



CITY CLERKS OFFICE  
NEW BEDFORD, MA

**PLANNING BOARD**

City Hall, Room 303

133 William Street,

New Bedford, MA 02740

(508)979-1488

www.newbedford-ma.gov

2015 JUN 19 A 11:00

CITY CLERK

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number: 13-15				
Request Type:		Site Plan Review and New Ground Sign Permit		
Address:		1771 Acushnet Avenue		
Zoning:		MUB and Res C		
Recorded Owner:		Michael W. Panagakos		
Applicant:		Same		
Applicant Address: 133 Faunce Corner Road, Dartmouth, MA 02747				
Application Submittal Date		Public Hearing Date		Decision Date
May 8, 2015		June 10, 2015		June 19, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
108	43 (aka 42, 43, 44)	10984	143	

Application: Request by Applicant, for a change of use and redevelopment of a site from a retail to a commercial business development, and one (1) new ground sign.

Action: GRANTED,  
WITH CONDITIONS,

1. Applicant shall negotiate the correct number of street trees to be planted at the site with the City of New Bedford Department of Infrastructure.
2. Elevation Drawings shall be revised to include dimensional height of Buildings One and Two.
3. Hours of Operation shall be between 5:00 a.m. and 12 Midnight.
4. During the construction and leasing phase of the project, the new ground sign shall be illuminated only between the hours of 9:00 a.m. and 5:00 p.m. then,
5. The new ground sign shall be illuminated no earlier than one-half hour before the open of business and turned-off no later than on-half hour after the close of business.
6. During the construction phase, silt fencing is to be placed on-site along Belleville Road and Acushnet Avenue, and
7. Silt fencing and straw bales are to be placed at the South East corner of the site at Belleville Road and Acushnet Avenue.

A copy of this Decision was filed with the City Clerk of the City of New Bedford on June 12, 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.

6-19-15  
Date

  
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Jill Maclean, City Planner  
Agent for the Planning Board



## PLANNING BOARD

**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 19, 2015

Mr. Dennis Farias, City Clerk  
133 William Street  
New Bedford, MA 02740

**RE: Decision - Case 13-15: Site Plan Review and New Ground Sign Permit  
1771 Acushnet Avenue (Map 108, Lot 43 - aka: 42, 43 & 44)**

Dear Mr. Farias,

Please be advised that the New Bedford Planning Board held a public hearing on June 10, 2015 for a 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 redevelopment, located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business/Residence C zoning district.

Board Members Colleen Dawicki, Kathryn Duff, Peter Cruz and Arthur Glassman were present on the evening of the public hearing.

City Planner Jill Maclean was present during proceeding for the subject case review.

The submittal was prepared for Panagakos Development, dated January 5, 2015, as revised thru May 27, 2015, for 1771 Acushnet Avenue (Map 108, Lot 43 - aka 42, 43, & 44) by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747. The thirteen-page plan set included Cover Sheet, Site Layout, Locus Map, Demolition Plan, Detail Sheet, Erosion Control Plan, Existing Conditions, Landscaping Plan, Grading & Utilities, Elevation Drawing A-1 and Proposed Floor Plan A-2 for Commercial Building 1, and Elevation Drawing A-1 and Proposed Floor Plan A-2 for Commercial Building 2.

Applicant's agent, Steven D. Gioiosa, P.E., President of Sitec, Inc., presented the case on behalf of the Mr. Panagakos. Mr. Gioiosa provided detailed information regarding improvements to the 12, 658+/- SF site, and by-right use of the parcels located in the Mixed Use Business zoning district with limitations imposed by the Residential C zoning district for the associated parcel.

The applicant will seek approval for Special Permit for use not permitted by right under Residential C zoning from the Zoning Board of Appeals, as noted under Sections 2400 - Non-Conforming Uses & Structures, for a non-conforming use other than single and two family structures, and 3149 - Commercial Parking in a Residential Zone. The hearing has not been scheduled to the ZBA

The redeveloped site will consist of two new, (non-specified use) commercial use buildings and associated parking lots with new stormwater management systems, utilities, site lighting, landscaping, sidewalks, street trees, and pylon-style sign. It is anticipated a commercial business will service 100 customers per day, employing five staff members. The commercial business will be open Monday thru Sunday. Parking is adequate. One handicap street parking space shall be relocated east along Belleville Avenue to serve neighborhood residents.

After Mr. Gioiosa completed his presentation to the Board, Chairman Dawicki called for a motion to open the Public Hearing. Motion was made by Planning Board Member Kathryn Duff; second by Board Member Peter Cruz. By a vote of 4 -0, the hearing was open.

No one spoke in favor of the application; no one spoke in opposition.  
The Public Hearing was suspended by the Chairman.

Dialogue and discussion ensued between the Board and agent. The applicant stepped to the podium twice to clarify operating hours and prospective tenant needs.

A motion was received from Planning Board Member Kathryn Duff, with second by Board Member Arthur Glassman, to close the Public Hearing. By a vote of 4 -0, the hearing was closed.

As a result of such consideration, the application for Site Plan Review and New Ground Sign were approved concurrently by a vote of four (4) – zero (0) (CD, KD, AG PC); motion by Planning Board Member Kathryn Duff, second by Board Member Peter Cruz, with the following conditions:

1. Applicant shall negotiate the correct number of street trees to be planted at the site with the City of New Bedford Department of Infrastructure.
2. Elevation Drawings shall be revised to include dimensional height of Buildings One and Two.
3. Hours of Operation shall be between 5:00 a.m. and 12 Midnight.
4. During the construction and leasing phase of the project, the new ground sign shall be illuminated only between the hours of 9:00 a.m. and 5:00 p.m. then,
5. The new ground sign shall be illuminated no earlier than one-half hour before the open of business and turned-off no later than on-half hour after the close of business.
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7. Silt fencing and straw bales are to be placed at the South East corner of the site at Belleville Road and Acushnet Avenue.

Sincerely,

  
Jill Maclean, City Planner  
Agent for the Planning Board

Cc: Danny Romanowicz, Commissioner DIS  
Mikaela McDermott, City Solicitor  
Ronald Labelle, Commissioner DPI  
Steve Giososa, P.E., Applicant's Agent  
Steven Martins, Ward Two City Councilor