



STAFF REPORT

FROM: Connie Brawders, Staff Planner *CB*

TO: Jennifer Clarke, AICP, Deputy Director, Department of Planning, Housing & Community Development

MEETING DATE: September 9, 2015

MASTER PLAN GOAL: Establish a sound foundation for future growth that builds upon its coastal location, preserves its historic legacy, and expands cultural and workforce opportunities.

MASTER PLAN ELEMENT: Jobs and Business

SUBJECT: **Case #18-15 – 139 Hathaway Road – O'Reilly Auto Parts**

Request to consider the following:

Request by applicant for **Site Plan** approval for new construction of a 7250 +/- SF retail building, with associated landscaping within the existing property, and **Special Permit** for reduction of parking spaces, located in the Mixed Use Business/Industrial B zoning districts (Attachment 1).

Applicant: S. B. Realty Limited Partnership, 100 North Street, New Bedford, MA 02740

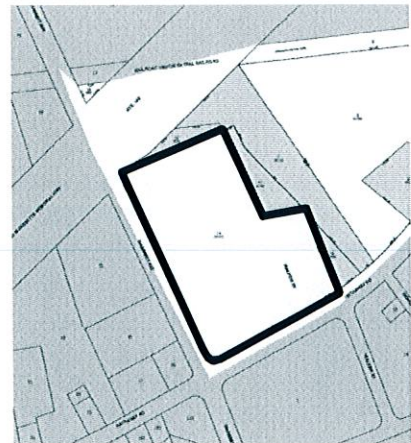
Applicant's Agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747

Owner: Paul Bishins, S.B. Realty Limited Partnership, 100 North Street, P.O. Box H-3103, New Bedford, MA

Location: 139 Hathaway Road (Map 104, Lot 14)

Key Items for Consideration:

- Conformance to Site Plan & Zoning Criteria
- Traffic Impact & Interior Circulation
- Impact on Abutters
- Comments Received
- Provides Revitalization of Master Plan Development District POD



Case Overview:

The applicant's agent states in the Narrative the applicant was previously approved by the Planning Board in August 2010 for a Special Permit request as Case #19- 10. Applicant's agent states the previous building was larger and required more parking. No evidence was submitted with Case #18-15 regarding granting or extension of the Special Permit, therefore,

5370 Lapse. Special permits shall lapse if a substantial use there of or construction thereunder has not begun, except for good cause, within 12 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A.s.17, from the grant thereof) with the City Clerk.

The applicant proposes in the Case #18-15 Narrative construction of a 7250 +/- SF free standing retail building adjacent to Hathaway Road between McDonald's fast food restaurant and a 25000SF retail/office building (Attachment 2). The existing parking facility will be reconstructed to improve site access and better define parking for the overall property. In addition to the new building construction, the specific site improvements include the following:

1. Redefined curb cuts and access aisles for the Hathaway Road driveways.
2. Improved land marking and islands for traffic control.
3. Construction of a sidewalk link from Hathaway Road to new building.
4. Screening the dumpster pad that will serve the new building.
5. Provide shared parking among tenants to reduce land necessary for paving and thereby increasing the amount of green space.

The applicant proposes to reduce storm water runoff by adding significant landscaped areas around the redeveloped portion of the site and provides stormwater calculations for the Board's review.

The applicant seeks a Special Permit under City of New Bedford Zoning Ordinance **Section 3120**, specifically **3121**, whereby the use of the common parking lot for separate uses has peak demands occurring at different times (Attachment 3). The tenants sharing parking at this site are: McDonald's, General Dentistry for Kids, Labor Ready, Red Apple Chinese Restaurant, Commonwealth of MA S.E. Housing Court, Price Rite, Family Dollar, and The Original Bob's Discount.

The case deliverables were received by the office of the New Bedford City Clerk on August 13, 2014.

The applicant has paid the fee for Site Plan Review, Special Permit Application for Parking Reduction, and legal notification in the amount of \$600.00.

Legal Notice has been prepared and publication dates in a newspaper of general circulation were August 26, 2015 and September 2, 2015.

Notice to the Abutter's were sent via USPS Certified Mail by Applicant's Agent and verified.

The owner of record is S.B. Realty Limited Partnership; a Massachusetts limited partnership having its usual place of business in New Bedford, as shown in Land Court Certificate 14729, Book 79, and Page 461.

There is no project time line for completion submitted for consideration by the Planning Board and no cost figure is provided by the applicant. (See **5452**. *The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.*)

Zoning:

The subject property is a 10-acre parcel in the Mixed Use Business/Industrial B zoning districts. The site is part of the Master Plan Development District POD. Goals of the District are to 1. Promote Mixed-use development, 2. Apply adaptive reuse of abandoned, vacant or underutilized buildings, and 3. Provide for flexibility in site and architectural design, restoration and building massing. Current uses on this mixed business parcel are retail, fast food restaurant, office and restaurant.

This type of activity requires site plan review under City of New Bedford Site Plan Review at **5420**. **Applicability. Section 5421.** *whereby, any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet, or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces is to be reviewed by the Planning Board.*

The site is zoned Mixed Use Business/Industrial-B, which is intended to permit most types of industrial activities located in the zoning district. The City of New Bedford does not describe Retail Sales of Auto Parts in its table of definitions. In review of Appendix A. Table of Principal Use Regulations, C. Commercial, at line 12, *Retail Stores and services not elsewhere set forth* are permitted by-right in the I-B zoning district. This use may, therefore, be considered a by-right use in the MUB/Industrial Business zoning districts.

The zoning matrix is discussed under Technical Review of Plans.

Development Information:

The purpose of site plan review is to provide for detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

Context:

The subject property is located on the northeast corner of Hathaway Road and Shawmut Avenue. Hathaway Road is a main arterial road running north-south through New Bedford. Route 140 exit 3 is approximately 0.2 miles from the site. The parcel is in close proximity to New Bedford Regional Airport. Penn Central Rail line easement is located northeast of the site.

Surrounding businesses include Cumberland Farms, McDonald's, General Dentistry for Kids, Labor Ready, Red Apple Chinese Restaurant, Commonwealth of MA S.E. Housing Court, Price Rite, Family Dollar, and The Original Bob's Discount.

Brickenwood is a federally funded 300 unit housing development located on Hathaway Road within 300 feet of the proposed use.

Parking and Traffic:

Parking is discussed under Technical Review of Plans.

Driveway Permits are subject to Traffic Commission approval.

