



City of New Bedford

Department of Planning, Housing & Community Development

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STAFF COMMENTS

September 14th, 2015

FROM: Planning Department Staff

TO: Zoning Board of Appeals

SUBJECT: **Case # 4203:** Special Permit located at 1771 Acushnet Avenue
(Map: 108, Lot: 42, 43, &44)

Applicant/Ownership: Panagakos Development c/o Michael Panagakos
133 Faunce Corner Road
Dartmouth, MA 02747

Overview of Request: The petitioner has submitted an application for a **Special Permit** under Chapter 9 Comprehensive Zoning; relative to property listed above. The subject property has split zoning with both mixed use business (MUB) and residential C (RC) zoned districts across the property. The petitioner is proposing to build two new commercial buildings and related parking as depicted on plans filed.

Relief needed: The project as proposed requires a **Special Permit** for non-conforming uses and structures and for commercial parking in a residential district.

Criteria: To grant the special permit for non-conforming uses and structures the Board must determine that the proposed modification **will not be substantially more detrimental than the existing nonconforming structure to the neighborhood**. To grant the Special Permit for commercial parking in a residential district the Board must find that said **parking is not detrimental to public health and safety, and that said parking promotes a public benefit**.

Plan Specifics:

- **Plan:** The plans as submitted propose a 1,680 sq. ft building with eight (8) parking spaces in the MUB district, and a 600 sq. ft. building with five (5) parking spaces in the RC district. The buildings require a special permit for nonconforming uses and structures. The five (5) parking spaces located in the RC district, require a special permit for commercial parking in a residential district.

- **Lot/Property:** The subject property is a 12,658+/- sq. ft corner lot with 109' +/- frontage on Acushnet Avenue and 112'+/- on Belleville Road.
- **Previous nonconforming uses and structures:** Previously in the MUB zoned portion of the site was a 5,667 sq. ft. retail building. Previously in the RC zoned portion of the site was a 1,660 sq. ft. garage and parking area.
- **Proposed uses and structures:** Proposed in the MUB zoned portion of the site is a 1,680 sq. ft. retail building and parking area with eight (8) parking spaces. Proposed in the RC zoned portion of the site is a 600 sq. ft. garage and parking area with (5) parking spaces.
- **Additional information:** this project also underwent Site Plan review by the Planning Board on August 12th, 2015. The following conditions were included in their decision:
 - The applicant shall work in agreement with the Department of Public Infrastructure to satisfy the City of New Bedford street tree requirements for the planting location of trees.
 - The applicant shall use deep root and low maintenance grass at the site perimeters.
 - This proposal is subject to final approval by the City of New Bedford Department of Public Infrastructure and Traffic Commission.
 - Approved hours of business operation are 5:00 a.m. - 12:00 a.m.
 - Approved exterior lighting hours are 5:00 a.m. – 12:30 a.m.

For Board Member Consideration.

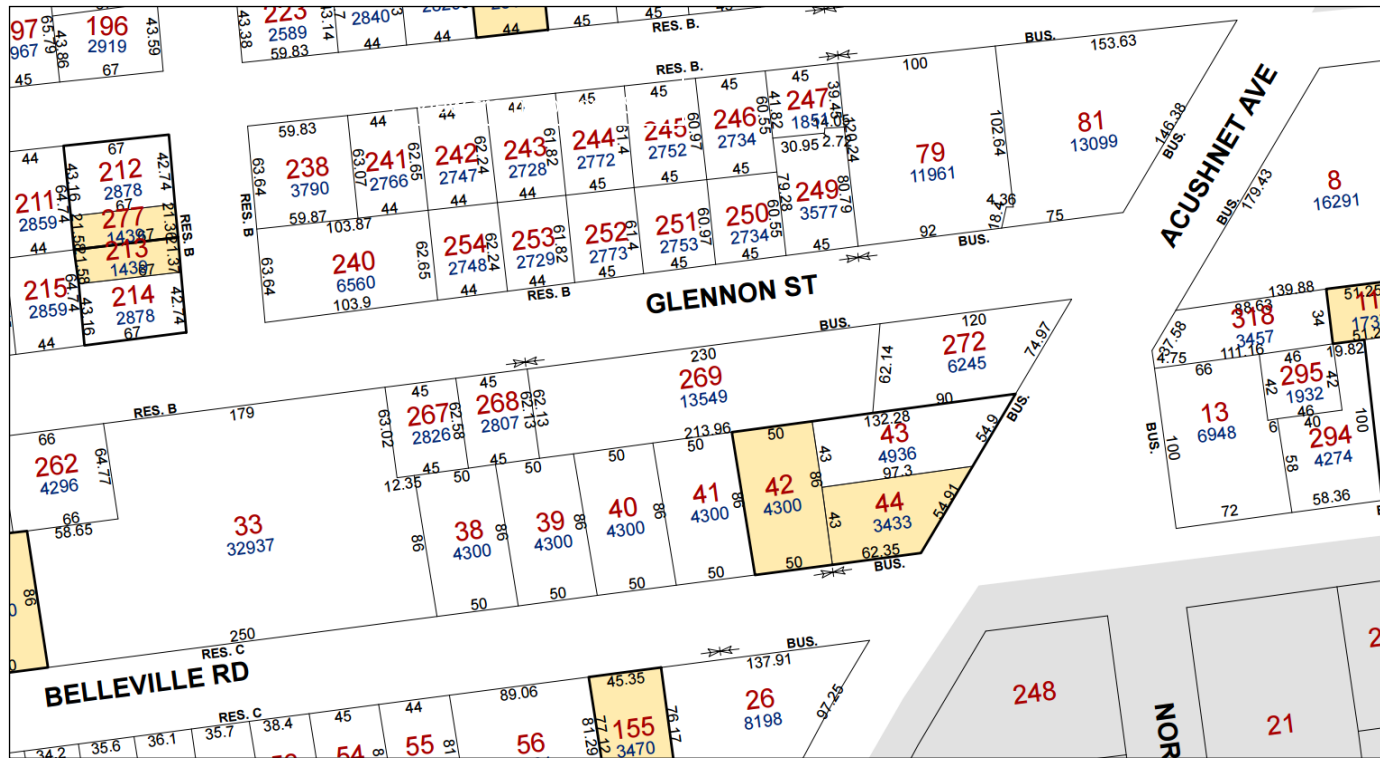
The proposed buildings have smaller footprints than the previous building on the site. The proposal adds landscaping that previously did not exist on the site. These changes at the site result in increased impervious surface area on the site.

If the Zoning Board were to grant this Special Permit, it may wish to consider including the decision of the Planning Board made August 12th, 2015 as a condition of approval.



1771 Acushnet Avenue (Map: 108, Lot: 42, 43, & 44)

note: property line is approximate



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