City of New Bedford
Department of City Planning
133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE
February 28, 2022

MEETING DATE
March 9, 2022

Case #22-13:	Preliminary Subdivision Plan for Ladrugaes Estates Map: 132 Lots: 397, 461, 617
Owner/ Applicant/ Subdivider:	AMN Estates Holdings, LLC (2 Lambeth Park Drive, Fairhaven, MA 02719)
Engineer/ Designer:	SITEC, Inc./Civil & Environmental Consultants, Inc. 31 Bellows Road, Raynham, MA 02767
Zoning District:	Residential A (RA)
Site Area:	2.8± acres
Overview:	Plan for a 12 lot residential subdivision along one planned street located on multiple vacant parcels.

Southwestern extent of property.
Looking east from Bartlett Street dead end off Phillips Road.

Existing Conditions

The existing site is located in a far north end neighborhood between Acushnet Avenue and the Acushnet town line. The site is located adjacent to Lucy Street and to Phillips Road.

An unaccepted street labeled "Bartlett Street" exists at the site's southwestern extent. It runs north-south between Phillips Road to the south and Phillips North Trust to the north. The unaccepted street is referred to in this staff report as "Bartlett Street."

Single-family homes abut the site to the north and northeast along Lucy Street, to the south along Phillips Road, and to the west and southwest along Bartlett Street. A new single-family home abuts to the northeast, across the Acushnet town line. Open pasture exists to the east across the town line.

The surrounding neighborhood consists of single-family residences. A nursing and rehabilitation health center is further south. Farland Estates subdivision is to the southwest. A small pond exists between the health center and the Farland Estates subdivision.

A Walgreens pharmacy, two gas stations and convenience stores, and a grocery store are further west at the intersection of Phillips Road and Acushnet Avenue.

Decision Criteria

The applicant is requesting a review of a Subdivision Preliminary Plan. The ordinance provides the Board the following criteria for such a review.

Subdivision – Preliminary Plan Criteria

The subdivider shall observe the following general requirements and principles of land subdivisions:

- **Zoning Ordinance, Master Plan conformance.** In general the proposed subdivision shall conform to the Zoning Ordinance and the Master Plan.
- **Street arrangement.** The arrangement of streets in the subdivision shall provide for the continuation of the principal street in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connection streets.
- **Width of streets.** In general, primary and secondary arterials or highways shall not be less than the width shown on the Master Plan. Parkways and boulevards shall be such width as may be designated by the Board. As a general rule, the width of minor streets shall not be less than fifty (50) feet.
- **Dead-end street.** Dead-end streets shall not in general exceed four hundred (400) feet in length, and shall be equipped with a turnaround with a minimum radius of fifty (50) feet right-of-way. Further, all proposed subdivision access streets in excess of five hundred (500) feet in length shall be linked to existing public streets or private streets built to City standards at two (2) locations; the distance between the two (2) locations shall not be less than three hundred (300) feet or as otherwise approved by the Board of Survey.
- **Block length.** Block lengths generally shall not exceed one thousand two hundred (1,200) feet in length.
- **Block divisions.** Each normal block shall be planned to provide two (2) rows of lots, but irregularly shaped blocks indented by dead-end streets or containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.
- **Curb radii.** Curb radii at intersection shall not be less than twenty-eight (28) feet and property lines shall be adjusted accordingly.(8)Side lot lines. Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
- **Vision clearance at intersections.** Care shall be exercised in the layout of corner lots allowing sufficient area to permit location of buildings without interfering with vision at intersections.
- Corner lot size. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
- **Street grades.** Grades of all streets shall conform in general to the terrain and shall be the reasonable minimum, but shall not be less than five-tenths (0.5) percent nor more than five (5) percent for main thoroughfares nor more than ten (10) percent for minor streets.
- **Service streets, loading areas.** Paved rear service streets of not less than twenty (20) feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced shall be provided in connection with all lots designed for commercial use.
- **Commercial street width.** In front of areas designed and zoned or where a petition for a change in zoning is contemplated for commercial use, to permit such use, the street width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.
- **Flooding.** Land subject to flooding and land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such uses as shall not be endangered by periodic or occasional inundation.
- **Future streets.** In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision.
- **Reserve strips.** In general, no reserve strips controlling access to abutting property or to land dedicated or to be dedicated to public use shall be permitted.
- **Street lines.** In general, street lines within a block deflecting from each other at any point more than ten (10) degrees shall be connected with a curve, the radius of which, for the inner street lines, shall not be

less than three hundred fifty (350) feet on main thoroughfares, two hundred fifty (250) feet on secondary thoroughfares, and one hundred (100) feet on local streets. The outer street line in each case shall be parallel to such inner street line.

