



STAFF COMMENTS

FROM: Connie Brawders, Staff Planner *CB*

TO: Jill Maclean, City Planner

DATE: July 31, 2015

SUBJECT: Case #17-15-Site Plan and New Ground Sign for 1771 Acushnet Avenue (Map 108, Lot 42, 43 & 44)

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 42, 43 & 44) in the Mixed Use Business /Residential C zoning district.

Applicant: Michael W. Panagakos

Owner: Same

Applicant's agent: Steven D. Gioiosa, P.E., President, Sitec, Inc., 449 Faunce Corner Road; Dartmouth, MA 02747 (508-998-2125).

Case Overview

This case was previously heard on June 10, 2015 and conditionally approved by the Planning Board as Case #13-15. Because abutters may not have been properly notified, the applicant requested in writing on July 1, 2015 that the approval be rescinded (Attachment 1). The Planning Board granted the applicant's request at the July 8, 2015 meeting (Attachment 2). The plans before the Planning Board date stamped by the Planning Department on July 28, 2015 in preparation of the August 12th meeting have not been revised to reflect the conditions set by the Planning Board on June 10, 2015.

Case #13-15 was submitted to the Planning Office on May 8, 2015 with required date stamp from the Office of the City Clerk. Subject property is a 12,658+/- SF parcel located in the Mixed Use Business/Residential C zoning district at the northwest corner of Acushnet Avenue and Belleville Road. The Applicant proposes redevelopment at the site of the former Sullivan Brother's Clothing Store, a retail use. The site (Map 108, Lot 43) was purchased from James W. Sullivan and Louise C. Sullivan, Co-Trustees of the 1771 Acushnet Avenue Real Estate Trust and recorded in the Bristol County (S.D.) Registry of Deeds on December 30, 2013 (Bk 10984, Pg 143).

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

and pylon sign. It is anticipated the commercial business will service 100 customers per day, employing five staff members. The proposed commercial business hours of operation are Monday thru Sunday from 5:00 a.m. to 12:00 a.m. as requested in the Memorandum from the applicant's agent dated July 15, 2015 (Attachment 3).

The Applicant seeks a Special Permit from the Zoning Board of Appeals 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 Applicant has paid the fee for Site Plan Review, New Ground Sign, legal notification, in the amount of \$600.00 which was reviewed concurrently by the Planning Board at the June 10, 2015 meeting. The Board has waived the application fee for the new case submittal. Applicant was responsible for advertisement expense in a newspaper of general circulation.

Legal Notice has been prepared and publication dates in a newspaper of general circulation are July 29, 2015 and August 5, 2015.

Notice to the Abutter's has been sent via USPS Certified Mail by Applicant's Agent and verified.

The project is estimated to take six months to complete.

No cost figure is provided by the Applicant.

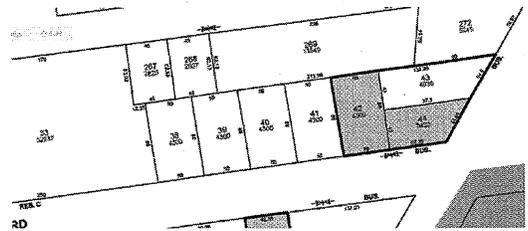
The Planning Office has received a letter from Atty. Edward J. Sylvia, Jr., representing Jose Araujo of Madiera Avenue Realty, LLC, 15 Elizabeth Drive, Rochester, MA 02770, as owner of property located at 12-22 Glennon Street (Map 108, Lot 269), requesting postponement of the August 12, 2015 application for consideration to September due to a scheduling conflict (Attachment 4).

1. Site Plan Review

Title of Plan: Commercial Development, 1771 Acushnet Avenue, New Bedford, MA for Panagakos Development by SITEC, Inc., Dated January 5, 2015, as revised thru May 27, 2015 (Attachment 5). One cover sheet and twelve plan sheets have been presented for the Board's consideration, four of which are elevation and floor plan drawings.

The Applicant has not specified the type of Commercial Use he anticipates will lease or purchase the new space.

Commercial Use by Right is limited under Residential C zoning. Approximately 34% of the site is located within Residence C.



The Applicant has stated in the Project Description Narrative that the one-story garage, as shown on Existing conditions Plan Sheet 5, has historically functioned as a commercial use structure. The Applicant seeks approval for a Special Permit from the ZBA under Sections 2400 - Non-Conforming Uses & Structures, *for a non-conforming use other than single and two family structure*, and 3149 - Commercial Parking in a Residential Zone. The City of New Bedford Code Enforcement Officer has offered his opinion regarding Non Conforming structures for the Board.

The site is comprised of three Map 108 associated parcels. Lot 43 (4,936 SF) and 44 (3,433 SF) are located in the MUB zoning district; Lot 42 (4,300 SF) is located in Residential C zoning district. Total land area equals 12,669 +/- SF.

Proposed Commercial Building #2 on Lot 42 has a floor area of 600 SF, relocated curb cut entrance at Belleville Road, with five 9' X 20' parking spaces, and dumpster pad.

Proposed Commercial Building #1 on Lot 44 has a floor area of 1,680 SF. A pylon sign is shown on plans, installed perpendicular to Acushnet Avenue (See Tabbed Page in Deliverable Packet Date Stamped May 8, 2015). The foundation wall fronting Belleville Road is the existing wall of former retail business known as Sullivan's Brothers Clothing.

