



STAFF REPORT

FROM: Connie Brawders, Staff Planner 

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 #20-15 - 19 Hathaway Road - Thomson Antique World**

Request to consider the following:

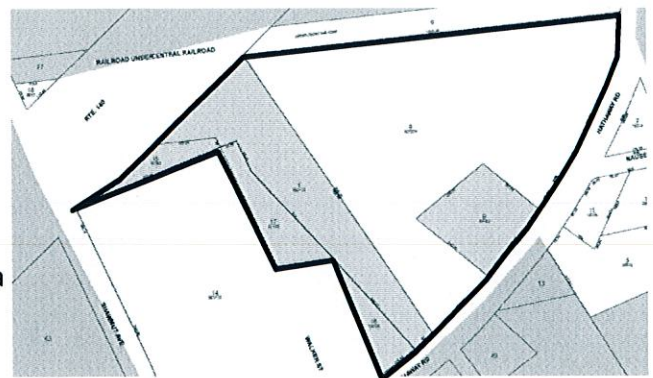
Approve an application by Thomson Antique World for Site Plan Review for the use of a weekend flea market in the existing parking lot of the former Building 19, located at 19 Hathaway Road (Map 101, Lot 8), in the Industrial - B zoning district (Attachment 1).

Applicant: Thomson Antique World, 8 Baker Street, Warren, RI 02885

Applicant's Agent: Thompson Farland, Inc., 398 County Street, New Bedford, MA 02740

Owner: Robert Walsh, Trustee of 19 Hathaway Road Trust II, 319 Lincoln Street, Hingham, MA 02043

Location: 19 Hathaway Road (Attachment 2)



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 proposes to operate a 26,000 +/- SF outdoor flea market in the parking lot of the business formerly known as Building 19, a retail establishment specializing in surplus and salvage goods that had filed for Chapter 11 in 2013, according to Boston Business Journal. The parcel occupies 13.294 acres. The outdoor market will consist of up to 80 vendors, each hosting a designated stall space of 18' x 18'. The applicant will designate the vendor area using temporary fencing, such as construction netting. Hours of business operation are 7:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Vendors will arrive in advance of opening to set the display of their products and remain until closing hours. There are 50 existing parking spaces delineated on site. The applicant has proposed that 131 additional spaces be directed by parking attendants. Portable toilets and trash receptacles will be provided for customers and vendors. The applicant anticipates the business will provide ten jobs.

The case deliverables were received by the office of the New Bedford City Clerk on August 14, 2014.

The applicant has paid the fee for Site Plan Review 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 Trustee is Robert Walsh, who may be found named at Deed Book 10506 and Page 111. The Site Plan should be revised to reflect this information (Attachment 3).

There is no project time line for completion submitted for consideration by the Planning Board, no cost figure is provided by the applicant, and no term of lease specified within the case deliverables (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:

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. Of consideration, the applicant's proposal for Outdoor Flea Market substantially affects existing internal circulation of an existing parking lot.*

The site is zoned 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 Outdoor Flea Market or any such antique marketplace 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. An Outdoor Flea Market use may be considered a by-right use in the Industrial Business zoning district.

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 west side of Hathaway Road. Hathaway Road is a main arterial road running north-south through New Bedford. Route 140 exit 3 is approximately 0.4 miles from the site. Shawmut Avenue is the closest major cross road, and the parcel is in close proximity to New Bedford Regional Airport. Penn Central Rail line easement is located north of the site.

Surrounding businesses include Hathaway Mini-market, U-Haul store, Santander Bank, Wonder Bowl bowling alley, Honey Dew donut shop, and Rent-A-Center.

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

Parking and Traffic:

Technical review of plans finds the following: 1. The submitted site plan does not show handicap parking availability. 2. The site plan does not show onsite parking circulation. 3. Parking dimensions noted on the plan submittal are stated as 9' x 18'.

The applicant should be considerate of Site Plan Review section **5456**, whereby *certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board*. The applicant may also refer to 521 CMR 23.00, which pertains to Parking and Passenger Loading Zones for persons with disabilities (Attachment 4).

