



## PLANNING BOARD

CITY OF NEW BEDFORD  
 JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE  
 NEW BEDFORD, MA  
 2015 OCT 29 P 1:  
 CITY CLERK

### NOTICE OF DECISION - AMENDED

This Decision was originally issued by the City of New Bedford Planning Board on September 9, 2015. It was recorded at the City Clerk's Office on September 21, 2015. All interested parties received notice of that decision and the twenty day appeal period has run. This Amended Decision dated October 29, 2015 makes a technical correction regarding the Plot and Lot numbers for the subject property. See Exhibit A.

Case Number: 18 -15				
Request Type: Site Plan and Special Permit Approval				
Address: 139 Hathaway Road				
Zoning: Mixed Use Business and Industrial B				
Recorded Owner: S.B. Realty Limited Partnership				
Applicant: Paul Bishins, S.B. Realty Limited Partnership				
Applicant Address: 100 North Street, P.O. Box H-3103, New Bedford, MA 02747				
Application Submittal Date		Public Hearing Date		Decision Date
August 13, 2015		September 9, 2015		September 9, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
101	Part 14, 16 & 17, Land Court Lot 11	79	461	14729

Application: Request for Site Plan Review for new construction of a 7250 SF retail building, and a Special Permit for reduction of parking spaces.

Action: GRANTED, WITH CONDITIONS:

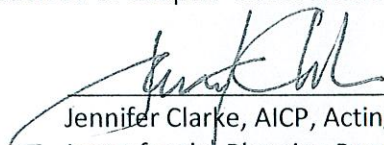
1. Applicant shall work with planning staff in the revision of plans and recommendations set forth under conditions of approval.
2. Applicant shall follow DPI recommendations to install a pedestrian crossing signal.
3. Applicant shall have a traffic study performed and to abide by any stipulations noted in the traffic study regarding pedestrian safety measures for improvement.
4. Applicant shall have a handicap accessible ramp, or curb cut, installed at the pedestrian safety crosswalk.
5. The application for Special Permit and revised Site Plan must accurately reflect the number of parking spaces that will serve the new business.



6. The applicant shall provide handicap parking area signage and pavement markings, and show on revised plans, three handicap parking spaces which will serve the business.
7. The landscaping shall provide trees true to Landscape Plan of 2-2.5 inch caliper diameter at the three-foot rise, or from the top of the burlap and ball.
8. The roof sheathing material shall be a Cool Roof of EPDM or PVC, in light or white color.
9. Hours of operation shall be corrected for agreement and consistency between applications for Site Plan approval and Special Permit, and no earlier than 8:00 a.m. and no later than 8:00 p.m.
10. Signage may be illuminated no later than one hour after closing time, but no later than 9:00 p.m.
11. Days of operation shall be six days per week, from Monday thru Saturday.
12. The applicant shall work with the abutter, McDonald's fast food restaurant, and planning staff to resolve access, parking, and egress issues.
13. All inconsistencies and typographical errors are to be corrected on plan sheets and applications.
14. The applicant shall clarify the party responsible for operation and maintenance associated with the storage of oil materials and provide documentation for the Planning division case file folder.

A copy of this Decision was filed with the City Clerk of the City of New Bedford on September 21<sup>th</sup>, 2015. 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. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

09/21/2015  
Date

  
Jennifer Clarke, AICP, Acting City Planner  
Agent for the Planning Board

## 1) APPLICATION SUMMARY

Request by applicant, S. B. Realty Limited Partnership (100 North Street, New Bedford, MA 02740), for Site Plan Review for new construction of a 7250 SF retail building, and a Special Permit for reduction of parking spaces, located at 139 Hathaway Road (Map 104, Lot 14), in the Mixed Use Business/Industrial B zoning districts.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

The submittal was shown on a Plan Set for S.B. Realty Limited Partnership, 100 North Front Street, New Bedford, MA 02740, dated April 17, 2015, located at 139 Hathaway Road (Map 101, Lot 14), prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, and consisting of:

1. Cover Sheet
2. Site Layout
3. Locus Map
4. Site Grading & Utilities Plan
5. Landscape Plan
6. Lighting Plan



7. Demolition Plan
8. Erosion/Sedimentation Control Plan
9. Existing Conditions
10. Detail Sheet

**Other Documents and Supporting Material**

- Certified Abutters List
- Site Plan Review Application & Check List
- Photographs
- Transfer Certificate of Title (Book 79, Page 461, Certificate No. 14729)
- Stormwater Management Report Stamped & Signed by Steven Gioiosa, P.E. on 08/03/2015
- Staff Comments with Attachments:
  - Plan Set
  - Narrative
  - Application for Special Permit for Parking Reduction
  - Parking and Passenger Loading Zones 521 CMR
  - Memo from Department of Public Infrastructure Dated August 27, 2015
  - Lighting Tear Sheet
  - Elevation Plans
  - Sign Details

**3) DISCUSSION**

John Keegan of SITEC, Inc., presented the case for new construction of O'Reilly Auto Parts within an existing parking lot shared with other businesses and described the existing conditions and improvements to the site. Discussion ensued regarding on-site traffic circulation, parking and traffic circulation that conflicts with McDonald's fast food restaurant also located within the same site, delineation and number of parking spaces dedicated to the new business use, number of handicap parking spaces, pedestrian road crossing safety, need for traffic study, materials to be used for the roof, hours of operation, signage and a process for proper disposal of waste oil that the business will receive from its customer base.

