



## City of New Bedford Department of City Planning

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**MAYOR**  
JON MITCHELL  
**PLANNING DIRECTOR**  
JENNIFER CARLONI

### PLANNING BOARD

# STAFF REPORT

#### REPORT DATE

November 5, 2021

#### MEETING DATE

NOVEMBER 10, 2021

**Case #: 21-37 & 21-38** Site Plan Review & Special Permit

414-430 Rivet Street  
Map: 23 Lot: 107

**Owner/  
Applicant:** Pamela McLeod Lima "TRS"  
Freedom Trust  
405 County Street  
New Bedford, MA 02740

**Zoning District:** Mixed-Use Business (MUB)  
**Site Area:** 9, 844 ft<sup>2</sup>

**Overview:** Request by applicant for **Site Plan Review** and a **Special Permit** for a parking reduction for the conversion of a commercial unit to a residential unit at 414-430 Rivet Street.



**426 & 428 Rivet Street**  
Looking south from Rivet Street.

## Existing Conditions

A three-story brick building circa 1921 is situated at the project site and is currently used as transitional housing and office space. The building on site has two vacant first-floor commercial units at 426 and 428 Rivet Street. The site has 140± feet of frontage along Rivet Street and Bolton Street at Goulart Square.

Directly abutting the site are a jewelry store to the south, a multi-family home to west, Ashley Park to the east, and a mix of multifamily homes and business, including a salon and a bakery, to the north. The surrounding neighborhood is a mix of single-family homes, tenements, and business.

## Related Permitting

In October, the applicant was granted a Special Permit for the Zoning Board of Appeals for the change of use to a non-conforming structure.

## Decision Criteria

The applicant is requesting a Site Plan Review and a Special Permit for a parking reduction. The ordinance provides the Board the following criteria for reaching a decision.

### Site Plan Review Criteria

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets the objectives identified in Section 5470 of the City's Zoning Ordinance (c.9) including:

- **Adequate access to each structure for fire and service equipment**
- **Adequate provision for utilities and stormwater drainage**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
  - Minimize cut/fill volumes, removal of 6" caliper trees and larger, removal of stone walls, displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
  - Maximize pedestrian/vehicular safety to/from the site
  - Minimize the obstruction of scenic views from publicly accessible locations
  - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas
  - Minimize glare from vehicle headlights and lighting fixtures
  - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity
  - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances
  - Ensure compliance with the Zoning Ordinance
  - Minimize damage to existing adjacent public ways
  - Promote orderly and reasonable internal circulation within the site so as to protect public safety

### Special Permit Criteria for Parking Reduction

When deciding on the Special Permit for a parking reduction, the Board must consider the requirements outlined in Section 3120 of the City's Zoning Ordinance (c.9):

- Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:
  - Use of a common parking lot for separate uses having peak demands occurring at different times
  - Age or other characteristics of occupants of the facility requiring parking which reduces auto usage
  - Peculiarities of the use which make usual measures of demand invalid
  - Availability of on-street parking or parking at nearby municipally owned facilities.
  - Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces

## Proposed Conditions

The applicant proposes to convert a first-floor commercial unit to an ADA-accessible residential unit and make additional interior alteration, such as making the neighboring commercial unit ADA-accessible. Site improvements include striping a handicapped parking space and installing tire stops in the driveway.

## Staff Review

The table below outlines the proposed site changes and highlights items for discussion and the Board's consideration.