Under **Appendix C – Table of Parking and Loading Requirements**, *Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein shall provide One (1) space per each 200 SF of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 SF gross floor area, one space per 400 SF.* If the outdoor flea market utilizes an outdoor gross floor area of 26,000 SF to conduct business transactions, then we are looking to see 100 spaces for the first 20,000 SF (20000 SF/200 SF = 100) and 15 spaces for the remaining 6000 SF (6000 SF/400 SF = 15) to satisfy the requirement of 115 spaces. The site plan provides 181 parking places; however, this appears to be based the previous business use and should be reviewed. Handicap parking for 150 spaces calls for a minimum of five (5) spaces.

Internal circulation of the site is not illustrated on the plan. Under section **5479A**, *the proposal should promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general*. The

applicant states in the Narrative parking spaces will be directed by attendants, suggesting flexibility in the parking plan proposal.

As the plan adds more than five parking spaces on the lot, **Section 3146** directs the applicant to refer to **Section 3300** for additional site plan review stipulations for screening and landscaping. *The Planning Board shall not approve a site plan unless said plan complies in all pertinent respects with the requirements of section 3300 (3350. Coordination with Site Plan Approval).*

Section 3150 stipulates, "A parking space shall be a rectangle of at least nine feet by twenty feet exclusive of any required drive or aisle of the parking space". The site plan shows a typical parking space dimension of nine (9) feet by eighteen (18) feet. The plan illustrates 24 feet between parking aisles; 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".

The landscaping at the egress/ingress should be trimmed for safety reasons to prevent obstruction of the site line.

The applicant should accurately revise the site plan to comply with the above described City ordinance parking requirements.

Technical Review of Site Plan:

An On the Ground instrument survey was not performed to produce this plan.

The deed of owner is incorrectly noted on the plan. Recorded Trustee is Robert Walsh. Documentation supporting this change was provided to the Planning Division office by Attorney Norman Greenberg (233 Needham Street, Suite 500, Needham, MA 02464). The plan should be updated to reflect this correction. The Assessor's Office has been notified, as assessor's information reflects the previous trustee, Lisa Boretti.

Landscaping is not shown on the single plan sheet. Section **5451.e.** of Site Plan Review requires that a Landscaping plan be submitted, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree. The applicant is reminded to review **Section 3146** directs the applicant to refer to **Section 3300** for additional site plan review stipulations for screening and landscaping.

Internal circulation of the site is not shown on the plan. Under section **5479A**, the proposal should *promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general.*

The case submittal was presented without a topo or drainage plan of existing conditions. Site plan review stipulates requirements for such plans under section **5451.b.** *(Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater runoff drainage.)*

No description of utility service was shown on the plan. (5451.c. *Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site...*)

Two portable toilets are noted on the plan. The applicant should consult with City of New Bedford Health Director Brenda Weiss for her professional opinion regarding the minimum of portable toilets required to serve the customer base of 200-330+/- people per day.

Site Visit:

A site visit was conducted on August 26, 2015. Findings include the following:

- The site line is obstructed by overgrown vegetation from the ingress and egress points and should be trimmed for safety reasons. (5472. Maximize: pedestrian and vehicular safety to and from the site.)
- Existing landscaping is overgrown.
- The parking lot pavement is poorly maintained in extensive areas. For safety reasons, the applicant should remove the weed growth, and patch and repair the damaged pavement.
- The valve system for the water holding tank is not shown on the plan and may interfere with the parking layout.
- The valve system structure should be noted on the revised plan submittal.

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 Outdoor Flea Market Site Plan on Hathaway Road at Map 101, Lot 8 with the following comment: *"The Department of Public Infrastructure has reviewed the proposed site plan referenced above and has no comments, therefore recommends approval". (Attachment 6)*

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 :

- Revise the plan to accurately note the current owner of record.
- Existing landscaping is not shown on the site plan.
- No landscaping plan has been provided.
- Mesh, material and color of construction netting material, if approved as a safety perimeter, should be taken under advisement by the Planning Board.
- Clarify time of arrival and departure of vendors.
- Site lighting hours have not been provided.
- Clarify the intent to conduct business on three-day weekend holidays.
- Clarify the intent of the applicant to increase hours of operation during summer months.
- Clarify the number of portable toilets to service the business patrons and request that the site plan accurately illustrate this number.
- Clarify the number of trash and recycling receptacles to be provided by the applicant.
- The applicant may be asked to provide a waste and sanitary management implementation plan.
- The submitted site plan does not show handicap parking availability.
- The site line is obstructed by overgrown vegetation from the ingress and egress points and should be trimmed for safety reasons.
- The applicant should accurately revise the site plan to comply with the City ordinance parking location and layout requirements.
- The existing structure may interfere with the parking layout. This structure should be noted in the revised plan.
- The asphalt pavement is significantly degraded at the site. For safety reasons, the Planning Board may require that the applicant patch and repair the pavement.