The proposed project with landscaping and parking lot redesign is an attractive land use and business improvement to this highly visible area.

Technical Review of Plans:

The plan submittal has been stamped and signed by Steven D. Gioiosa, PE.

1. Cover Sheet

- The Cover Sheet Zoning Requirements Matrix is incomplete. Applicant's agent must add a column heading for Industrial B noting the following from City of New Bedford Municipal Code Appendix B of the Table of Dimensions: Lot Area = 0, Lot Frontage = 0, Setbacks: Front = 25 FT, Side Setbacks = 25 FT (Also correct MUB to read 10 FT, not 0), Rear = 25 FT, Building Height in Stories = 7 (Also correct MUB to read 7, not 100), Lot Coverage = 50%, and Green Space = 20%.
- Grossmans is a 33420 SF business engaged in retail sale of building materials and meets the description under Appendix C – Table of Parking & Loading Requirements, whereby parking and loading requirements for this type of use is *One (1) space per each 400 SF of gross floor area*. A Google search shows Grossmans advertised as a "Home-improvement chain with supplies for kitchen, bath, floors, doors & windows, at discount prices." The parking summary reflects parking for businesses engaged in the warehousing and distribution of goods & materials including building and construction supplies and should be revised accordingly.
- Parking requirements total 484 spaces, less 50 shared spaces, provide the applicant with 434 parking spaces. According to the applicant's agent, there are 398 spaces. The applicant should seek to amend the Special Permit for parking Reduction in addition to the request for shared parking.
- The number of handicap parking spaces provided are not listed on the Cover Sheet.
- One Loading Zone is shown on the Site Plan, meeting the standards of *one loading space for each building containing more than 5000 SF and less than 10000 SF* and should be included in the Matrix.

2. Site Layout

The Site Plan meets City of New Bedford parking stipulations under **Section 3144**. *Where a drive or aisle, other than a street, is required to maneuver a vehicle into or out of a parking space, such drive or aisle shall be at least twenty-two (22) feet wide for parking spaces situated at right angles, or nearly right angles to the aisle. For parking spaces situated at an angle of thirty (30) to sixty (60) degrees to the aisle, the required width of the aisle shall be at least fifteen (15) feet.*

The Site Plan meets City of New Bedford parking space dimensions under Section 3150. **Size of Parking Space.** *A parking space shall be a rectangle at least nine (9) feet by twenty (20) feet exclusive of any required drive or aisle.*

The Site Plan illustrates two handicap parking spaces in proximity to the new structure. A perimeter count of the spaces totals 70. Parking and Passenger Loading Zones under 521 CMR stipulates the required number of spaces for 51-75 parking spaces in lot to be three. The applicant should provide evidence that the ADA parking requirements are met as suggested under the Cover Sheet technical review comments (Attachment 4).

The plan illustrates the loading zone and screened dumpster.

If the applicant intends to install a satellite dish, this should be included on a revised Site Plan.

3. Locus Map

The context aerial with the site highlighted and North arrow are shown on the locus map.

4. Site Grading & Utilities Plan

See Comments from DPI Commissioner Ronal Labelle (Attachment 3)

5. Landscape Plan

In compliance with **Section 3300** of the City of New Bedford Code of Ordinances, the applicant has presented a robust, colorful Landscape Plan designed by Stephanie L. Fuss of Stephanie Fuss Associates. A PowerPoint presentation with graphic images from a Google Search has been sent to the Planning Board in preparation of the meeting.

6. Lightning Plan

The Lighting Plan sheet Notes and lighting specification tear sheet included in the applicant's agent's bound report provide the board with following information: The product is Cree Edge ARE EDG, having an Optic 3M Type III Medium, with LED count of 60, in Series E, with UL Voltage of 120-277V, Drive Current of 700 mA. And FID Edg of 25". Options include 4000K Color Temperature. (There are typos in the Plan Notes and should be corrected for historical reference.) Directional mounting appears to be Direct Arm (Attachment 6).

This product is used for parking lots, walkways, campuses, car dealerships, office complexes and internal roadways.

7. Demolition Plan

This is new construction on an existing parking lot. The Demolition Plan meets the checklist requirements as applicable.

8. Erosion/Sedimentation Control Plan

See comments from Sarah Porter, Conservation Agent for the City of New Bedford.

9. Existing Conditions Plan

A site visit was performed on August 26, 2015. The plan meets the checklist for Existing Conditions as appropriate

10. Detail Sheet

Typical details are shown on this sheet.

Sign Details:

Sign specifications were illegible.

Site Visit:

A site visit was conducted on August 26, 2015. Findings include the following: This is an aging strip mall development that will benefit from the new construction and landscape plan proposal. Surrounding context has been described. This site abuts Case #20-15 Thomson Outdoor Flea Market.

Interdepartmental Review Comments:

Plans were sent for review to the following departments: City Solicitor, Health Department, Inspectional Services, Engineering Department, Public Infrastructure, Conservation Commission, Fire Department, and School Department.

The Planning Division has received these responses:

Ronald Labelle, Commissioner of Public Works, provided a Memorandum dated August 27, 2015 regarding the proposed O'Reilly Auto Parts –Site Plan on Hathaway Road at Map 101, Lot 14. Please see Attachment 4.

From: Shelley Hebert [<mailto:shebert@newbedfordschools.org>]

Sent: Wednesday, September 02, 2015 7:57 AM

To: Constance M. Brawders

Cc: Barry Rabinovitch

Subject: FW: Reminder: Review Comments for the September 9, 2015 Planning Board Meeting
We have no remarks on the below cases.

September 2, 2015

The Health Dept has No Comment on Case #20-15: Thomson Antique World

Brenda K. Weis, MSPH, PhD

Director of Public Health

City of New Bedford

New Bedford, MA 02740

Sarah Porter, Conservation Agent for the City of New Bedford responded via email on August 28, 2015 *Case#20-15 Thompson Antique World - This project is not in or within 100' of a local or State regulated resource area. Therefore, no permit is required from the Conservation Commission. Please let me know if you have any questions.*

Staff Findings :

- The Zoning Matrix must be revised.
- The applicant should seek to amend the Special Permit for parking Reduction in addition to the request for shared parking.
- Confirm location of satellite dish, if applicable.
- The applicant should provide evidence that the ADA parking requirements are met as suggested under the Cover Sheet technical review comments.
- Typos in Lighting Plan Notes should be corrected, directional arm mounting clarified and application of use further discussed among the Board and applicant's agent to see that it meets with the Board's expectations and performance standards.
- Legible Elevation Plans were not presented with the case submittal. The font size made it difficult to review the information. Full-size plan sheets or 11" X 17" should be presented for review (Attachment 7).
- Sign Details were illegible and clear specifications should be presented for review (Attachment 8).

