



City of New Bedford
ZBA SPECIAL PERMIT APPLICATION

CASE # 4419

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Development Impact Statement (DIS)</u> , if required (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Official Use Only:

Review of submittal compliance performed by [Signature] of the city's Division of Planning.

Staff review found the application packet to be ☒ complete ☐ incomplete on this date: _____.

This is page 1 of your ZBA Application.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

2. SPECIAL PERMIT SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a SPECIAL PERMIT in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	60	LOT(S)#	26 and a portion of 12
REGISTRY OF DEEDS BOOK #:		PAGE #	Book 12072, Page 166 / Book 1929, Page 175
PROPERTY ADDRESS: 161 Popes Island			
ZONING DISTRICT: Industrial A			
OWNER INFORMATION			
NAME: 161 Popes Island LLC			
MAILING ADDRESS: 867 Middle Road, Acushnet, MA			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Same			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-951-9604		
EMAIL ADDRESS:	mwwhite@dwwwhite.com		

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 division staff and ZBA 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.

MW White
Signature of Applicant/s

5/7/20
Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the special permit must be recorded and acted upon within one year.

MW White
Signature of Owner/s

5/7/20
Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 90.0	DEPTH 450	AREA in SQ FT 28,398+		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 10,077	TOTAL SQ FT BY FLOOR 10,077	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 10,077
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 8,406 SF	TOTAL SQ FT BY FLOOR 8,406 SF	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 8,406
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		EXTENT OF PROPOSED ALTERATIONS -1,671 SF
EXISTING USE OF PREMISES:	Adult entertainment (strip club)				
PROPOSED USE OF PREMISES:	Retail rental				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	<u>It is proposed to reduce the building area by 16% and convert it from a strip club to retail use. The west sideyard non-compliance will be eliminated and the proper number of standard and handicap spaces will be provided. The existing south and east setback non-compliance will remain.</u>				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	0	200
NUMBER OF EMPLOYEES	0	8
HOURS OF OPERATION	N/A	7 AM TO 9 PM
DAYS OF OPERATION	0	7 DAYS PER WEEK
HOURS OF DELIVERIES	0	7 AM TO 6 PM
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input checked="" type="checkbox"/> OTHER	<input checked="" type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

Site Plan Review

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Book 12072, Page 166, Book 1929, Page 175
(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? ☒ Yes ☐ No

If no, please attach the following three items to your application and indicate they are attached:

- ☐ A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

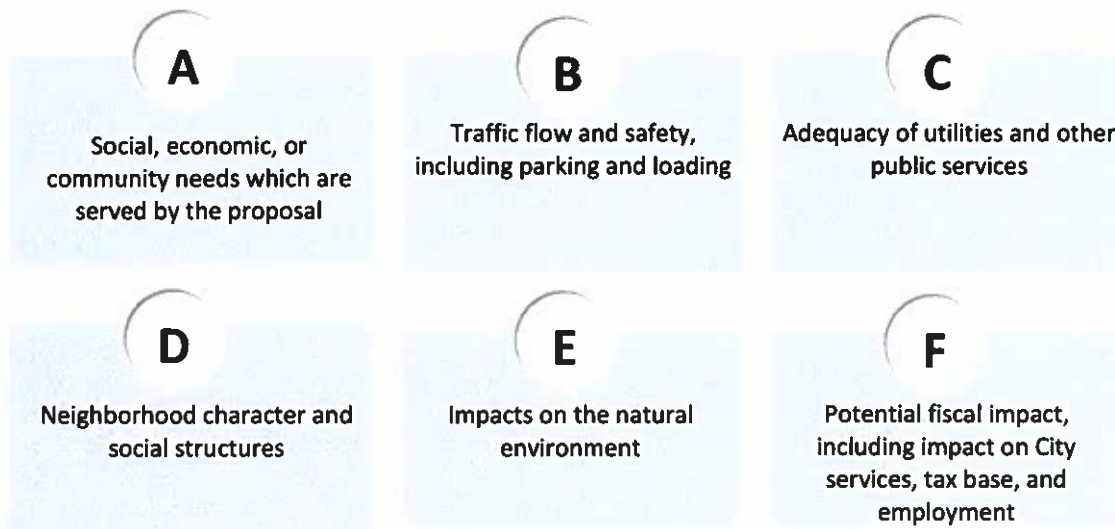
If the Applicant is Not the Owner, Provide:

- ☐ A copy of the Purchase & Sale Agreement or lease, where applicable.
- ☐ A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

4. REQUIRED FINDINGS FOR GRANTING A SPECIAL PERMIT

City of New Bedford Code of Ordinances Chapter 9 Section 5320 requires the ZBA to **find the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use**, taking into account the characteristics of the site and of the proposal in relation to that site.