Respectfully submitted.

Attachments:

1. Site Plan Review Application
2. Site Plan
3. Deed
4. 521 CMR 23.00 Architectural Access Board Parking & Passenger Loading
5. Narrative
6. Department of Public Infrastructure Review Comments Dated August 27, 2015



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

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: THOMPSON FARLAND, INC. dated: 8/13/15

1. Application Information

Street Address: 19 HATHAWAY RD.

Assessor's Map(s): 101 Lot(s) 8

Registry of Deeds Book: 7815 Page: 207

Zoning District: INDUSTRIAL B

Applicant's Name (printed): THOMSON ANTIQUE WORLD

Mailing Address: 8 BAKER ST. WARREN RI 02885
(Street) (City) (State) (Zip)

Contact Information: 401-286-4735 draft@yahoo.com
Telephone Number Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other _____

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 AUG 14 P 3:20
CITY CLERK

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

- SITE PLAN 8/13/15
- CHECKLIST
- FEE

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.

Aug 13, 2015
Date

Douglas C.F. Thomas
Signature of Applicant

PLANNING

AUG 14 2015

City Hall • 133 William Street

ATTACHMENT 1

IA 02740 • www.newbedford-ma.gov
3)979-1576

DEPARTMENT

FILE COPY

CASE 20-16

FILE COPY

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

Category	Construction N/A	Scale
<input type="checkbox"/> Residential	<input type="checkbox"/> New Construction	<input type="checkbox"/> < 2,000 gross sq feet
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Expansion of Existing	<input checked="" type="checkbox"/> > 2,000 gross sq feet
<input type="checkbox"/> Industrial	<input type="checkbox"/> Conversion	<input type="checkbox"/> 3 or more new residential units
<input type="checkbox"/> Mixed (Check all categories that apply)	<input type="checkbox"/> Rehabilitation	<input type="checkbox"/> 1 or more new units in existing res. multi-unit
		<input type="checkbox"/> Drive Thru Proposed
		<input type="checkbox"/> Ground Sign Proposed
		<input type="checkbox"/> Residential Driveway With > 1 curbcut

3. Zoning Classifications

Present Use of Premises: WAREHOUSE

Proposed Use of Premises: TEMPORARY FLEA MARKET

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

4. Briefly Describe the Proposed Project:

The applicant proposes to organize a weekend use flea market in the existing parking lot of the former Building #19. Operating hours would be approximately 7am - 5pm on SATURDAYS & SUNDAYS.

5. Please complete the following:

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	13.3 +/-	0	-
Lot Width (ft)	1150' +/-	0	-
Number of Dwelling Units	N/A	N/A	-
Total Gross Floor Area (sq ft)	<i>Building</i> → 203,358 SF +/-		26,000 SF outdoor vendor area
Residential Gross Floor Area (sq ft)	N/A	N/A	-
Non-Residential Gross Floor Area (sq ft)	203,358 SF +/-		
Building Height (ft)	30' +/-	100'	-
Front Setback (ft)	15' +/-	25'	-
Side Setback (ft)	15' +/-	25'	-
Side Setback (ft)	100' +/-	25'	-

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AUG 14 2015

DEPARTMENT

Rear Setback (ft)	250' +/-	25'	-
Lot Coverage by Buildings (% of Lot Area)	26% +/-	50%	-
Permeable Open Space (% of Lot Area)	0%		
Green Space (% of Lot Area)	0%	20%	-
Off-Street Parking Spaces	165 +/-	150	181
Long-Term Bicycle Parking Spaces	N/A	N/A	N/A
Short-Term Bicycle Parking Spaces	N/A	N/A	N/A
Loading Bays	Numerous	N/A	N/A

6. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	-	200-300 +/-
b) Number of employees:	-	< 10 +/-
c) Hours of operation:	-	7am-5pm
d) Days of operation:	-	SAT-SUN
e) Hours of deliveries:	-	N/A
f) Frequency of deliveries:	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Other: <u>N/A</u>	