Respectfully submitted.

Attachments:

1. Plan Set
2. Narrative
3. Application for Special Permit for Parking Reduction
4. Parking and Passenger Loading Zones 521 CMR
5. Memorandum from DPI Commissioner Ronald Labelle Dated August 27, 2015
6. Lighting Tear Sheet
7. Elevation Plans
8. Sign Details

CITY PLANS OFFICE
NEW BEDFORD, MA

AUG 13 P 2:30
CITY CLERK

O'REILLEY AUTO PARTS

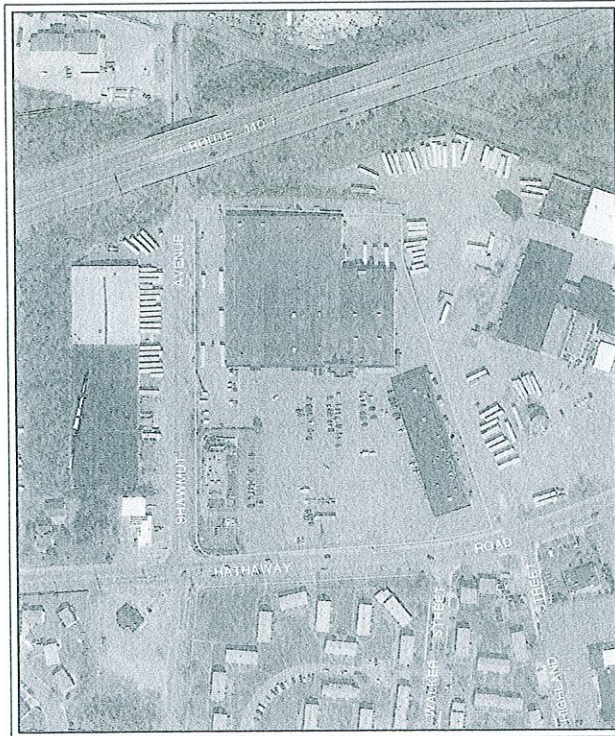
139 HATHAWAY ROAD (ASSESSORS MAP 101 LOT 14)

NEW BEDFORD, MASSACHUSETTS

ZONING REQUIREMENTS TABLE

DISTRICT	MIXED USE BUSINESS / INDUSTRIAL B (SPRINT USE)	PROVIDED
LOT AREA (A)	10 ACRES	697A
LOT FRONTAGE (LF)	0	0
SETBACKS (FT)	0	0
FRONT	0	210
SIDE	0	108
REAR	10-(1, STORE)	N/A
BUILDING HEIGHT (FEET)	100	17.5'
STORIES	7	1
LOT COVERAGE	0	N/A
GREEN SPACE	0	N/A

ASSESSORS MAP 101 - LOT 14
 ZONING DISTRICT - MIXED USE BUSINESS/INDUSTRIAL B
 PARCEL AREA - 10 ACRES
 EXISTING USE - MIXED USE - RETAIL, FAST FOOD, OFFICE
 PROPOSED USE - MIXED USE - RETAIL, FAST FOOD, OFFICE
 BUILDING / PARKING SUMMARY
 * RED APPLE RESTAURANT - 1 SPACE/100 SF = 38 SPACES
 * MCDONALDS - 1 SPACE/EMPLOYEE/SHIFT X 10 = 10 SPACES
 * RETAIL USE - EXISTING - 88,200 SF
 * RETAIL USE - PROPOSED - 7,225 SF
 TOTAL = 95,425 SF
 20,000 SF x 1 SPACE/200 SF = 100 SPACES
 75,425 SF x 1 SPACE/400 SF = 189 SPACES
 * RED APPLE RESTAURANT
 1200 SF x 1 SPACE/200 SF = 6 SPACES
 * CONSTRUCTION SUPPLIES (GROSSMANS) - 33,420 SF
 15,000 SF x 1 SPACE/1500 SF = 10 SPACES
 18,400 SF x 1 SPACE/500 SF = 4 SPACES
 * OFFICE USE - 17,007 SF
 10,000 SF x 1 SPACE/200 SF = 50 SPACES
 7,007 SF x 1 SPACE/1000 SF = 7 SPACES
 PARKING SUBTOTAL - 414 SPACES
 * OFF PEAK SHARED SPACES - 50 SPACES
 TOTAL REQUIRED PARKING = 364 SPACES
 PARKING PROVIDED - 398 SPACES
 * INCLUDES FAMILY COURT WHICH IS AN OFF PEAK USE THAT CLOSSES @ 1 PM DAILY, CLOSED WEEKENDS.
 DEED REFERENCE: LAND COURT CERTIFICATE TITLE #14729



LOCUS MAP
SCALE: 1"=100'±

PLAN INDEX

SHEET NO.	TITLE	DATE	REVISED
—	COVER SHEET	APRIL 17, 2015	
1 OF 9	SITE LAYOUT	APRIL 17, 2015	
2 OF 9	LOCUS MAP	APRIL 17, 2015	
3 OF 9	SITE GRADING & UTILITIES PLAN	APRIL 17, 2015	
4 OF 9	LANDSCAPING PLAN	APRIL 17, 2015	
5 OF 9	LIGHTING PLAN	APRIL 17, 2015	
6 OF 9	DEMOLITION PLAN	APRIL 17, 2015	
7 OF 9	EROSION/SEDIMENTATION CONTROL PLAN	APRIL 17, 2015	
8 OF 9	EXISTING CONDITIONS	APRIL 17, 2015	
9 OF 9	DETAIL SHEET	APRIL 17, 2015	

PLANNING

AUG 13 2015

DEPARTMENT

OWNER/APPLICANT
 S.B. REALTY LIMITED PARTNERSHIP
 100 NORTH FRONT STREET
 NEW BEDFORD, MA 02740

DATE: APRIL 17, 2015

068 16.15



SITEC
 Site Planning & Engineering
 100 NORTH FRONT STREET
 NEW BEDFORD, MA 02740
 PHONE: 508.245.7274
 FAX: 508.245.7275
 LICENSE NO. 00-0277-0000-000000