Chair Dawicki asked for a motion to open the Public Hearing. Board Member Duff moved to open the hearing, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

No member of the public body spoke or requested to be recorded in favor nor in opposition to the case. Questions regarding the proposed parking plan which complicates the fast food restaurant's drive-thru pathway were directed to the Board by Lynn Simonello, who identified herself as owner of the adjoining 159 Hathaway Road McDonald's franchise. The information was taken under advisement, with the Board stipulating the applicant rework the site plan with planning staff to find a shared parking solution between parties.

Having no further questions from the Board, the motion was moved to close the public hearing by Board Member Duff, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

**4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY**

- Applicant shall work with planning staff in the revision of plans and recommendations set forth under conditions of approval.



- Applicant shall follow DPI recommendations to install a pedestrian crossing signal.
- Applicant shall have a traffic study performed and to abide by any stipulations noted in the traffic study regarding pedestrian safety measures for improvement.
- Applicant shall have a handicap accessible ramp, or curb cut, installed at the pedestrian safety crosswalk.
- The application for Special Permit and revised Site Plan must accurately reflect the number of parking spaces that will serve the new business.
- The applicant shall provide handicap parking area signage and pavement markings, and show on revised plans, three handicap parking spaces which will serve the business.
- The landscaping shall provide trees true to Landscape Plan of 2-2.5 inch caliper diameter at the three-foot rise, or from the top of the of the burlap and ball.
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- Signage may be illuminated no later than one hour after closing time, but no later than 9:00 p.m.
- Days of operation shall be six days per week, from Monday thru Saturday.
- The applicant shall work with the abutter, McDonald's fast food restaurant, and planning staff to resolve access, parking, and egress issues.
- All inconsistencies and typographical errors are to be corrected on plan sheets and applications.
- The applicant shall clarify the party responsible for operation and maintenance associated with the storage of oil materials and provide documentation for the Planning division case file folder.

## 5) DECISION

Board Member Duff made the motion to approve the Special Permit Application for **Case #18-15** for a reduction in parking by 36 spaces, seconded by Board Member Glassman.

A roll call vote was taken and unanimously approved Five (5) to Zero (0).

Board Member Kalife – Yes	Board Member Glassman – Yes	Board Member Cruz – Yes
Board Member Duff – Yes	Chair Person Dawicki - Yes	

Chair Dawicki then asked for a motion to grant Site Plan approval for **Case #18-15**, with conditions, for new construction of a 7250 SF retail building, located at 139 Hathaway Road (Map 104, Lot 14), in the Mixed Use Business/Industrial B zoning districts.