This determination includes consideration of each of the following:



The full text of New Bedford Code of Ordinances can be accessed from: www.newbedford-ma.gov

Because the ZBA must be able to articulate their findings on each of the items listed above in order to grant a special permit, you must make your case as to HOW your application affects each of the criteria for consideration. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A Describe any social, economic, or community needs which are served by your proposal:

Converting a degraded strip club into a rehabilitated building housing retail/service use will enhance the social, economic and community needs.

B Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:

The traffic will be spread out over the entire day rather than late night heavy traffic. Adequate parking is being added.

C Describe the utilities and other public services necessary for your proposal, and explain how these are adequately available for your proposal:

The existing building is already served by electric, gas, cable, telephone and municipal water. The new building will be connected to municipal sewer. The utility demand by the new building will be less than by the old building.

D Describe the neighborhood character and social structures surrounding your proposed location, and how your proposal will fit in this area:

The area has a retail, restaurant and service functions. The proposed retail/service facility fits the social and neighborhood character better than an adult strip club.

E Describe any impacts on the natural environments your proposal may have:

Connecting to municipal sewer rather than a septic system and adding thousands of square feet of landscaping will benefit the natural environment.

F Describe any potential fiscal impact, including impact on City services, tax base, and employment your proposal may have:

The proposal will rehabilitate a decrepit building and add employment without taxing municipal services.

***** Please review the section(s) of the zoning ordinance under which your Special Permit request is made, there may be additional criteria required for your request.

Describe how your proposal meets any additional criteria required under zoning ordinance:

There are no additional criteria for converting a decrepit strip club into a modern, energy efficient retail/service facility.

DEVELOPMENT IMPACT REPORT

**DEVELOPMENT IMPACT STATEMENT FOR
PROPOSED RETAIL FACILITY AT
161 POPES ISLAND
NEW BEDFORD, MA**

PREPARED FOR:

161 POPES ISLAND LLC

PREPARED BY:

**PRIME ENGINEERING, INC.
P.O. BOX 1088
LAKEVILLE, MA**

MAY 7, 2020

1.0 INTRODUCTION

It is proposed to renovate an existing building into a retail/service facility. That requires Site Plan Review by the New Bedford Planning Board and a Special Permit from the Zoning Board of Appeals. This Narrative has been prepared in support of those petitions.

2.0 EXISTING CONDITIONS

The locus is a .65 acre site referenced as New Bedford Assessor's Map 60, Lot 26. The mailing address is 161 Popes Island. The lot has 90 feet of frontage on Route 6. Except for 1,800 square feet of grass along Route 6, the entire lot is either building or bituminous concrete pavement. The site is served by municipal water, but has a subsurface sewage disposal system. The property benefits from a 200 foot by 80 foot (16,000 square feet) common parking easement on the adjoining parcel which is under separate ownership.

The building is pre-existing, non-conforming for several zoning dimensional standards, including front yard setback, both side yard setbacks, and percent green space. In addition, there are not an adequate number of standard parking spaces and there are no handicap parking spaces.

For decades, the facility has operated as an adult entertainment (strip) club, originally known as The Foxy Lady and later as Temptations. The building is a one-story masonry structure containing 10,077 square feet.

3.0 PROPOSED IMPROVEMENTS

It is proposed to demolish 1,723 square feet of the southwest corner of the building and construct a glass and masonry facade on the north, south and west sides. The building will be divided into four retail/service rental spaces ranging in size from 1,700 square feet to 2,255 square feet, for a total retail rental of 7,714 square feet. In addition, there will be 692 square feet of common area bringing the total gross building area to 8,354 square feet. The parking lot will be re-paved and re-stripped to accommodate the required two handicap and forty-three standard parking spaces.

There is not sufficient land area to provide the required number of parking spaces. It is proposed to acquire additional land area from the abutting parcel. This will also allow the left side yard setback to be brought into conformance with the zoning requirement and allow for additional green area. A copy of the Approval Not Required plan that has been submitted in order to acquire that additional land is presented in Appendix A.

There are wooden bollards along the Route 6 sidewalk meant to protect the building from crashes by errant vehicles. The bollards are not aesthetic. They will be removed and replaced with a 3-foot

high, 2-foot wide granite wall setback 3 feet from the sidewalk. That will allow for the planting of low shrubs between the sidewalk and the wall. Numerous shrubs will also be planted between the wall and the building. The current parking lot lighting will be enhanced by the installation of Topaz brand LED lights as shown on the lighting plan and as detailed in Appendix B.