- **Parks and playgrounds.** Where deemed appropriate by the Board of Survey, land shall be set aside for parks and playgrounds for a period of at least three (3) years; the set aside period shall commence from the date of the approval of the final plan.
- **Variations may be permitted**. Variations of the general requirements above outlined may be permitted by the Board on application when in its judgment special factors warrant such a variation in accordance with section 81R of Subdivision Control Laws.
- **One house per lot.** No more than a one, or a two-family house shall be erected on each subdivided lot. This requirement shall not be construed to apply to commercial or industrial developments.
- **Easements, turnarounds.** Where a turnaround is required to be provided at the end of the approved portion of a way, which does not connect with another way, easements shall be secured, as required beyond normal roadway width, from abutting lots. Such easements shall terminate upon the approval and recording of a plan showing extension of said way, except in such portion of said turnaround as is included in said extension.
- **Public Utility Easement.** The Applicant shall provide a public utility easement within the approved right-of-way in accordance with a Deed of Easement instrument provided by the City of New Bedford Department of Public Works. Said easement shall be at least equal to the width of the public right-of-way and may be greater if the Commissioner of Public Works determines that a larger easement is necessary for the public health, safety and welfare. The public utility is in addition to any other easement for any other purpose that may be required to insure the public health, safety and welfare.
- **Fence along state highway.** Where subdivision abuts a state highway, developer shall erect a chain fence bordering said state highway.
- **Snow removal and garbage pickup.** Between the time that a definite plan has been approved or approved with modifications to the time that the ways within the subdivision have been accepted by the City Council, the subdivider shall be responsible to snowplow said ways and to pick up garbage of the residents within said subdivision.
- **Study** to evaluate environmental impact of development of the aquifer on bodies of water in the City of New Bedford.

Proposed Conditions

The proposal is for the development of a twelve (12) lot single family subdivision and new roadway which terminates in a cul-de-sac. Additional improvements include two Drainage Parcels along the southerly frontage on the new roadway and a drainage easement along the southerly extent of the project site.

Staff Review

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

Lot Layout Plan	• Plans show a parcel to the west of the project site as Map 132 Lot 840. As shown, this parcel is does not incorporate an unaccepted portion of Bartlett Street where the applicant proposes multiple utility connections. **The Board may wish to determine if the applicant has been granted a utility easement through Lot 840.** • Plans indicate 12 buildable lots and 2 drainage parcels with frontage on a proposed new road, Mason's Way. • The proposed Mason's Way will open at the southerly side of Lucy Street and run 232± feet south, then 506± east to the cul-de-sac. • Submitted plans indicate Lot 1 at the western extent of the project site with frontage at the westerly extent of Mason's Way. An undeveloped parcel (formerly known as Kathleen Street) abuts to the south of Lot 1. • Lots 2 – 6 have frontage along the northern extent of Mason's Way. Residences on Lucy Street abut to the north. • Lot 7 is sited at the northeast of the project site at the cul-de-sac. Residences on Lucy Street abut to the north. A residence in Acushnet abuts to the east. • Lot 8 is sited at the southeast of the project site at the cul-de-sac. Residences on Phillips Road abut to the south. Pastureland in Acushnet abuts to the east. • Lots 9 – 12 and the two drainage parcels have frontage along the southern extent of Masons Way. Refer to Drainage section for further details.
Utilities	• Plans indicate proposed water and sewer service connections extending north of the existing services lines on Bartlett Street, through the undeveloped parcel south of Lot 1 (Phillips North Trust, Map: 132 Lot: 840), and along Mason's Way. Three sewer manholes are proposed along Mason's Way, including one at the cul-de-sac. **The Board may wish to discuss with the applicant to determine if the owner of Lot 840 is aware of the proposed sewer and water lines** • Plans indicate a proposed electric-telephone-cable line connection at the existing electric manhole at the mailbox on 889 Bartlett Street, extending north through the undeveloped parcel south of Lot 1 (Phillips North Trust, Map: 132 Lot: 840) west of and parallel to the water main. **As with the water and sewer lines, the Board may wish to discuss the proposed ETC line through Lot 840 with the applicant.** • Plans do not show a gas main proposed. **The Board may wish to discuss the gas main layout with the applicant.**
Circulation & Road Layout	• A 50± wide public way with a cul-de-sac is proposed. • Five-foot wide concrete sidewalks with road verge and street trees are proposed along Mason's Way. • Plans indicate a 28± foot wide roadway.