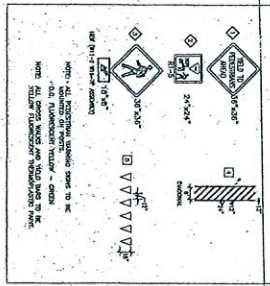
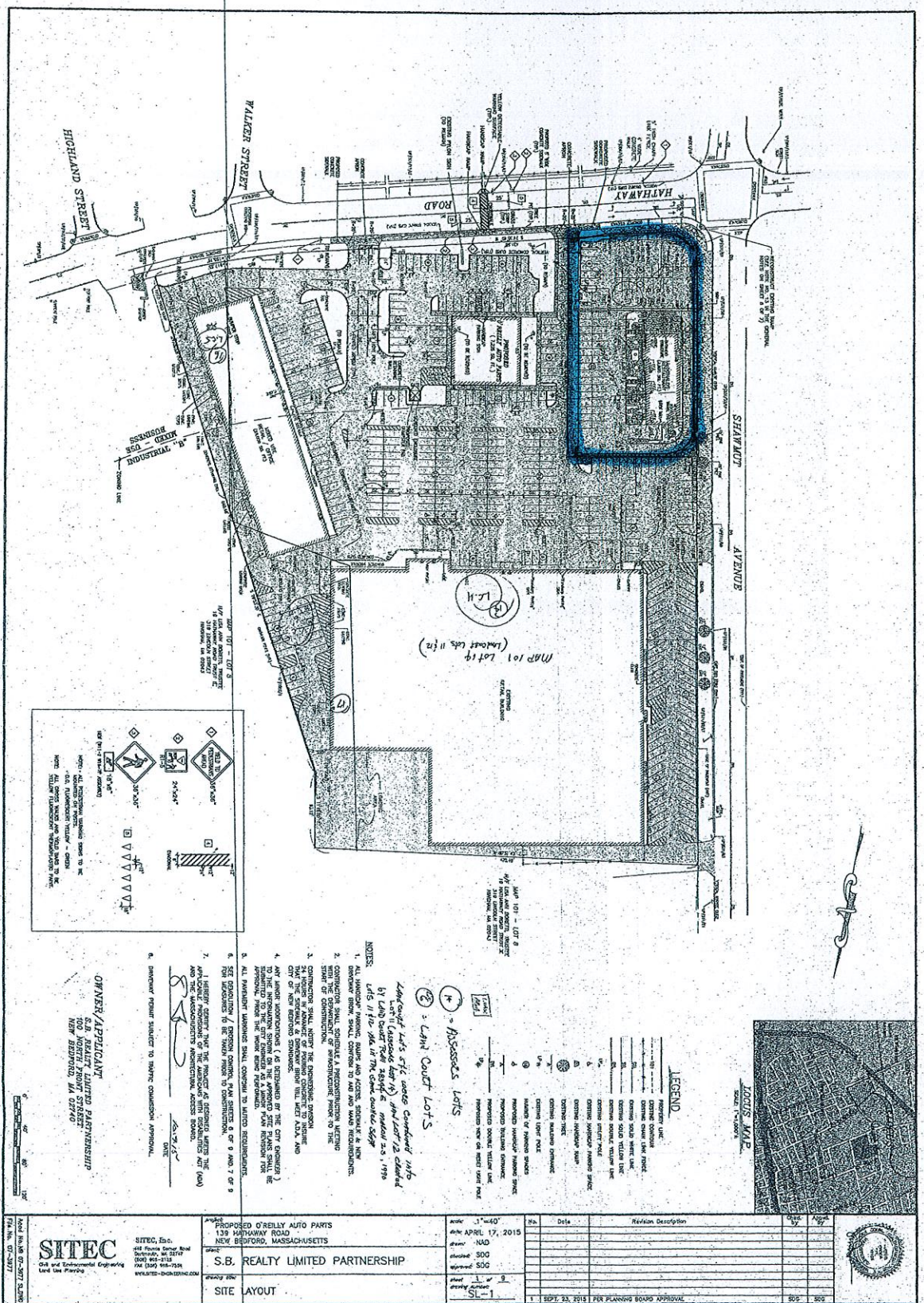
Board Member Duff made a motion to approve the Site Plan Application for **Case #18-15**, with conditions; seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

Filed with the City Clerk on:

09/21/2015  
Date

  
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Jennifer Clarke, AICP, Acting City Planner, Agent for the Planning Board





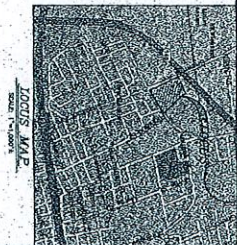
NOTES:

1. EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. ALL UTILITIES SHALL BE DEEPENED TO THE BOTTOM OF THE EXISTING UTILITY TO THE BOTTOM OF THE NEW UTILITY.
2. CONTRACTOR SHALL VERIFY THE DEPTH OF EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
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4. ANY AND ALL ADJUSTMENTS TO THE PLAN SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
5. ALL UTILITIES SHOWN SHALL BE DEEPENED TO THE BOTTOM OF THE EXISTING UTILITY TO THE BOTTOM OF THE NEW UTILITY.
6. CONTRACTOR SHALL VERIFY THE DEPTH OF EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
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MAP 101 - LOT 14 (Auto Parts) (Auto Parts) (Auto Parts)

LEGEND

- FIRE HYDRANT LINE
- STORM SEWER
- WATER MAIN
- GAS MAIN
- SANITARY SEWER
- EASEMENT
- DRIVE AISLE
- PARKING LOT
- BUILDING FOOTPRINT
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING WALKWAY
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING WALKWAY
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- EXISTING WALKWAY
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING WALKWAY



**OWNER/APPLICANT**  
**G.B. REALTY LIMITED PARTNERSHIP**  
 139 HATHAWAY ROAD  
 NEW BEDFORD, MA 02740

No.	Date	Revision Description
1	APRIL 17, 2015	FOR PLANNING BOARD APPROVAL

**SITE**  
 G.B. REALTY LIMITED PARTNERSHIP  
 139 HATHAWAY ROAD  
 NEW BEDFORD, MASSACHUSETTS  
 SITE LAYOUT

**EXHIBIT A**

PLANNING BOARD APPROVAL  
 APR 27 2015