SITEC

Civil and Environmental Engineering
Land Use Planning

SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747
Tel. (508) 998-2125 Fax (508) 998-7554

Unit C
769 Plain Street
Marshfield, MA 02050
Tel. (781) 319-0100 Fax: (781) 834-4783

PROJECT DESCRIPTION

A. SITE DESCRIPTION

1. Owner: S.B. Realty Limited Partnership
2. Applicant: S.B. Realty Limited Partnership
100 North Street
New Bedford, MA 02740
3. Location: 139 Hathaway Road
New Bedford, MA 02740
Assessors Map 101-Lot 14
4. Zoning: Mixed Use Business / Industrial B
5. Existing Site Conditions:

The subject property is a 10 acre, mixed use commercial property located on the northeast corner of Hathaway Road and Shawmut Avenue. At the present time, there are three separate buildings located on the site. These buildings include a McDonald's fast food restaurant located on the southwest corner of the site, a 25,000 sf retail/office building located along the easterly border of the site, and a mixed use retail building which is situated along the northerly border of the property.

The property is served by an off street parking lot and municipal water and sanitary sewer services.

ONE 18-15

ATTACHMENT 2

B. PROJECT SUMMARY

The applicant proposes to construct a 7,250 sf freestanding retail building adjacent to Hathaway Road between McDonald's and the 25,000 sf retail office building. The existing parking facility will be reconstructed to improve site access and better defined parking for the overall property. In addition to the building construction, the specific site improvements include the following:

1. Redefine curb cuts and access aisles for the Hathaway Road driveways. Improved land marking and islands for traffic control.
2. Construct sidewalk link from Hathaway Road to new building.
3. Provide screened dumpster pad to serve the new building.
4. Reduce stormwater runoff by adding significant landscaped areas around the redeveloped portion of the site.
5. Stormwater calculations are attached.

A Special Permit under Section 3120 of the Zoning Ordinance is requested to allow shared parking for a portion of this facility. One of the property tenants is a family Court and peak hours of the Court (weekday mornings) does not coincide with the peak periods for the remaining retail/restaurant uses. The Court is not open on weekends. A Special Permit is hereby requested to reduce the required spaces from 414 to 398 spaces a reduction of 16 spaces when an allowance is made for 50 spaces that will be available from the Court allocation. This is the same type of relief that was previously granted in Case # 19-10 Special Permit dated August 24, 2010. However the previous building was larger and required more parking.

PARKING
REDUCTION



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD

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

SPECIAL PERMIT APPLICATION

The undersigned, being the Applicant, seeks Special Permit Approval for property depicted on a plan entitled: SITE PLAN SET 1-9 by: SITEC, INC., 449 FAUNCE CORNER ROAD, DARTMOUTH, MA 02747 dated: APRIL 7, 2015

1. Application Information

Street Address: 139 HATHAWAY ROAD

Assessor's Map(s): 104 Lot(s) 14

Registry of Deeds Book: LAND COURT CERTIFICATE Page: 14729

Zoning District: MIXED USE BUSINESS/ INDUSTRIAL B

Applicant's Name (printed): S. B. REALTY LIMITED PARTNERSHIP

Mailing Address: 100 NORTH STREET NEW BEDFORD MA 02740
 (Street) (City) (State) (Zip)

Contact Information: 508-990-8883
 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:

SITE PLANS SHEETS 1-9
 DEED
 NARRATIVE
 BUILDING ELEVATIONS
 LIGHTING SPECIFICATIONS
 STORMWATER CHECKLIST/REPORTS

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.

8/10/15
Date

[Signature]
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

CASE 1B-15
ATTACHMENT 3

2. Zoning Classifications

Present Use of Premises: RETAIL, FAST FOOD, OFFICE, RESTAURANT

Proposed Use of Premises: RETAIL, FAST FOOD, OFFICE, RESTAURANT

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):
CASE # 19-10 SPECIAL PERMIT AUGUST 24, 2010

3. Briefly Describe the Proposed Project and Specify all Requested Special Permits:

CONSTRUCT A 7,255 SF RETAIL BUILDING WITH ASSOCIATED PARKING/LANDSCAPING WITH THE EXISTING PROPERTY. PLEASE SEE ATACHED PROJECT NARRATIVE.

4. Please complete the following:

	<u>Existing</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Lot Area (sq ft)	10A	0	10A
Lot Width (ft)	470'+-	0	470'+-
Number of Dwelling Units	N/A	N/A	N/A
Total Gross Floor Area (sq ft)	N/A	N/A	7,225
Residential Gross Floor Area (sq ft)	N/A	N/A	N/A
Non-Residential Gross Floor Area (sq ft)	0	N/A	7,225
Building Height (ft)	0	110'	17.5
Front Setback (ft)	N/A	0	85'
Side Setback (ft)	N/A	0	710
Side Setback (ft)	N/A	0	198
Rear Setback (ft)	N/A	10 (1 STORY)	N/A
Lot Coverage by Buildings (% of Lot Area)	33	0	35
Permeable Open Space (% of Lot Area)	4	0	6
Green Space (% of Lot Area)	4	0	6
Off-Street Parking Spaces	371	414	398
Long-Term Bicycle Parking Spaces	0	0	0
Short-Term Bicycle Parking Spaces	0	0	0
Loading Bays	0	1	1

5. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>N/A</u>	<u>150+-</u>
b) Number of employees:	<u>N/A</u>	<u>5</u>
c) Hours of operation:	<u>N/A</u>	<u>8AM-5PM</u>
d) Days of operation:	<u>N/A</u>	<u>6</u>
e) Hours of deliveries:	<u>N/A</u>	<u>8AM-5PM</u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: _____	

6. OWNERSHIP VERIFICATION

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

I hereby authorize the following Applicant: _____

at the following address: _____

to apply for: _____

on premises located at: 139 HATHAWAY ROAD

in current ownership since: OCTOBER 7, 1985

whose address is: 100 NORTH STREET, NEW BEDFORD, MA

for which the record title stands in the name of: S.B.REALTY LIMITED PARTNERSHIP

whose address is: 100 NORTH STREET, NEW BEDFORD, MA

by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL Book: _____ Page: _____

OR Registry District of the Land Court, Certificate No.: 14729 Book: 79 Page: 461

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.

