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ZONING BOARD OF APPEALS

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STAFF COMMENTS

TO: ZONING BOARD OF APPEALS

Date: January 20, 2016

Case # 4215: Special Permit
4334 Acushnet Avenue
Map: 137B, Lot: 76

Applicant: Heather Brito
47 Charlotte Street
New Bedford, MA 02740

Owner: Melissa F. Coelho
4334 Acushnet Avenue
New Bedford, MA 02745



4334 Acushnet Avenue
Looking northeast from Acushnet Avenue

Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the property listed above in a Mixed Use Business [MUB] zoned district. The petitioner proposes to relocate her counseling practice to this location. The proposed use as an outpatient counseling practice is categorized as medical office, center, or clinic under New Bedford zoning code and therefore requires a special permit for the use.

As with all Special Permits the board must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. The board must consider the following criteria: (1) social, economic, or community needs which are served by the proposal; (2) traffic flow and safety, including parking and loading; (3) adequacy of utilities and other public services; (4) neighborhood character and social structures; (5) impacts on the natural environment; (6) and potential fiscal impact, including impact on City services, tax base, and employment.

Existing Conditions: The 17,650 sq. ft. lot has 120'± of frontage and 148'± depth. The property has a 64'± x 26'± single family ranch style dwelling, 24'± x 24'± two stall garage, an above ground pool, and a 13'± x 105'± driveway connecting to a circular driveway in front of the dwelling. The Zoning Enforcement Officer has determined the garage and driveway can accommodate nine vehicles on site (including garage parking and tandem parking on the driveway) thereby meeting the minimum parking requirement for this site. The front half of the property is landscaped along the perimeter with low dense evergreen bushes. Along the rear lot line is evergreen bushes and trees, and the rear half of the property is fenced in. Located in the north end near Sassaquin pond, the surrounding neighborhood has a mixture of residential and commercial uses. The rear and north side abutters are single family residential properties. The south side abutter is Sassaquin Pizza restaurant. A two-family residential property and commercial office are located directly across Acushnet Avenue.

Proposal: The petitioner proposes to relocate her counseling practice—categorized under zoning code as medical office, center, or clinic use—on this site, thus changing its use from residential to commercial. The application indicates the outpatient counseling center serves clients for post traumatic stress disorder, anxiety, depression, and other diagnoses found in the DSM V [Diagnostic and Statistical Manual of Mental Disorders]. The facility will have three (3) full time therapists and one part time therapist seeing up to 100 clients per day. The proposed hours of operation are Monday-Thursday 8am-9pm; Fridays 8am-7pm, and Saturday 8am- 4pm. The business will be closed on Sundays. The clients will be scheduled for 45 minute or 60 minute sessions. The petitioner indicates the scheduling will allow for clients to exit before the next client arrives, so they may have parking onsite. This location will serve individuals as well as groups of 6-9 clients at a time. When group meetings occur other services will be blocked out during that time.

From the surveyed plan submitted with the application, it appears as though the petitioner also proposes to add a gravel/stone parking area alongside the driveway. However, the Zoning Enforcement Officer has indicated the proposed gravel/stone parking area is not permitted as proposed. The parking area must be paved and adhere to zoning code requirements. As such, and because this space is needed to satisfy the parking requirements for this use under zoning, any approval of this petition would have to either condition the decision such that the applicant shall be required to use asphalt or concrete to create an impervious parking surface consistent with the city's ordinance, OR the applicant would be required to return before the ZBA in the future in order to seek relief from that requirement.

The petitioner notes on the application that the practice and additional therapists will help the community “socially and economically” and indicates the location has sufficient parking, utilities, and will have no impacts on the natural environment or city services. The petitioner highlights there is an insurance company, wellness center, and a counseling practice within the surrounding neighborhood, as evidence the proposal meets the change of use and fits into the structure of the existing neighborhood.

For Board Member Consideration: The petitioner was before this Board previously in September 2015 for the same use at another location but was denied by the Board. The denial was due to concerns for parking, traffic flow and safety. Also, it was determined that the previous proposal was not in conformance with the character of the neighborhood and existing social structures.

Special Permit criteria the ZBA may wish to consider include, in particular:

Social, Economic or Community Needs Served. In response, the petitioner has sought a new location to address these concerns and hence this new petition now comes before the board. In regards to the current proposal, staff notes that the surrounding neighborhood is mixed residential and commercial. The businesses nearby are similar in nature as well as in daily client volumes.

Traffic Flow and Safety including Parking and Loading. As previously noted, the proposal has adequate on-site parking as required provided the additional parking area is paved per the Zoning Enforcement's direction/zoning ordinance. However, planning staff has concerns for traffic circulation given the residential configuration of the parking and the proposed volume of clients per day (the application suggests upwards 100 clients daily; this figure would result in a potential 200 trips on and off-site). Even with the proposed gravel/stone area being paved to meet zoning requirements, the movement of vehicles on and off the site—as well as within the site—is of significant concern, and the applicant cannot rely on street parking to offset any site challenges such parking strain might cause.

Safety. Staff also notes the existence of a pool at the rear of the property (not inconsistent with the previous residential use but certainly a safety concern with a new commercial use at the property). If the special permit is granted, the board may wish to condition the approval so that safety issues around the presence of a pool are addressed.



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4334 Acushnet Avenue Map:137B, Lot: 76

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

Google Earth

41°44'07.44" N 70°56'38.31" W elev 140 ft eye alt 825 ft