DESIGNED BY: NPD
 CHECKED BY: CAF

SITE PLAN
 #314 CHURCH STREET
 ASSESSORS MAP 113 LOTS 68, 174
 NEW BEDFORD, MASSACHUSETTS
 PREPARED FOR: WILL NEEDLE 440 WEST STREET WALPOLE, MA 02081

JULY 14, 2016
 SCALE: 1"=20'
 JOB NO. 15-1239
 LATEST REVISION:

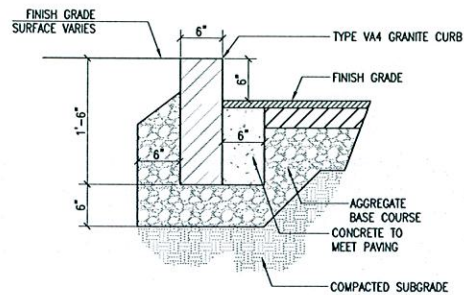
LAYOUT, UTILITIES & GRADING
 SHEET 3 OF 4





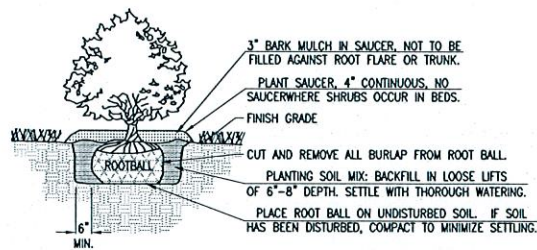
UTILITY TRENCH

NOT TO SCALE



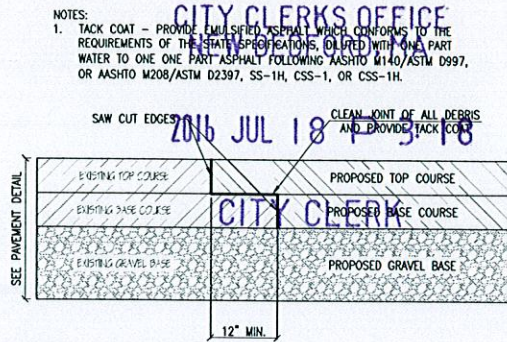
VERTICAL GRANITE CURB

NOT TO SCALE



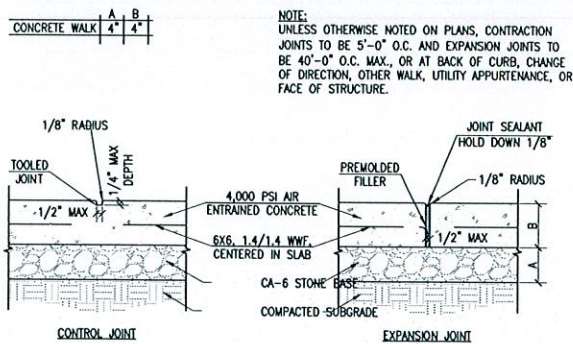
SHRUB PLANTING

NOT TO SCALE



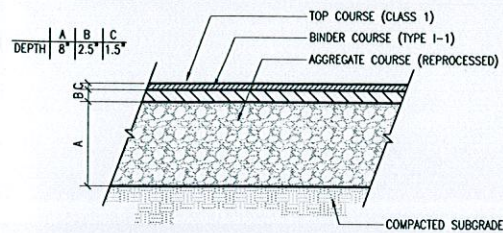
PAVEMENT SAWCUT KEY DETAIL

NOT TO SCALE



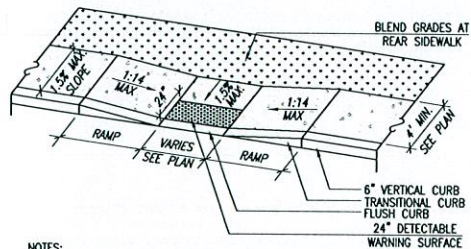
CONCRETE PAVEMENT SIDEWALK

NOT TO SCALE



BITUMINOUS CONCRETE PAVEMENT

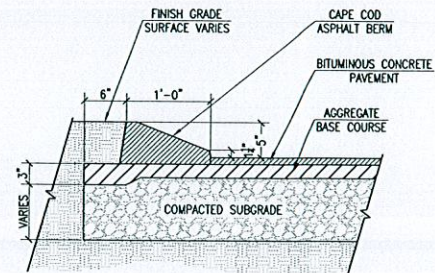