	• Curb cuts are proposed in front of each buildable lot.
Drainage	• **The Board may wish to make the applicant aware of the need for a maintenance agreement between the applicant and the Department of Public Infrastructure for the proposed drainage areas and easements.** • The proposal indicates Drainage Parcel 1 will consist of a detention basin supported by a retaining wall along the southern and western borders. Trees are proposed It will have an outlet control structure, and an emergency spillway at the southwest corner of the parcel. • The proposal indicates Drainage Parcel 2 will consist of a detention basin with an emergency spillway and outlet control structure sited at the southwest corner of the parcel. A row of trees is proposed along the southern border of the parcel. • The drainage plan shows a 20 ± foot wide drainage easement running 300± feet overlaying lots 10, 11 & 12 at their southern extent, abutting the back yards of the properties on Phillips Road. Stormwater will drain east to Drainage Parcel 2 and west to Drainage Parcel 1. **The Board may wish to discuss the dimensions of the swale proposed for the easement with the applicant.** • A drain manhole is proposed for the easterly extent of the drainage easement behind Lot 10, near the emergency spillway for Drainage Parcel 2. • A sewer manhole is proposed in the undeveloped lot (North Phillips Trust) west of Drainage Parcel 1. • Two drainage manholes are proposed in front of the driveway and north of the driveway to the abutting property south of Drainage Parcel 1 and Lot 12. • A stormceptor and two catch basins are proposed at the bend in Mason's Way, north of Drainage Parcel 1 and east of Lot 1. • A drainage manhole and two catch basins are proposed in Mason's Way, north of Drainage parcel 2. A third drainage manhole is proposed at Bartlett Street and Phillips Road.
Landscaping & Site Features	• Two existing trees are shown on the layout plans. **The Board may wish to confirm that these trees are to remain on the site.** • Red maple trees are proposed along the roadway. **The Board may wish to condition that the applicant coordinates with the Department of Public Infrastructure on species selection.** • A retaining wall is proposed along the easterly extent of the property with frontage on Lucy Street and the corner of proposed Mason's Way. • A retaining wall is proposed along the southern and western border of Drainage Parcel 1. Trees are proposed along the westerly side of the parcel. • A row of Leyland cypresses is proposed at the southern border of Drainage Parcel 2.
Lighting	• Streetlights are proposed along the northern extent of Mason's Way and at the cul-de-sac. • Lighting detail sheet not submitted. **The Board may wish to discuss lighting with the applicant and condition that the streetlights meet City standards.**
Demolition and Erosion Control	• As they are not required at this time, the applicant has not provided demolition or site preparation plans. **The Board may wish to discuss demotion and erosion control methods with the applicant.**

Master Plan	• This project is consistent with the Master Plan's goal to encourage and maintain a wide range of housing types throughout the city that reflect the historic and cultural character of each area by supporting development that provides for households of all income levels.

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

Dead end on Bartlett Street off Phillips Road and proposed Lot 1 beyond.
Looking north from 889 Bartlett Street.

Dead end on Bartlett Street off Phillips Road.
Looking south from end of pavement.

Southwestern property boundary.
Looking east from dead end on Bartlett Street off Phillips Rd.

Pasture behind project site in Town of Acushnet.
Looking northeast from end of Phillips Road.

Project site from Lucy Street looking toward Phillips Road.
Looking south from Lucy Street at the town line.

Neighborhood at end of Lucy Street.
Looking east from Bartlett Street and Lucy Street.

Proposed location of Mason's Way opening.
Looking south from Lucy Street and Bartlett Street.

Materials for Consideration

The engineered plan submission is shown as "Proposed Residential Subdivision - Ladrugaes Estates New Bedford" dated 12/15/21, and prepared by SITEC/Civil & Environmental Consultants, Inc., of Dartmouth, MA. The plans are stamped by Steven Gioiosa, PE . The plan set consists of the following sheets:

- Cover Sheet
- Sheet 1 of 1 Preliminary Lotting Plan
- Sheet 1 of 6 Existing Conditions
- Sheet 2 of 6 Grading & Drainage
- Sheet 3 of 6 Utilities
- Sheet 4 of 6 Road Layout & Profile
- Sheet 5 of 6 Landscaping & Lighting
- Sheet 6 of 6 Detail Sheet

Under MGL Ch 41, §81R, which gives Planning Boards authority to grant a waiver to any of their rules and regulations, a Board must find by granting of the waiver, the petition is in the public interest and not inconsistent with the purpose of Subdivision

Control Law, as described by Ch 41, §81M. Any waiver approval shall be specified in the decision and noted on the definitive plan.