8/11/15
Date

Paul Bishins
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)
PAUL BISHINS

Planning Board Special Permit Application Checklist

1. **Completed Application Form** (with all required signatures; Original plus 15 Copies)
2. **Plans**
- Four (4) stapled and folded sets of full-sized plans (24" x 36") and Twelve (12) sets of reduced plans (11" x 17") are required for all applications. Staff reserves the right to require additional copies.
 - One (1) electronic copy (PDF & CAD) of all proposed activity plans (See Section 10 of Checklist for Requirements)
 - All plans oriented so that north arrow points to top of sheet
 - Plans shall be drawn at a minimum scale of 1" = 40' or less
 - All plans shall be stamped by Commonwealth of Massachusetts-registered Professional Engineer, Professional Land Surveyor, and/or Professional Landscape Architect, as appropriate
 - Plan sets shall be comprised of separate sheets as listed below unless otherwise approved by the City Planner
 - All plans shall have a title block comprised of the following: Project Title, Sheet Title, Sheet Number; Registrant Stamp (i.e. PE, PLS, LA); Registrant's name and address; Street addresses of the project area parcels; Scale at which the plan is drawn; Plan Issue Date; and all plan revision dates (with corresponding revision descriptions).
3. **Certified Abutters List** (4 copies)
4. **Proof of Ownership** (Deed(s) for All Involved Parcels; 4 Copies)
5. **Photos Depicting Existing Conditions** (Minimum of 3, In Color, 1 Aerial + 2 Other Views; 16 Copies)
6. **Development Impact Statement (DIS)**, completed per §5350 of Zoning Code, (16 Copies), if required by Board
7. **Traffic Impact & Access Study (TIAS)** (16 Copies), if required by Board
8. **Electronic PDF and AutoCAD Files**
- Shall consist of a CD with a printed CD Label in a CD case
 - CAD files shall be 2010 format or the latest revision of AutoCAD Civil 3D
 - All project submissions shall include the following file types. All project related Drawing Files shall be provided in all 2 supported formats, listed below.
 - AutoCAD Drawing format (.dwg)
 - Adobe Portable Document Format (.pdf)

- PDF files shall be created from within the AutoCAD environment and contain Layer information.
- It is a requirement that each project drawing/sheet created for a project shall be published/plotted to DWG and PDF, and placed in the appropriate folder in the CD submission. All external references (DWG, DWF, DGN, PDF, TIFF, MrSID, JPG, etc.) which are used in support of the creation of these project sheets shall be stored within the XREF folder only (Subfolder of DWG) on the CD. Also the AutoCAD support files (fonts, plot style, etc.) should be supplied on the CD.

- **File Naming:**

The following file naming standard for all CAD related files created, used, or submitted to the Planning Department shall be followed. This applies to all CAD drawings, DWF's, PDF's used in support of, or used in conjunction with this CAD Standard.

File names shall begin with their project Planning Board Case number assigned (available through the Planning Department), followed by an underscore and the appropriate discipline code. In the instance where there is more than one file, assign an appropriate sequential number to the end (ex. 1,2,3). Special characters are not permitted except for the following; hyphens [-], underscores [_], and/or parenthesis [()].

Example 1.

A set of engineering design plans and documents were prepared for project file number 12-34; acceptable filenames would be as follows:

- 12-34_Existing Conditions1.dwg
- 12-34_Existng Conditions2.dwg
- 12-34_General1.dwg
- 12-34_Generale.dwg

9. Completed Department Sign-Off Sheet (1 original copy)

10. Application Fee (All fees are due at time of application submission)

Official Use Only:

For the Planning Board, this application has been received by the Planning Division of the Department of Planning, Housing & Community Development on the date specified below:

Review date: _____ All materials submitted: Yes No

Signature: _____ Fee _____

521 CMR 23.00: **PARKING AND PASSENGER LOADING ZONES**

23.1 **GENERAL**

Any person who has lawful control of improved or enclosed private property used as off-street parking for businesses, auditoriums, sporting or recreational *facilities*, cultural centers, or general *public use* where the public has the right of access as invitees or licensees, shall cause such parking areas, including temporary parking areas to comply with 521 CMR. For parking related to residential and *transient lodging facilities*, See **521 CMR 8.00: TRANSIENT LODGING FACILITIES** and **521 CMR 10.3, Parking Spaces**.

23.2 **NUMBER**

Accessible spaces shall be provided as follows:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
15-25	1
26-50	2
51-75	3
76- 100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1000

23.2.2 One in every eight *accessible* spaces, but not less than one, shall be van *accessible*, See **521 CMR 23.4.7**.

23.2.3 Spaces required by the table in **521 CMR 23.2.1** need not be provided in a particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an *accessible entrance*, cost and convenience, is ensured.

23.2.4 Specialized Medical *Facilities*: At *facilities* providing medical care for persons with mobility impairments, parking spaces shall comply with the following:

- a. Outpatient units and facilities: 10% of the total number of parking spaces provided to serve each such outpatient unit or facility shall be *accessible*.
- b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided, serving each such unit or facility, shall be *accessible*.

23.00: **PARKING AND PASSENGER LOADING ZONES**

23.3 **LOCATION**

Accessible parking spaces shall be located as follows:

23.3.1 *Accessible* parking spaces serving a particular *building*, facility or temporary event shall be located on the shortest *accessible route* of travel from adjacent parking to an *accessible entrance*.

23.3.2 In parking *facilities* that do not serve a particular *building*, *accessible* parking shall be located on the shortest *accessible route* of travel to an *accessible pedestrian entrance* of the parking *facility*.

23.3.3 In buildings with multiple *accessible entrances* with adjacent parking, *accessible* parking spaces shall be dispersed and located closest to the *accessible entrances*, but in no case, more than three spaces from the accessible entrance.

Exception: Where *accessible spaces* cannot be located within 200 feet (200' = 61m) of an *accessible entrance*, an *accessible* passenger drop-off area shall be provided within 100 feet (100' = 30m) of an *accessible entrance*.

23.3.4 Garages: In multi-level garages where no elevator is provided, such spaces shall all be located near the *accessible entrance*. See special van requirement in **521 CMR 23.4.7**.

23.4 **PARKING SPACES**

Shall comply with the following:

23.4.1 Width: *Accessible* parking spaces shall be at least eight feet (8' = 2438mm) wide, plus the *access aisle*.

23.4.2 Length: The length of *accessible* parking spaces shall be at least the same as for parking spaces generally in accordance with 780 CMR: *The State Building Code* or local zoning requirements. Parked vehicles shall not reduce the *clear* width of an *accessible route* by overhanging or protruding into it.