NOT TO SCALE



- NOTES:
1. RAMP CROSS SECTION TO BE THE SAME AS ADJACENT SIDEWALK, I.E. DEPTH OF SURFACE AND FOUNDATION.
 2. DIMENSIONS ARE SUBJECT TO CHANGE IN FIELD, ALL SLOPES AND DIMENSIONS TO COMPLY WITH ADA MAAB REQUIREMENTS.
 3. PROVIDE EXPANSION JOINTS AT TOPS OF RAMP AND AT BACK OF WALK AT INTERFACE OF CURB.
 4. PROVIDE HEAVY BROOM FINISH ON RAMP AND SIDE SLOPES PERPENDICULAR TO FLOW OF TRAFFIC.
 5. MINIMUM WALK DIMENSIONS ARE FROM BACK OF CURB.
 6. TRANSITION CURB LENGTH AS REQUIRED TO MEET CODE.
 7. FIXED OBJECTS (I.E. UTILITY POLES, HYDRANTS, ETC.) MUST NOT ENCR OACH ON ANY PART OF A WHEELCHAIR RAMP, INCLUDING TRANSITION SLOPES.
 8. AT NO TIME IS ANY PART OF THE WHEELCHAIR RAMP, EXCLUDING CURB TRANSITIONS, TO BE LOCATED OUTSIDE OF THE CROSSWALK.