<b>Parking</b>	<ul style="list-style-type: none"><li>Plans show a single proposed handicapped space, associated striping, and tire stops at the end of the driveway adjacent to the rear entrance of the building.</li><li><u>The applicant is seeking a parking reduction from the required 62 spaces.</u> The special permit application indicates that five (5) parking spaces are being provided. However, site plans only delineate one (1) handicapped parking and the rejection packet indicates that four (4) are provided. <b>The Board may wish to clarify the number of parking spaces being provided and condition the Special Permit appropriately.</b></li></ul>
<b>Landscaping &amp; Site Features</b>	<ul style="list-style-type: none"><li>No landscaping or new site features are proposed.</li></ul>
<b>Circulation</b>	<ul style="list-style-type: none"><li>Plans show egress points along the front of the building at Rivet Street and Bolton Street, at the rear of the building adjacent to the proposed handicapped parking space.</li><li>One-way driveway access is provided to the parking area at the rear of the building.</li></ul>
<b>Traffic/Transit</b>	<ul style="list-style-type: none"><li>The nearest SRTA bus stop is served by the #3 bus and is 0.2 miles from the site at the corner of Dartmouth Street and Rivet Street. The #4 bus also has a stop 0.4 miles away at County Street and Rivet Street.</li></ul>
<b>Stormwater</b>	<ul style="list-style-type: none"><li>The applicant is proposing no new stormwater mitigation. No increase in impervious surfaces is proposed. However, a roof will be replaced. Planning staff defers to the Department of Public Infrastructure regarding the City's stormwater management regulations.</li></ul>
<b>Snow Storage</b>	<ul style="list-style-type: none"><li>Plans do not indicate a snow storage area. <b>The Board may wish to inquire how the applicant purposes to store snow accumulating on the driveway.</b></li></ul>
<b>Waste Receptables</b>	<ul style="list-style-type: none"><li>Plans do not show a dumpster or other waste storage. <b>The Board may wish to discuss how the applicant intends to handle waste disposal.</b></li></ul>
<b>Utilities</b>	<ul style="list-style-type: none"><li>No utility alterations are proposed.</li></ul>
<b>Lighting</b>	<ul style="list-style-type: none"><li>The applicant proposes no new site lighting. <b>The Board may wish to discuss existing lighting with the applicant.</b></li></ul>
<b>Demolition and Erosion Control</b>	<ul style="list-style-type: none"><li>As exterior site work is limited, no exterior erosion or demolition controls are proposed.</li></ul>
<b>Architectural</b>	<ul style="list-style-type: none"><li>Architectural plans show the proposed interior alterations including upgrades to the fire alarm system, modifications to hallways and stairwells, renovations to create the new ADA accessible residential and commercial units, and upgrades to building systems.</li></ul>
<b>Master Plan</b>	<ul style="list-style-type: none"><li>The proposal is consistent with the Master Plan's goal to expand housing options for all residents.</li></ul>

## Interdepartmental Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

At the time of writing this report, no departmental memos have been received.

## Site Photos



**Front of building on Goulart Square.**  
Looking south from the corner of Bolton and Rivet Street.



**The rear of the units at 426 & 428 Rivet Street.**  
Looking west from the rear of the lot.



**Site of proposed handicapped parking space.**  
Looking south from the driveway on the west side of the site.



**Building at 426-428 Rivet Street and associated driveway.**  
Looking south from Rivet Street.

## Materials for Consideration

The site plan and architectural plan submission is shown as "414-430 Rivet Street, New Bedford, MA 02740" dated 06.30.2021, and prepared by studio2sustain Inc. of New Bedford, MA. The plan set consists of the following sheets:

- A-0.0 PROJECT SUMMARY, SITE PLAN
- A-0.1 NARRATIVE SPECIFICATIONS
- A-0.2 NARRATIVE SPECIFICATIONS
- CR-0.1 CODE REVIEW SUMMARY
- SP1.1 SITE PLAN - EXISTING & PROPOSED

- EX-1.1 PLANS: BASEMENT, FIRST, SECOND, THIRD FLOORS, AND ROOF - EXISTING
- A-1.1 PLANS & SECTION: FIRST FLOOR, SECTION: BUILDING - PROPOSED
- A-1.2 PLANS: SECOND & THIRD FLOORS - PROPOSED
- A-1.3 ENLARGED PLANS & SPECIFICATIONS: FIRST FLOOR ADA UNIT & OFFICE - 426-428 RIVET STREET - PROPOSED
- A-1.4 REFLECTED CEILING PLANS & SPECIFICATIONS: FIRST FLOOR ADA UNIT & OFFICE - 426-428 RIVET STREET - PROPOSED
- FP-1 FIRE PROTECTION / FIRE ALARM - DETAILS, NOTES, SITE PLAN - PROPOSED
- FP-2 FIRE PROTECTION / FIRE ALARM - PLANS - PROPOSED
- FP-3 FIRE PROTECTION / FIRE ALARM - PLANS - PROPOSED

## Recommended Conditions



**Site Plan Reiver & Special Permit.** Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval and Special Permit for the project:

That the following **specific conditions** be applied to the Special Permit decision:

1. The number of parking spaces shall be reduced to **[the number determined by the Board]**.

That the following **general conditions** also be applied to both decisions:

2. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
3. The project shall be undertaken in a manner consistent with any departmental memos received in relation to plan and placed on file for Planning Board consideration. The conditions of such memos shall be considered to be part of these conditions.
4. The applicant shall submit final plan revisions to the Department of City Planning in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
5. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Department of City Planning case file folder.
6. That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
7. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
8. The applicant shall present any proposed modification from the approved plans for consideration to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review.
9. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
10. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

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**Materials Provided by the Applicant** are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2021/>

Staff Report prepared by: Michael McCarthy, Assistant City Planner  
Reviewed by: Jennifer Carloni, City Planner

## 414-430 Rivet Street Map: 23 Lot: 9

*NOTE: Property line is approximate; for discussion purposes, only. Aerial image is oriented north.*