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

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 AUG 14 2015
 DEPARTMENT

9. OWNERSHIP VERIFICATION

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

I hereby authorize the following Applicant: Thomson Antique World

at the following address: 8 Baker St., Warren, R.I. 02885

to apply for: Site plan approval

on premises located at: 19 Hathaway Rd

in current ownership since: 8/25/05

whose address is: 319 Lincoln St. Hingham, MA 02043

for which the record title stands in the name of: Robert Walsh, Trustee of 19 Hathaway Road Trust II

whose address is: 319 Lincoln St. Hingham, MA 02043

by a deed duly recorded in the:

Registry of Deeds of County: Bristol S. Book: 7815 Page: 207

~~OR~~ ^{AND} Registry District of the Land Court, Certificate No.: 20925 Book: 118 Page: 116

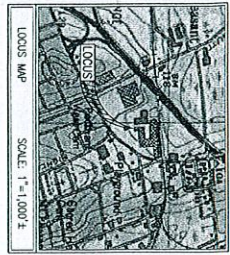
I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the 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.

8/13/15
Date

19 Hathaway Road Trust II
By: Norman Greenberg its attorney
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

PLANNING
AUG 14 2015
DEPARTMENT

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SHAWMUT AVENUE
ROUTE 140

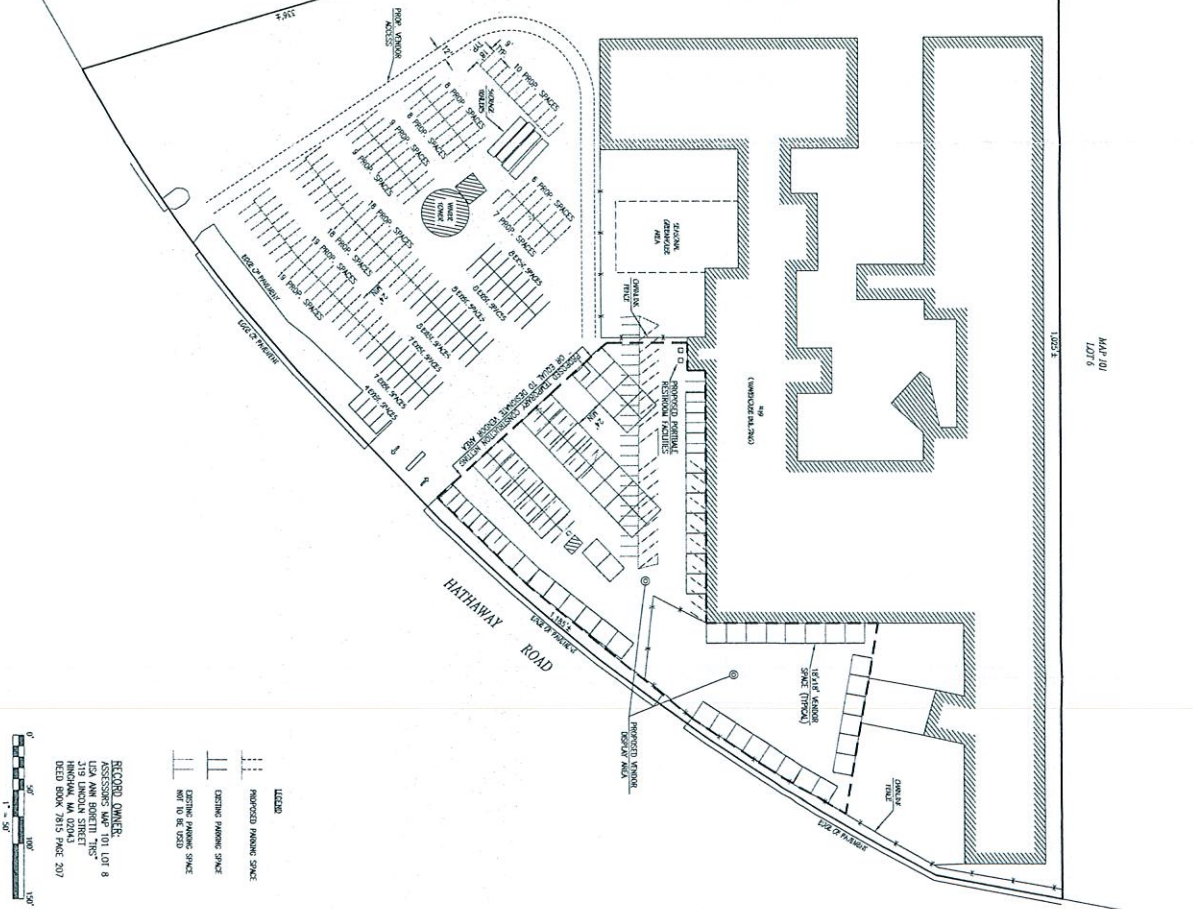


- PARKING REQUIREMENT -

PRINCIPAL USE	SEASONAL GREENHOUSE/FLA MARKET	REQUIREMENT
2,000 SPACES	2,000 SPACES	150 SPACES
2,000 SPACES	2,000 SPACES	150 SPACES

- NOTES:**
1. PROPERTY IS LOCATED WITHIN INDUSTRIAL B ZONING DISTRICT.
 2. PROPERTY IS TO BE DEVELOPED TO PROVIDE THIS PLAN.
 3. PROPERTY LINE INFORMATION TAKEN FROM CITY ASSESSOR MAPS AND S APPROXIMATE.
 4. BUILDING LOCATION AND EXISTING PARKING AREAS TAKEN FROM GIS AND AERIAL IMAGERY. FIELD INSPECTION.
 5. TOTAL NUMBER OF PARKING SPACES PROVIDED=181.
 6. TOTAL NUMBER OF VEHICLE SPACES PROVIDED=91.

MAF 101 LOT 8
MAF 101 LOT 9
MAF 101 LOT 10



LEGEND

- EXISTING PAVING SPACE
- EXISTING PAVING SPACE
- EXISTING PAVING SPACE
- EXISTING PAVING SPACE

RECORD OWNER:
ASSASSOR MAP 101 LOT 8
19 HATHAWAY ROAD
NEW BEDFORD, MASSACHUSETTS
DEED BOOK 7813 PAGE 207

THOMPSON FARLAND
PROFESSIONAL ENGINEERS // LAND SURVEYORS
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NEW BEDFORD | TAUNTON | CAMBRIDGE | MARLBOROUGH

SITE PLAN
19 HATHAWAY ROAD
ASSASSOR MAP 101 LOT 8
NEW BEDFORD, MASSACHUSETTS

PREPARED BY: DOUG THOMPSON
FOR: 8 BAKER STREET
MARLBOROUGH, MA 01501

DRAWN BY:	ING
CHECKED BY:	CAF

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REVISIONS

ATTACHMENT 2
SHEET 1 OF 1

11/1353

TRUSTEE RESIGNATION
19 HATHAWAY ROAD TRUST II

BK 10506 PG 112

09/07/12 11:25 DOC. 21703
Bristol Co, S.D.

I, **James F. Clark**, hereby resign as Trustee of **19 Hathaway Road Trust II** under declaration of trust dated August 8, 2005 and recorded with Bristol South County Registry of Deeds in Book 7815, Page 212 and filed with Bristol South County Registry District of the Land Court as Document No. 95194 on Certificate of Title No. 20995 ("Trust"), to be effective upon recording of this resignation.

Witness our hands and seals as of the 28 day of June, 2012.

[Signature]
James F. Clark

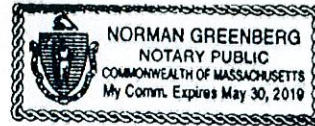
COMMONWEALTH OF MASSACHUSETTS

Plymouth County

On this 28th day of June, 2012, before me, the undersigned notary public, personally appeared James F. Clark personally known to me for a number of years to be the person whose name is signed on the preceding instrument, and acknowledged to me that he signed it voluntarily for its stated purpose and acknowledged the foregoing instrument to be his free act and deed.

[Signature]
Notary Public

My Commission Expires:



Registered Land:
[Copy to Stamp + return]

111353
So. Bristol Land Court
09/07/12 11:18
Noted on Ctf.
Book Page

521 CMR: ARCHITECTURAL ACCESS BOARD

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:

23.2.1	<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*.

FILE COPY

521 CMR: ARCHITECTURAL ACCESS BOARD

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.