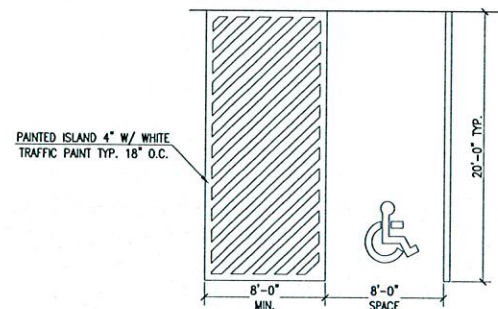
ACCESSIBLE RAMP TYPE B

NOT TO SCALE



BITUMINOUS CONCRETE CAPE COD BERM

NOT TO SCALE



ACCESSIBLE PARKING LAYOUT

NOT TO SCALE

GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AND STRUCTURES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY, ANY GOVERNING PERMITTING AUTHORITY, AND "DIG SAFE" AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION WORK TO REQUEST EXACT FIELD LOCATION OF UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION TAKEN BEFORE PROCEEDING WITH THE WORK. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLAN.
2. TOPOGRAPHIC AND PROPERTY LINE SURVEY PERFORMED BY THOMPSON FARLAND, INC. IN APRIL OF 2011.
3. VERTICAL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 AND HORIZONTAL LOCATIONS REFER TO THE NORTH AMERICAN DATUM (NAD) OF 1983.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL STANDARDS AND REGULATIONS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING ALL CONTROL POINTS AND BENCH MARKS NECESSARY FOR THE WORK.
6. WHERE PROPOSED PAVEMENT AND WALKS ARE TO MEET EXISTING, THE CONTRACTOR SHALL SAWCUT A NEAT LINE AND MATCH GRADE. SEAL ALL JOINTS WITH HOT BITUMINOUS ASPHALT JOINT SEALER.
7. CURBING TO BE AS INDICATED ON THE PLANS.
8. ALL EXISTING TREES, SHRUBS AND GROUND COVER WHERE NATURAL GRADE IS TO BE RETAINED SHALL BE KEPT IN THEIR EXISTING STATE UNLESS REMOVAL IS REQUIRED FOR CONSTRUCTION PURPOSES.
9. ALL AREAS DISTURBED BY CONSTRUCTION AND NOT TO BE PAVED OR OTHERWISE TREATED AS NOTED ON PLAN SHALL BE TREATED WITH 4" OF LOAM, SEEDED AND MOW MULCHED FOR EROSION CONTROL.
10. SITE IMPROVEMENTS SHALL CONFORM TO A.D.A. SPECIFICATIONS.
11. LIGHTING SHALL BE DIRECTED ON SITE AND AWAY FROM TRAFFIC INTERFERENCE.
12. TEST PITS AND/OR BORINGS WERE TAKEN FOR THE PURPOSE OF DESIGN AND SHOW CONDITIONS AT BORING POINTS ONLY. THEY DO NOT NECESSARILY SHOW THE NATURE OF ALL MATERIALS TO BE ENCOUNTERED DURING CONSTRUCTION.
13. THE CONTRACTOR SHALL PROTECT AND/OR CAP OFF ALL EXISTING ON-SITE UTILITY SERVICES ACCORDING TO THE LOCAL AUTHORITY'S SPECIFICATIONS. SERVICES SHALL BE CAPPED OFF WHERE SAME ENTER THE PERIMETER OF THE PROPERTY LINE.
14. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND ALL DETAILS CONTIGUOUS TO THE BUILDING INCLUDING SIDEWALKS, RAMPS, UTILITY ENTRANCE LOCATIONS, WALL PACKS, CONCRETE DOOR PADS, ROOF DRAINS, ETC.
15. ACCESSIBLE CURB RAMPS SHALL BE PER THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD AND THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES, WHICH IS MORE STRINGENT.
16. CONTRACTOR SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL CONSTRUCTION DOCUMENTS, SPECIFICATIONS AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
17. ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS AND SITE CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE FOR CLARIFICATION AND RESOLUTION PRIOR TO BIDDING OR CONSTRUCTION.
18. THESE PLANS ARE PERMITTING PLANS AND SHALL NOT TO BE USED FOR CONSTRUCTION. A FINAL SET OF STAMPED PLANS FOR CONSTRUCTION WILL BE ISSUED AFTER RECEIVING FINAL APPROVAL FROM THE LOCAL AND/OR STATE DEPARTMENTS.

REVISIONS



www.FarlandCorp.com

401 COUNTY STREET
NEW BEDFORD, MA 02740
P.508.717.3479
OFFICES IN:
•TAUNTON
•MARLBOROUGH
•WARWICK, RI

DRAWN BY: NPD

DESIGNED BY: NPD

CHECKED BY: CAF

SITE PLAN
#314 CHURCH STREET
ASSESSORS MAP 113 LOTS 68, 174
NEW BEDFORD, MASSACHUSETTS
WILL NEEDLE
440 WEST STREET
WALPOLE, MA 02081
PREPARED FOR:

JULY 14, 2016

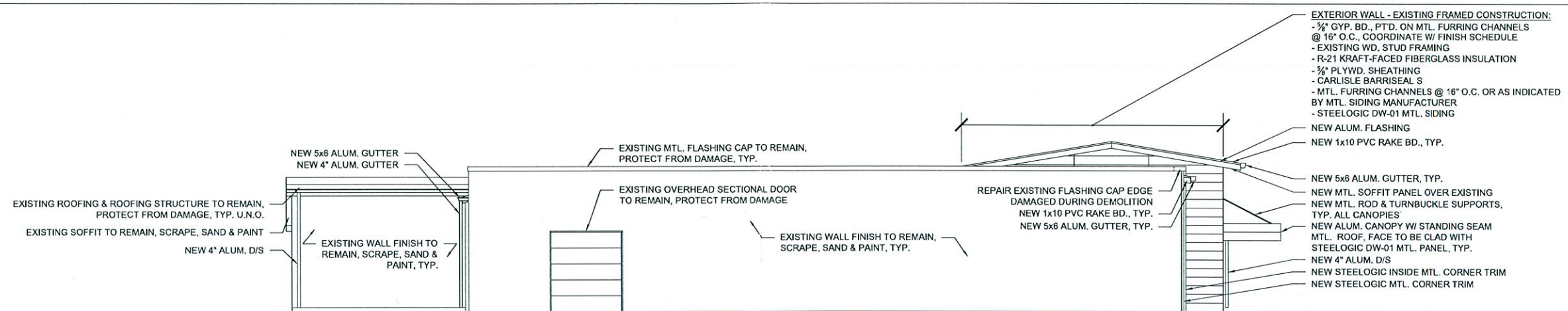
SCALE: AS NOTED

JOB NO. 15-1239

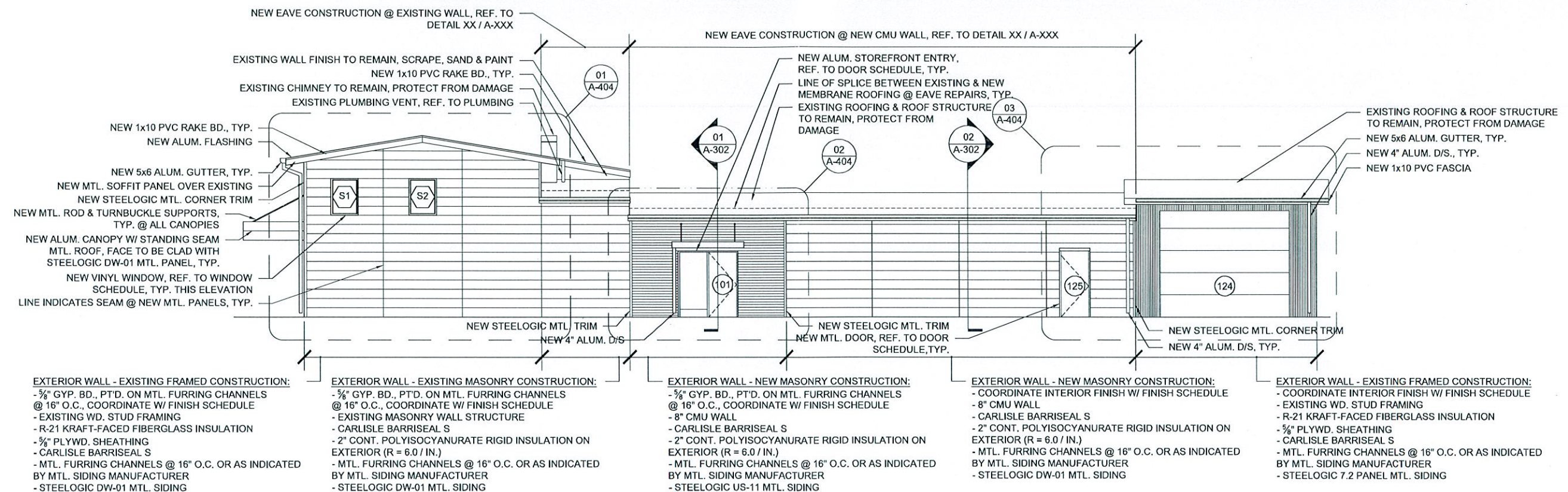
LATEST REVISION:

DETAILS

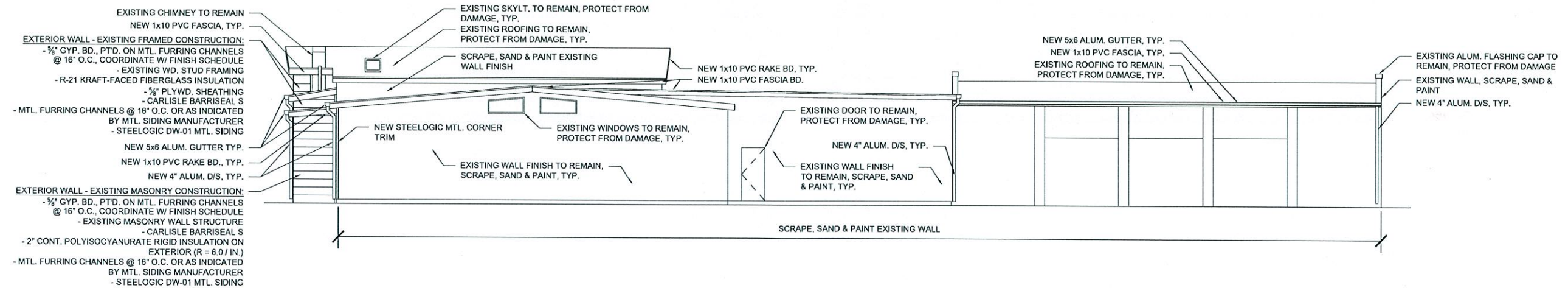
SHEET 4 OF 4



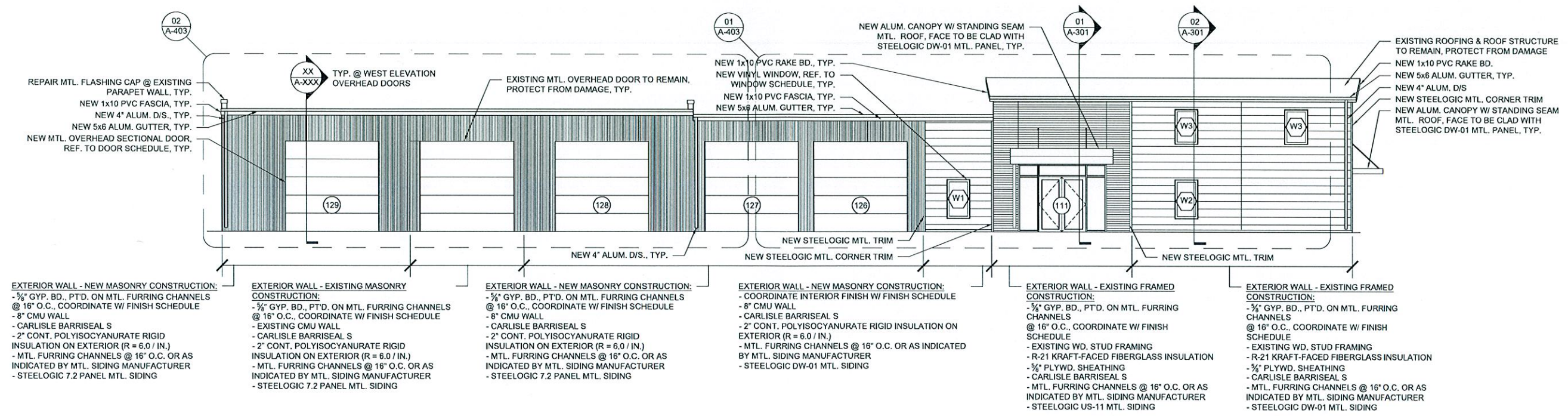
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

August 5, 2016

City of New Bedford
Planning Board
133 William Street, Rm 303
New Bedford, MA 02740

Dear Sir/Madam:

I would appreciate your reading this letter into record at the time of the meeting on August 10, 2016 with regard to the site plan application for Assured Collision. I am an abutter to this property and reside at 290-292 Princeton Street. I am aware that Assured Collision has purchased the commercial property on Church Street with an adjacent lot on the corner of Princeton Street.

As an abutter, I have the following concerns and questions:

1. Are the tow trucks and disabled vehicles going to be stored on the lot or in the building?
2. Are these tow trucks going to be entering and existing said lot and building at all hours during the day, evening, and early morning? We all know that a towing business is a 24 hour business. When these trucks exit the lot, they have to drive past my home on Princeton Street, since Princeton Street is a one-way.
3. Is the lot going to be lit? If so, are these lights going to be on all night?

Since the purchase of this property, I have already witnessed these tow trucks entering and exiting the premises at all hours and I can hear these truck idling in the lot from my home. I can also see their flashing lights and hear their back up alarms. This is quite disturbing especially when it is late in the evening, during the middle of the night, and early mornings.

I am not in opposition of any business being conducted at these premises during NORMAL business hours, as was previously conducted by Munroe Electric. But, I do have concerns of this being a 24 hours business and it disturbing the neighborhood and possibly decreasing the value of my home by having these trucks constantly driving in and out of the lot, driving past my home, and the lot becoming a junk storage lot for disabled vehicles, whether it's short term or not.

I thank you for your time and would appreciate your address these concerns.

Nelson Alves
Nelson Alves

PLANNING
AUG 08 2016
DEPARTMENT

CNE 26-16