The proposed facility will utilize the existing electric, cable and telephone service. It will utilize the existing fire protection water and domestic water service. The only newly proposed utility will be the sewer pump and force main that will connect the building to municipal sewer. The existing drainage system will be utilized. There will be a slight decrease in impervious area and no change in drainage patterns, therefore, hydrologic and hydraulic computation would be superfluous. There will be no change in the volume or rate of flow and the discharge is to the ocean. There is an existing pylon sign shown in Appendix C. It will be refurbished and re-faced with panels for the four building tenants.

4.0 COMPLIANCE WITH ZONING STANDARDS

The structure is pre-existing, non-conforming for several dimensional requirements as follows:

- The front setback is 20 feet, where 25 feet is required,
- The right sideline setback is zero, where 25 feet is required,
- The left sideline setback is 2 feet, where 25 feet is required and
- The amount of green space is 6.3%, where 20% is required.

There are 20 existing parking spaces. It is proposed to provide 43 standard spaces and 2 handicap spaces. (42 parking spaces are required.)

It is proposed to adjust the site's western property line in order to bring the left side yard setback into compliance. It is also proposed to add landscaping in order to lower the green space non-compliance from the current 6.3% to the proposed 8.3%. The pre-existing, non-conforming front and right side yard setback will remain. All other zoning standards will be met.

5.0 COMPLIANCE WITH SITE PLAN REVIEW STANDARDS

Section 5470 of the New Bedford Comprehensive Zoning ordinance presents ten standards that must be met in order to obtain Site Plan Review approval. These are detailed in the following subsections:

5.1 MINIMAL IMPACT

There will be no significant earthwork with no perceptible cuts or fills. There will be no tree or shrub removal, no stone wall removal, no wetland impact, and no increase in the volume or rate of runoff. There will be no soil erosion and no threat of air or water pollution.

5.2 MAXIMUM PEDESTRIAN AND VEHICLE SAFETY

A sidewalk will be extended from the Route 6 sidewalk to the sidewalk in front of the proposed stores. In addition, a crosswalk will be extended from the sidewalk in front of the existing building on the adjoining lot to the west. This will provide safe pedestrian conditions. Striping and directional arrows will be added to the proposed parking lot in order to assure safe vehicle circulation conditions.

5.3 MINIMAL OBSTRUCTION OF SCENIC VIEWS FROM PUBLICLY ACCESSIBLE LOCATIONS

There are no scenic views. The building will be decreased in size and landscaping will be added in front of the building.

5.4 MINIMIZATION OF VISUAL INTRUSION

The dumpster, sewage pump and other fixtures will be located north of the building and out of view. All other material storage will be inside the building.

5.5 MINIMIZATION OF GLARE

There are no sensitive receptors in the neighborhood for headlight glare. The parking lot lighting will be night sky friendly, shielded and directed downward.

5.6 MAINTAINING CHARACTER, MATERIALS AND SCALE OF NEIGHBORHOOD

The neighboring facilities are typically masonry with a considerable amount of store front glass. The proposed masonry and glass facade will fit well with the nearby facilities.

5.7 MINIMAL CONTAMINATION

No significant contaminants are proposed to be stored or used at the proposed facility. The proponent is committed to comply with all requirements for the use, storage, handling and containment of all solid and liquid wastes and hazardous substances.

5.8 COMPLIANCE WITH ZONING STANDARDS

As detailed in Section 4.0 of this report, certain site conditions qualify as pre-existing, non-conforming. There will be no new non-compliance and all other zoning criteria will be met.

5.9 MINIMIZE DAMAGE TO ADJACENT PUBLIC WAY

None of the proposed improvements will negatively impact the adjacent Route 6 highway.

5.10 INTERNAL CIRCULATION AND HIGHWAY ACCESS

The proposed geometrics will improve current conditions by providing improved parking and circulation striping.

6.0 COMPLIANCE WITH STANDARDS FOR SPECIAL PERMIT

In order for the Zoning Board to grant a Special Permit, it is necessary for them to find that it will not be detrimental to the common good and will be in harmony with the general purpose and intent of the ordinance.

6.1 SOCIAL, ECONOMIC AND COMMUNITY FACTORS

Converting a degraded building that housed a strip club into a rehabilitated retail service facility will enhance the social and economic well being of the neighborhood. It will be an improvement in the community.

6.2 PEDESTRIAN AND VEHICLE SAFETY

The proposed striping, landscaping and signage will result in well defined vehicle travel ways and provide safe pedestrian walkways.