23.4.3 Slope: Parking spaces shall be *level* with surface slopes not exceeding 1:50 (2%) in all directions.

Exception: When *temporary accessible parking* is located within a field or otherwise unpaved area, when such *site* has not been improved in accordance with 521 CMR, the spaces shall be located on the least sloping area of the parking lot.

23.4.4 Surface: Spaces shall have a uniform, paved or hard packed smooth surface.

Exception: Temporary accessible parking spaces shall have, at minimum, a hard packed, smooth surface with a minimum amount of pooling or draining water.

23.00: PARKING AND PASSENGER LOADING ZONES

23.4.5 Delineation: *Accessible spaces* shall be marked by high contrast painted lines or other high contrast delineation.

Exception: Temporary accessible parking spaces shall be easily identifiable, such as lined with field markings, paint or field tape. Traffic cones or barrels may be used to identify parking spaces where field markings, paint, or field tape cannot be used given the surface condition.

23.4.6 *Access aisles*: All *accessible spaces* shall have *access aisles* that comply with the following:

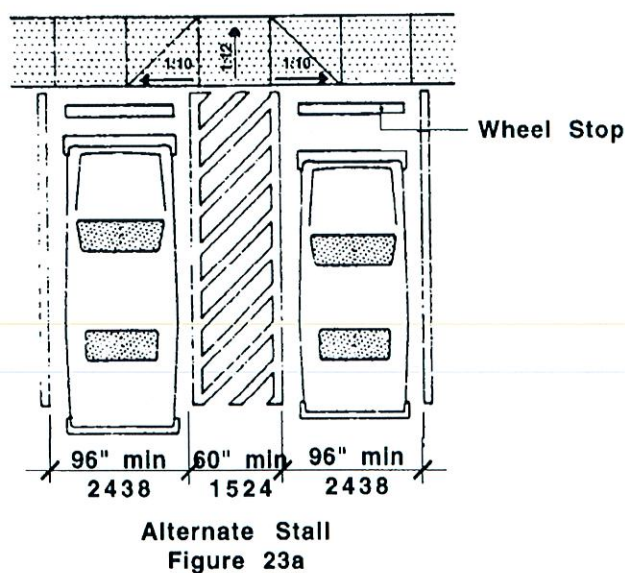
- a. Parking *access aisles* shall be part of an *accessible route* to the *building* or *facility entrance* and shall comply with **521 CMR 20.00: ACCESSIBLE ROUTE**.

Exception: For temporary accessible parking, directional signage along the entire accessible route, using the international symbol of accessibility and an arrow, shall be used to direct people to the closest accessible entrance.

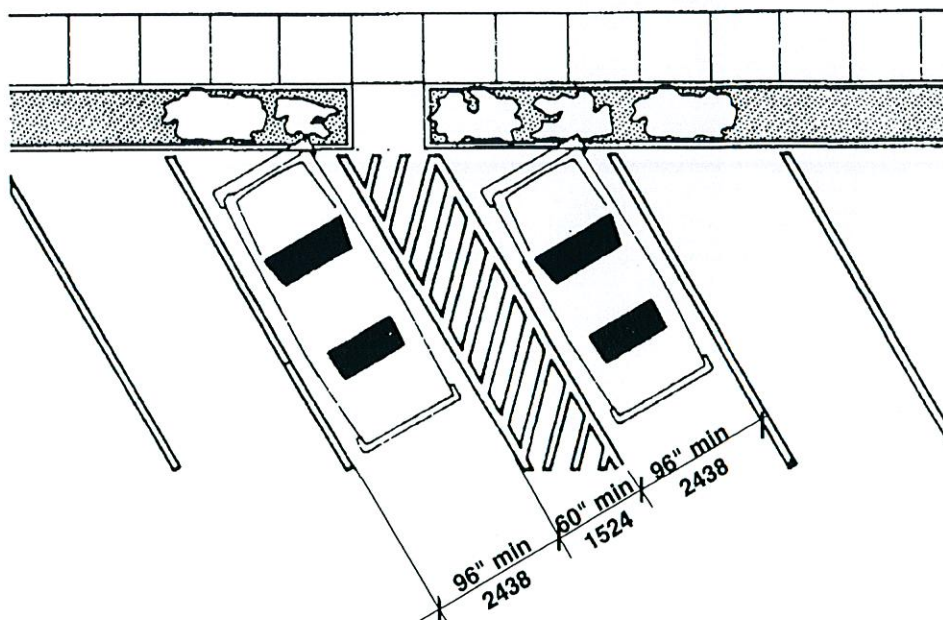
- b. *Access aisles* adjacent to *accessible spaces* shall be five feet (5' = 1524mm) wide minimum, except adjacent to van *accessible spaces* the *access aisle* shall be a minimum of eight feet (8' = 2438mm) wide.

Exception: When temporary accessible parking is located within a field or otherwise unpaved site, when such area has not been improved in accordance with 521 CMR, the spaces shall be located on the least sloping area of the parking lot in conjunction with the temporary accessible parking spaces.

- c. Two *accessible* parking spaces may share a common *access aisle*. See **Fig. 23a** and **23b**.



