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PLANNING BOARD

City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508)979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: 17-15				
Request Type:		Site Plan and New Ground Sign		
Address:		1771 Acushnet Avenue		
Zoning:		MUB/Residence C		
Recorded Owner:		Michael W. Panagakos		
Applicant:		Michael W. Panagakos		
Applicant Address: 133 Faunce Corner Road, Dartmouth, MA 02747				
Application Submittal Date		Public Hearing Date		Decision Date
July 29, 2015		August 12, 2015		August 12, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
108	43	10984	143	

Application:

Request by applicant, Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), for Site Plan Review and New Ground Sign Permit, for a change of use from a retail to commercial business development, as shown on plans prepared by SITEC, Inc., consisting of 13 sheets, dated January 5, 2015, as revised thru May 27, 2015.

Action: Granted, with Conditions

A copy of this Decision was filed with the City Clerk of the City of New Bedford on August 24, 2015. Any person aggrieved by this decision 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.

8/24/15

Date

Jill Maclean, City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

Request by applicant, Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), for Site Plan Review and New Ground Sign Permit, for a change of use from a retail to commercial business development, located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business /Residence C zoning district.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown in a Plan set for Michael W. Panagakos and Panagakos Development dated January 5, 2015, revised through May 27, 2015, located at 1771 Acushnet Avenue (Map 108, Lots 42, 43 & 44) prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 consisting of:

1. Cover Sheet
2. Site Layout
3. Locus Map
4. Grading & Utilities
5. Landscaping Plan
6. Existing Conditions
7. Demolition Plan
8. Erosion Control Plan
9. Detail Sheet
10. A-1 Proposed Elevations (Lot 1)
11. A-2 Proposed elevations (Lot 1)
12. A-1 Proposed Elevations (Lot 2)
13. A-2 Proposed Floor Plan (Lot 2)

Other Documents and Supporting Material

- Project Narrative
- Site Plan Review Application & Check List
- Site Plan Review Application for New Ground Sign
- Certified Abutters List
- Site Photographs
- Quitclaim Property Deed
- Sign Details
- Lighting Specifications
- Stormwater Management Report
- Construction Erosion & Sediment Control Plan
- Checklist for Stormwater Report
- Stormwater Operation & Maintenance Plan
- Staff Comments with attachments:
 - Request by Applicant to Rescind Decision for Case #13-15
 - Consent for Rescission

- Memorandum from Applicant's Agent Clarifying Hours of Operation
- Letter of Request for Postponement from Atty. Edward Sylvia
- Plan Set
- Project Description
- Memo from Department of Public Infrastructure Dated June 2, 2015
- Memo from Department of Inspectional Services Dated June 1, 2015
- Notice of Decision for Case #13-15
- Approved June 10, 2015 Planning Board Meeting Notes for Case #13-15

3) DISCUSSION

This case had been previously heard as Case #13-15, but because of technical oversight in abutter notification, the applicant requested in writing that conditional approval be rescinded. The Planning Board granted the applicant's petition at their meeting on July 8, 2015.

Applicant's agent, Steve Gioiosa, addressed the Board. The applicant seeks to redevelop 1771 Acushnet Avenue, site of the former 4,500 +/- SF Sullivan Brothers Clothing Store, and adjacent office and garage of approximately 1600 +/- SF, by constructing two commercial structures, on combined parcel lots, one lot of which is located partially within the Residence C zoning district.

The redevelopment project before the Planning Board describes two new buildings, one having 1,680 +/- SF, and second consisting of 600 +/- SF, thereby downgrading the intensity of use and reducing impervious surface area. A landscaping plan and improved drainage plan are provided for the site redevelopment. Zoning dimensional requirements have been met; however the applicant seeks a Special Permit from the Zoning Board of Appeals for a 1. Non-conforming use and structure and 2. Commercial parking in a residential zone.

The applicant proposes to relocate one on-street handicap parking space, serving a multifamily dwelling unit adjacent to the redevelopment, easterly at Belleville Road, so a new curb cut may be created to facilitate parking and pedestrian circulation at the site, with new sidewalks reconstructed along Acushnet Avenue and Belleville Road. Landscaping will soften the hard surface area and provide a greenscape oasis. Lighting will be directed internal to the site. Preferable hours of operation to attract a quality tenant are 5:00 a.m. to 12 a.m.

The Planning Board, applicant's agent and applicant further discussed the proposal and agreed to the following:

- Because of the narrow green ribbon between the sidewalk and street, it may be advantageous to plant the City's required street trees inside the property line.
- Low maintenance grass may be considered for use at the street green ribbon.
- For safety reasons, 5 a.m. – 12:30 a.m. were considered as tolerable lighting hours of operation.
- One drainage system will serve the entire site development.
- Building height of the larger building is 28 feet; the smaller building height is 21 feet. These dimensions are to be shown on the elevation plans.
- The new ground sign will be set six feet from the layout onto the property along Acushnet

Avenue. There is no waiver or variance request for signage.

- Signage may be located on the dormer projections at the buildings' roof line.
- The site location is a combined parcel under one ownership.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member P. Cruz. Motion was unanimously approved by a vote of Five (5) – Zero (0).

The Chair invited those to speak at the podium or be recorded in favor to make their opinion known. Read into the record was a letter of support for this proposal signed by Councilor-at-Large Linda M. Morad and City Councilor Steven Martins (Ward 2).

The Chair invited those to speak at the podium or be recorded as opposed to make their opinion known. Atty. Edward Sylvania, representing Jose Araujo, of Madeira Avenue Realty, and owner of 12-22 Glenn Street (Map 108, Lot 269), an 18 unit residential dwelling abutting the proposal, asked the Board to consider hours of operation be limited to 7:00 a.m. – 10:00 p.m. for any business entity occupying the building sited nearest his client's dwelling.

Seeing no further comments, Board Member K. Duff moved the motion to close the public hearing; second by Board Member A. Glassman. By a vote of Five (5) – Zero (0) the hearing was closed.

4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

- The applicant shall work in agreement with the Department of Public Infrastructure to satisfy the City of New Bedford street tree requirements for the planting location of trees.
- The applicant shall use deep root and low maintenance grass at the site perimeters.
- This proposal is subject to final approval by the City of New Bedford Department of Public Infrastructure and Traffic Commission.
- Approved hours of business operation are 5:00 a.m. - 12:00 a.m.
- Approved exterior lighting hours are 5:00 a.m. – 12:30 a.m.

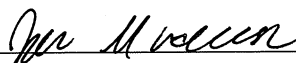
5) DECISION

Board Member K. Duff motioned to grant approval for Site Plan Review and New Ground Sign for Case #17-15 for a change of use from a retail to commercial business development, located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business/Residence C zoning district with the above conditions and restrictions. The motion receive a second by Board Member A. Glassman and unanimously approved Five (5) – Zero (0).

Filed with the City Clerk on:

8/24/15

Date



Jill Maclean, City Planner, Agent for the Planning Board