The applicant has requested a waiver for test pits. The City's Subdivision regulations require one test pit per lot. The applicant has taken measurements at five (5) test pits on site. **The Board may wish to discuss the test pits and results from the soil analysis to determine whether a waiver is appropriate.**

Recommended Conditions

Preliminary Subdivision Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested Preliminary Subdivision request for the project:

That the following **specific conditions** be applied to this decision:

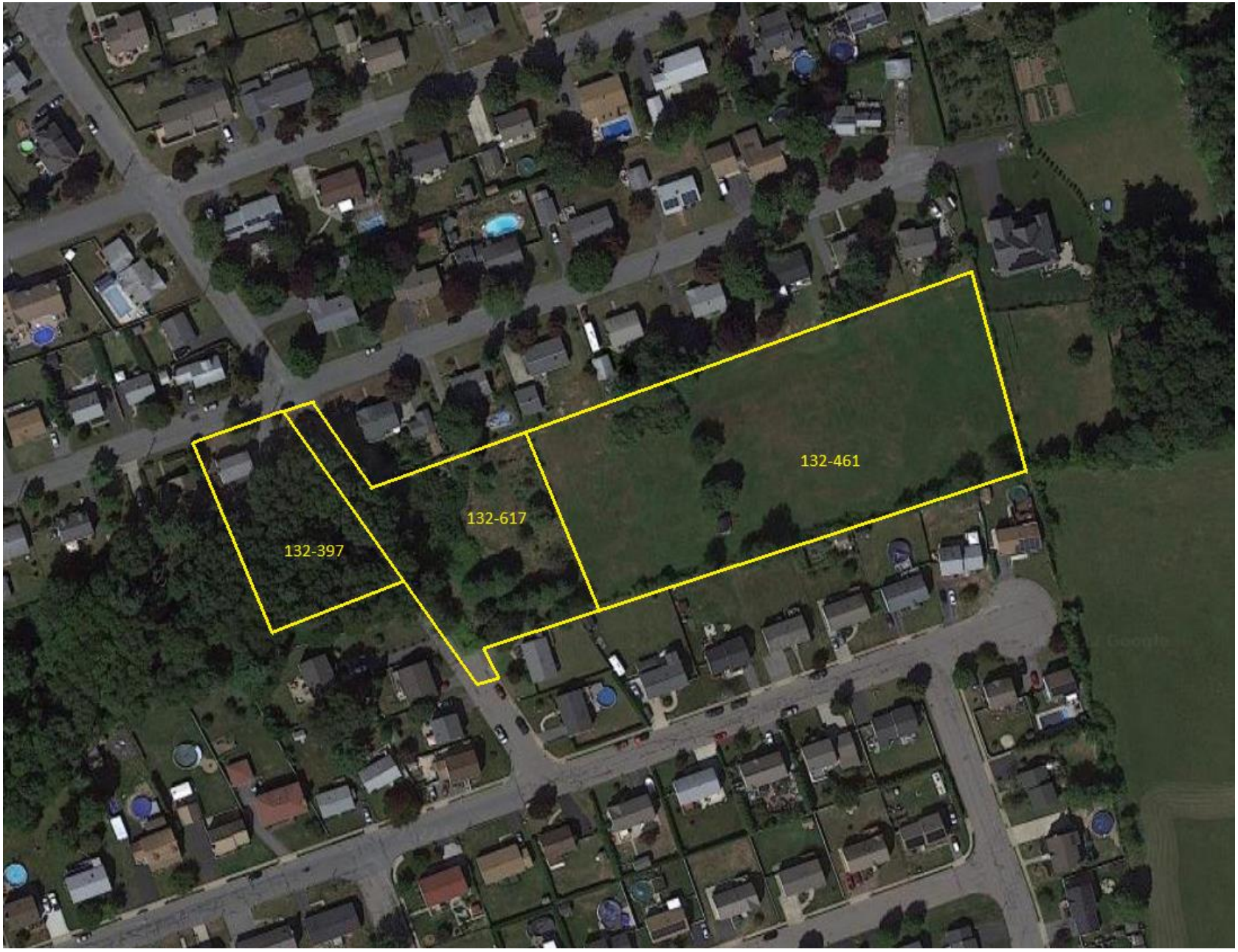
1. The applicant shall submit documentation demonstrating their rights to run utility lines through Lot 840.
2. The minimum number of test pits required shall be waived.
3. The applicant shall coordinate with DPI on species of street trees.
4. Streetlights shall conform to City standards.
5. The applicant shall coordinate with the Department of Public Infrastructure on a maintenance agreement for the drainage parcels and easements.

That the following **general conditions** also be applied to the Preliminary Plan decision:

6. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
7. 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.
8. 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.
9. 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.
10. 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.

Materials Provided by the Applicant are available at: *https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2022/*

Staff Report prepared by: Rachel Mulroy Staff Planner
Reviewed by: Jennifer Carloni, City Planner



Ladrugaes Estates Map: 132 Lot: 397, 617, 461

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