23.00: PARKING AND PASSENGER LOADING ZONES



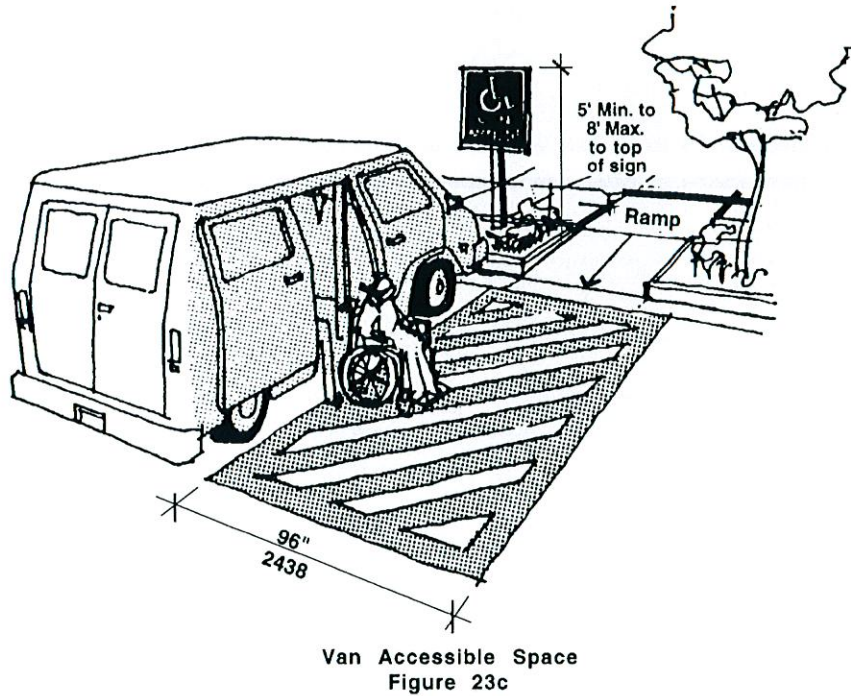
Angled Parking
Figure 23b

- d. *Access aisles* shall be *level* with surface slopes not exceeding 1:50 (2%) in all directions.
- e. *Access aisles* shall be clearly marked by means of diagonal stripes.

23.4.7 Van *Accessible spaces* shall comply with the following:

- a. Provide minimum vertical clearance of eight feet, two inches (8'2" = 2489mm) at the parking *space* and along at least one vehicle *access route* to such spaces from site entrance(s) and exit(s).
See **Fig. 23c**.

23.00: PARKING AND PASSENGER LOADING ZONES



- b. Each *space* shall have a sign designating it "Van Accessible" as required by **521 CMR 23.6, Signage**.
- c. All such *spaces* may be grouped on one level of a parking structure.
- d. Eight foot minimum (8' = 2438mm) wide *space*.
- e. Provide an *access aisle* of eight feet (8' = 2438mm).

Exception: Van *accessible* spaces do not have to be separately provided if all required *accessible* parking *spaces* are 11 feet wide (11' = 3353mm) with a five foot (5' = 1524mm) *access aisle*.

23.5 **SIDEWALKS**

Where *sidewalks* are provided at *accessible* parking *spaces*, a *curb cut* shall be installed at the *access aisle* of each *accessible space* or pair of *spaces*.

Exception: Where walkways and sidewalks are provided at temporary accessible parking spaces, there shall be a firm, stable path of travel, not less than 36 inches wide, from the temporary accessible parking spaces to said walkway or sidewalk. There shall be no abrupt changes in level greater than 1/2 inch. If there is a change of level greater than 1/2 inch, then vertical access shall be provided either via temporary curb ramps or via a temporary ramp.

23.6 **SIGNAGE**

Accessible parking *spaces* shall be identified by signs indicating that they are reserved.

- 23.6.1 A sign shall be located at the head of each space and no more than ten feet (10' = 3048mm) away, and at *accessible* passenger loading zones and may also include wording identifying its use.

23.00: PARKING AND PASSENGER LOADING ZONES

Exception: Signs for temporary accessible parking spaces located within a field or otherwise unpaved area shall be located at the head of each space if there are no attendants directing people to park, or signs indicating a general area designated for accessible vehicles if parking attendants are directing people to park.

23.6.2 The sign shall show the international symbol of *accessibility*.

23.6.3 Van *accessible spaces* shall include the words: "Van-Accessible".

23.6.4 Such signs shall be permanently located at a height of not less than five feet (5' = 1524mm), nor more than eight feet (8' = 2438) to the top of the sign.

Exception: Signage for *temporary accessible parking* spaces may be permanently attached to a pole within a bucket.

23.7 PASSENGER LOADING ZONE

If passenger loading zones are provided, at least one of them shall comply with the following:

23.7.1 Wherever a passenger loading zone or parking area is provided, an *accessible route* to an *accessible entrance* is required.

23.00: PARKING AND PASSENGER LOADING ZONES

23.7.2 Passenger loading zones shall provide an *access aisle* at least 60 inches (60" = 1524mm) wide and 20 feet (20' = 6096mm) long, adjacent and parallel to the vehicle pull-up space.

23.7.3 If there are curbs between the *access aisle* and the vehicle pull-up space, then a *curb cut* complying with **521 CMR 21.00: CURB CUTS**, shall be provided.

23.7.4 Vehicle standing spaces and *access aisles* shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

23.7.5 Vertical Clearance: A minimum of nine feet, six inches (9'6" = 2896mm) of vertical clearance shall be provided at *accessible* passenger loading zones and along at least one vehicle *access route* to such areas from *site entrance(s)* and exit(s).

23.8 VALET PARKING

Valet parking *facilities* shall provide a passenger loading zone complying with **521 CMR 23.7, Passenger Loading Zone** located on an *accessible route* to the *entrance* of the *facility*. **521 CMR 23.2 Number** and **521 CMR 23.4.7 Van Accessible Spaces**, do not apply to valet parking facilities.




Department of Public Infrastructure

Ronald H. Labelle
Commissioner

CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

TO: City of New Bedford Planning Board
FROM:  Ronald H. Labelle, Commissioner, D.P.I.
DATE: August 27, 2015
RE: Proposed O'Reilley Auto Parts- Site Plan
Hathaway Road
Plot 101 Lot 14

PLANNING
AUG 27 2015
DEPARTMENT

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

1. Driveway permits are subject to Traffic Commission approval.
2. Permits for sidewalk, driveways, drainage, sewer and water must be obtained from the Department of Public Infrastructure Engineering Division.
3. Driveways to be built in accordance with City of New Bedford regulations and with 4 foot transitions curb on both sides.
4. Developer to replace sidewalk in between both driveways on Hathaway Road, with a cement ribbon sidewalk. Developer to plant 5 trees within the new grass ribbon area.
5. Drainage design must comply with Phase II, Mass Department storm water management standards.
6. A mid block pedestrian signal installed to allow pedestrian traffic to cross Hathaway Road.
7. Developer to check condition of existing sewer service and lift station. Also, does the existing lift station have the capacity for the additional flow for the proposed building.
8. Develop to check condition of existing water service. Water trace to be installed on proposed water service.
9. All utilities to be installed in accordance with City of New Bedford standards.
10. The Department of Public Infrastructure requires a final set of approved plans to be submitted, that reflects all revisions made prior to the start of construction.

11. Developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start on construction.
12. Upon completion, Engineer must submit "As Built Drawings" in CADD format prior to the certificate of occupancy being issued.