521 CMR: ARCHITECTURAL ACCESS BOARD

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:

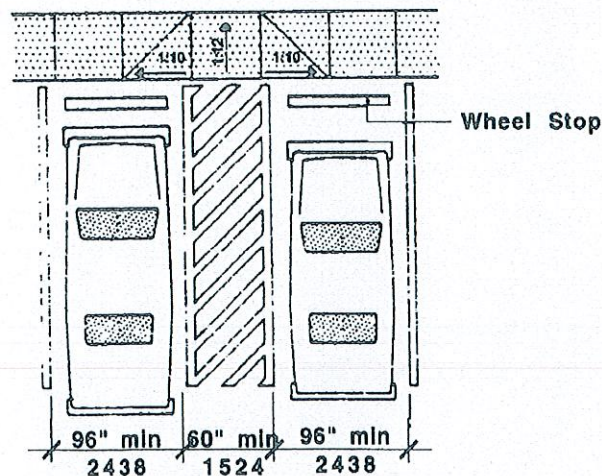
- a. Parking *access aisles* shall be part of an *accessible route* to the *building* or *facility entrance* and shall comply with **521 CMR 20.00: ACCESSIBLE ROUTE**.

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.

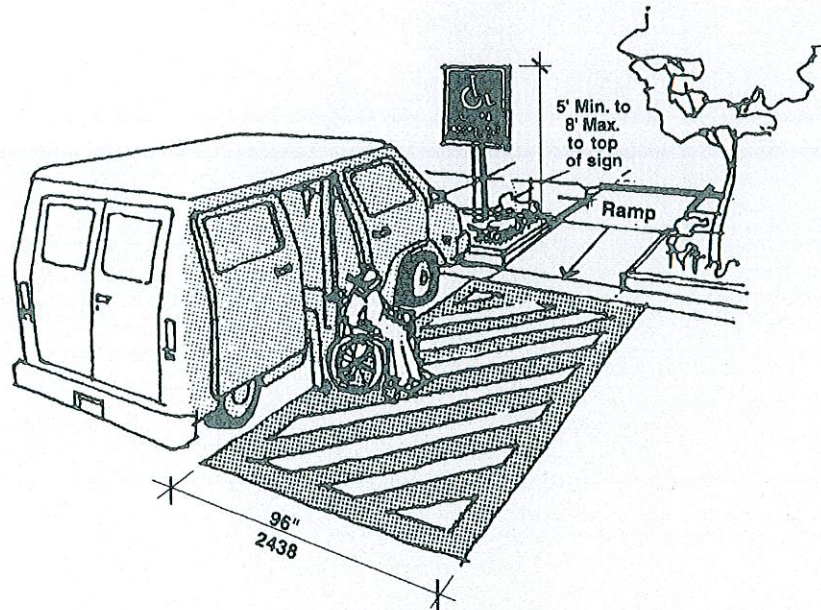
Exception: When temporary accessible parking is located within a field or otherwise unpaved site, when such area has not been improved in accordance with 521 CMR, the spaces shall be located on the least sloping area of the parking lot in conjunction with the temporary accessible parking spaces.

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



Alternate Stall
Figure 23a

23.00: PARKING AND PASSENGER LOADING ZONES



Van Accessible Space
Figure 23c

- 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 ½ inch. If there is a change of level greater than ½ 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.

521 CMR: ARCHITECTURAL ACCESS BOARD

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.

PROJECT NARRATIVE

Proposed Outdoor Flea Market – Building #19 19 Hathaway Road – New Bedford, Massachusetts

Project Summary

The applicant, Thomson Antique World, is proposing to operate an outdoor flea market in the parking lot of the former Building #19. The market will consist of up to 80 vendors having a stall space of 18'x18' each in the designated vendor area. The vendor area shall be designated by temporary construction netting, or equal. The market will run on Saturday's and Sunday's between the hours of 7 am and 5 pm. There are 181 parking spaces provided. There are currently 50 marked spaces on site for use, the remaining 131 spaces will be directed by parking lot attendants. Vendors will arrive and setup prior to the market being open to the public and will remain until closing. Portable restroom facilities will also be provided for the public and vendors along with trash receptacles.

PLANNING

AUG 14 2015

DEPARTMENT

CASE 20-15

ATTACHMENT 5

FILE COPY



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 Outdoor Flea Market- Site Plan
Hathaway Road
Plot 101 Lot 8

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and has no comments, therefore recommends approval.

/ct

Cc: Department of Inspectional Services
Environmental Stewardship
Thomas Farland
Lisa Ann Boretti

PLANNING
AUG 31 2015
DEPARTMENT

Case 20-15