7.0 TRAFFIC ASSESSMENT

Except for when the bridge is open to marine traffic, Route 6 in front of the site operates at a Level of Service A. There is good sight visibility to the east and west of over 2,000 linear feet. Route 6 has two lanes in each direction and concrete sidewalks on both sides. Based on the Institute of Transportation Engineer's Traffic Generation Manual, using the Use Code 814 Specialty Retail Center which are defined as small strip shopping centers with multiple small shops, the 8,406 square foot retail facility will generate the following vehicle trip ends:

- Weekday total daily - 373
- Saturday total - 354
- Sunday total - 172

	Entering	Exiting
Morning peak hour of store	28	36
Afternoon peak hour of store	25	18
Afternoon peak hour of Route 6	11	12

A portion of these trip ends will be drive by traffic, that is, they arrived westbound and left westbound. These are not new trips on Route 6. An example is someone stopping by the store on their way home from work. That would be counted as two vehicle trip ends but would not represent additional Route 6 traffic. The amount of new trip ends that is not stop by vehicles is not projected to impact the Level of Service A.

8.0 SITE WORK COSTS

Since the building is already serviced with water, telephone, electric, cable and gas, there is minimal site work.

Pave and stripe lot	\$70,000
Landscaping	10,000
Sewer pump and force main	20,000
Building demolition	90,000
Sidewalk	8,000
Dumpster enclosure and signage	5,000
Miscellaneous	<u>17,000</u>
Total	\$220,000

9.0 CONCLUSION

The proposed development will result in a much needed face lift to a tired building and a neglected site. With a fresh facade of masonry and glass adjacent to landscaped grounds, the facility will be a welcomed improvement to the neighborhood.

CERTIFIED ABUTTERS LIST



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #	60	LOT(S)#	26
ADDRESS: 161 Popes Island			
OWNER INFORMATION			
NAME: 161 Popes Island LLC			
MAILING ADDRESS: 867 Middle Road, Acushnet, MA 02743			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Richard Rheume, Prime Engineering			
MAILING ADDRESS (IF DIFFERENT): P.O. Box 1088, Lakeville, MA 02347			
TELEPHONE #	508-947-0050 x123		
EMAIL ADDRESS:	greynolds@primeengineering.org		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

2020 MAY 15 A 9:56

RECORDS OFFICE
2020.MA

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Michael J. Motta

Printed Name

Signature

4/6/2020

Date

Amount Due \$5.00

Date Paid 3/31/2020

Confirmation Number 4503165

Account Information

Payment Type: Permits

Reference Number: abutters list - prime eng

Phone Number: 5089470050

Email Address: greynolds@primeengineering.org

Payment Information

Payment Date: 3/31/2020

Payment Amount: \$5.00

Total Payment: \$5.00

Payment Method: **VISA**

Card Number: XXXXXXXXXXXXXXX8288

Expiration Date: 0224

genevieve reynolds

Billing Zip Code: 02332

Your confirmation number is: **4503165**

Your payment will post to the account listed below. It takes approximately two business days to post your payment to the account. Your payment date and time are equal to the time you completed this transaction as indicated by the Digital Time Stamp below.

Digital Time Stamp: 03/31/2020 08:58:30 [EST]

If an email address was provided, your confirmation email will be sent from marketingcloud@valuepaymentsystems.com. Please have payer sign below and retain merchant copy for your records

Signature X

April 6, 2020
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 161 Popes Island (Map: 60, Lot: 26). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
60-12	213 POPES ISLAND	POPES ISLAND HARBOR DEV CORP, 867 MIDDLE RD ACUSHNET, MA 02743
60-11	226 POPES ISLAND	HARBORVIEW LLC 20 BLACKMER ST NEW BEDFORD, MA 02744
60-2	86 POPES ISLAND	CITY OF NEW BEDFORD, MARINE PARK 131 WILLIAM ST NEW BEDFORD, MA 02740
60-26	161 POPES ISLAND	161 POPES ISLAND LLC, 867 MIDDLE ROAD ACUSHNET, MA 02743
60-18	243 POPES ISLAND	POPES ISLAND HARBOR DEV CORP, 867 MIDDLE RD ACUSHNET, MA 02743
60-13	137 POPES ISLAND	SHORELINE RESOURCES,LLC, 706 ACUSHNET AVENUE NEW BEDFORD, MA 02740
60-19	83 POPES ISLAND	MITCHELL MARK S "TRUSTEE", MITCHELL CHARLES "TRUSTEE" CHARLES "TRUSTEE" 14 CEDAR STREET FAIRHAVEN, MA 02719



Legend

60-26

0 55 110 220 330 440 Feet

City of New Bedford, Massachusetts
Department of City Planning

Parcel within 300FT