/ct

Cc: Department of Inspectional Services
Environmental Stewardship
Sitec
S.B. Realty Limited Partnership

Cree Edge™ Series

LED Area/Flood Luminaire

Product Description

The Cree Edge Series has a slim, low profile design. Its rugged cast aluminum housing minimizes wind load requirements and features an integral, weathertight LED driver compartment and high performance aluminum heat sinks. Various mounting choices: Adjustable Arm, Direct Arm, Direct Arm Long, Spider, or Side Arm (details on page 2). Includes a leaf/debris guard.

Applications: Parking lots, walkways, campuses, car dealerships, office complexes, and internal roadways

Performance Summary

Utilizes BetaLED® Technology

Patented NanoOptic® Product Technology

Made in the U.S.A. of U.S. and imported parts

CRI: Minimum 70 CRI

CCT: 4000K (+/- 300K), 5700K (+/- 500K) standard

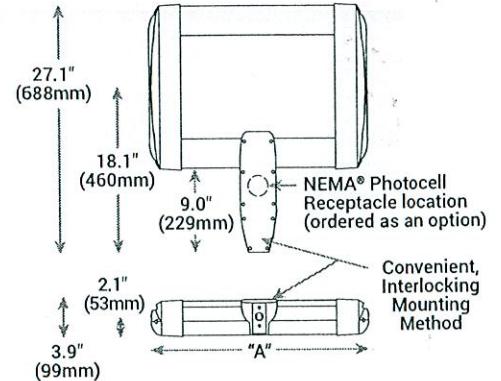
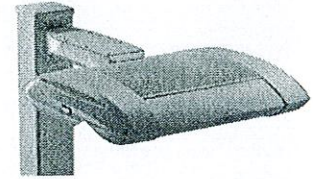
Limited Warranty*: 10 years on luminaire/10 years on Colorfast DeltaGuard® finish

*See www.cree.com/lighting/products/warranty for warranty terms

Accessories

Field-Installed	
Bird Spikes XA-BROSPK	Backlight Control Shields XA-20BLS-4 - Four-pack - Unpainted stainless steel
Hand-Held Remote XA-SENSREM - For successful implementation of the programmable multi-level option, a minimum of one hand-held remote is required	

DA Mount



LED Count (x10)	Dim. "A"	Weight
02	12.1" (306mm)	21 lbs. (10kg)
04	12.1" (306mm)	24 lbs. (11kg)
06	14.1" (357mm)	27 lbs. (12kg)
08	16.1" (408mm)	28 lbs. (13kg)
10	18.1" (459mm)	32 lbs. (15kg)
12	20.1" (510mm)	34 lbs. (15kg)
14	22.1" (560mm)	37 lbs. (17kg)
16	24.1" (611mm)	41 lbs. (19kg)
20	28.1" (713mm)	43 lbs. (20kg)
24	32.1" (814mm)	48 lbs. (22kg)

Ordering Information

Example: ARE EDG 2M AA 12 E UL SV 350

Product	Optic	Mounting*	LED Count (x10)	Series	Voltage	Color Options	Drive Current	Options
ARE EDG	1S Type I Short	2SB Type II Short w/BLS	4M Type IV Medium	AA Adjustable Arm	02	UL Universal	350 350mA	40K 4000K Color Temperature - Minimum 70 CRI - Color temperature per luminaire DIM 0-10V Dimming - Control by others - Refer to Dimming spec sheet for details - Can't exceed specified drive current F Fuse - Refer to ML spec sheet for availability with ML options - Available with UL voltage only - When code dictates fusing, use time delay fuse HL Hi/Low (Dual Circuit Input) - Refer to HL spec sheet for details - Sensor not included ML Multi-Level - Refer to ML spec sheet for details - Intended for downlight applications at 0° tilt P Photocell - Refer to ML spec sheet for availability with ML options - Must specify UL or 34 voltage PML Programmable Multi-Level, 30-40' Mounting Height - Designed for applications where mounting height is 30-40' A.F.G. - Refer to PML spec sheet for details - Intended for downlight applications at 0° tilt PML2 Programmable Multi-Level, 20' Mounting Height - Designed for applications where mounting height is 20' A.F.G. - Refer to PML spec sheet for details - Intended for downlight applications at 0° tilt R NEMA® Photocell Receptacle - Intended for downlight applications with maximum 45° tilt - Photocell by others - Refer to ML spec sheet for availability with ML options
	2M Type II Medium	2SP Type II Short w/Partial BLS	4MB Type IV Medium w/BLS	DA Direct Arm	04	UL Universal	525 525mA	
	2MB Type II Medium w/BLS	3M Type III Medium	4MP Type IV Medium w/BLS	DL Direct Arm Long	06	UL Universal	700 700mA	
	2MP Type II Medium w/Partial BLS	3MB Type III Medium w/Partial BLS	5M Type V Medium	R3 Spider, Center Tenon, 2-3/8" to 3" OD	08	UL Universal	160 160 LEDs	
	2S Type II Short	3MP Type III Medium w/Partial BLS	5S Type V Short	R4 Spider, Center Direct, 4" Square	10	UL Universal	347-480V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R5 Spider, Center Direct, 4" Square	12	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R6 Spider, Center Direct, 4" Square	14	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R7 Spider, Center Direct, 4" Square	16	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R8 Spider, Center Direct, 4" Square	20	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R9 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R10 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R11 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R12 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R13 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R14 Spider, Center Direct, 4" Square	24	UL Universal	347V	
	25' 25' Flood	40' 40' Flood	N6 70' Flood	R15 Spider, Center Direct, 4" Square	24	UL Universal	347V	
FLD EDG	15' 15' Flood	40' 40' Flood	SN Sign	SA Side Arm		BK Black		
	25' 25' Flood	40' 40' Flood	N6 70' Flood	- Available with 20-60 LEDs		BZ Bronze		
	25' 25' Flood	40' 40' Flood	N6 70' Flood	- Available with 20-60 LEDs		PB Platinum		
	25' 25' Flood	40' 40' Flood	N6 70' Flood	- Available with 20-60 LEDs		SV Silver		
	25' 25' Flood	40' 40' Flood	N6 70' Flood	- Available with 20-60 LEDs		WH White		

* Reference EPA and pole configuration suitability data beginning on page 24

Handwritten: CRP 18-15 ATTACHMENT 6



Rev. Date: V1 05/06/2015



EXHIBIT C-2
RED BACKGROUND



Sample Store Front Layout NTS

*NTS

PLANNING
AUG 13 2015
DEPARTMENT

OKF 10.15