Lot 43 provides eight parking spaces, which include one space meeting ADA requirements for parking and loading, and proposed curb cut at Acushnet Avenue. All previously existing structures have been demolished. Photos of the preexisting structures are included in the report prepared by SITEC, Inc.

After review of Appendix B-Table of Dimensional Regulations the following comments are made:

The required Lot Area is silent in the Table of Dimensional Regulations for commercial use. Proposed Lot Frontage meets code for Acushnet Avenue is 109.72 feet and 112.35 feet for Belleville Road. Mixed Use Business code requirement for street frontage for allowed uses is *zero*; Res C requires *75 feet* of frontage for allowed uses.

Front setback for Building #1 is given as *zero*; front setback for Building #2 is given as 55 feet. The MUB code requirement for front setback is *zero* and Res C is *20 feet*. Code requirements are satisfied.

Building side setback on the residential side requires *10 feet*. Building #1 (57 feet) and Building #2 (23 feet) meet code requirements. Building side set back on the non-residential side is *zero*. Building #1 is 2.5 feet; Building #2 is 80 feet, thereby meeting code requirements.

The Applicant has provided a seven foot strip of land along the property lines for landscaping and screening, as per Section 3300-Screening and Landscaping.

Proposed building height for Building #1 and Building #2 is 21 feet according to the Site Plan, but stated as 28 feet in the application. This error should be addressed by the Applicant and clarification made as to the correct building height. However, height is in compliance with zoning code, which permits height up to 100 feet in the MUB zoning district and 60 feet in Residential C. Proposed Building Elevations drawn by Design Concepts of New England do not provide the overall height of the two story structure.

The height of the structures should be noted on elevation drawings and agree with site plan and application.

Rear setback for MUB is 10 feet, for buildings constructed of one – to - two stories, per zoning code. Both buildings #1 and #2 meet this requirement for rear setback, as abutting rear lots 272 and 269 are in the MUB zoning district.

If treated as one parcel, Green Space allotment at 23% meets zoning code in the MUB; required percentage of Green Space is *zero*. However, Res C requires 35% of the parcel to be comprised of Green Space. The Applicant should request a waiver from the Planning Board for not meeting this requirement.

Plan Sheet 1-Site Layout:

Proposed Site Layout plan sheet No. 1 calls out the removal of 28' sections of granite curb to provide for concrete driveway brow per City specifications. One section is located along Belleville Road; the second section is located along Acushnet Avenue. One on-street handicap parking space will be impacted, if the proposed Belleville curb cut is approved. The developer/applicant shall notify the party to whom that space serves, so that party can request approval from the City of New Bedford Traffic Commission authorizing relocation of the Belleville Road on-street handicap parking space and sign.

Plan Sheet 5 - Existing Conditions:

The Applicant's Agent states in the Narrative revised May 28, 2015 the following:

“It is important to note that the rear garage style building has historically functioned as a commercial use structure and at no time was utilized for residential purposes. Additionally, the garage most recently contained a small office, storage area, maintenance room unrelated to the clothing store and dry cleaners that operated in the 1771 Acushnet Avenue front building.”
(Attachment 6)

Proposed Elevations Sheet A 1-Building 1:

Comments were sent to the Applicant's Agent. (Plan revisions, as shown on plans, are dated May 27, 2015.) Further clarification should be provided to the Planning Board and should be addressed at the August 12th, 2015 meeting.

- a. Street trees should help offset the building massing of the proposed rear elevation of Building 1 as viewed from Belleville Road. Please illustrate the elevation drawing showing street trees, in accordance with number of trees, spacing of trees and type of trees specified by DPI.
- b. One ground sign per lot is permitted per lot in the Mixed Use Business zoning district. The Applicant should clarify sign details regarding the pylon sign proposal.
- c. Roof signs are prohibited under section 3226.
- d. See section 3259 for signs on non-conforming buildings, as details remain unclear as to the commercial use.

Proposed Elevations Sheet A1-Building 2:

Comments were sent to the Applicant's Agent. Plan revisions were provided on May 28, 2015. Further clarification should be provided to the Planning Board and should be addressed at the June 10, 2015 meeting.

- a. Roof signs are prohibited under section 3226. Elevation drawings call out a sign board at the roof.

2. Site Plan Review Application for New Ground Sign

The Applicant has submitted a sign detail graphic illustrating a proposed double-faced, internally illuminated pylon ground sign. Total sign area equals 24 SF. Overall height is 14 feet. Width of sign is six feet, inserted between two five-inch square steel posts, finished in black. The sign is called out on Site Layout Plan Sheet 1. The ground sign is set perpendicular to Acushnet Avenue. It appears the sign will be a double faced sign. Therefore, proposed sign area increases to 48 SF, and is greater than sign area permitted without a variance from the ZBA.

As stated in **3255. Area restrictions for ground signs.** In Mixed-Use Business districts, no ground sign shall exceed one square foot in area for each linear foot of street frontage of the lot upon which it is erected, but *in no event shall such sign exceed twenty-five (25) square feet in area*, nor shall there be a distance of more than ten (10) feet from the ground to the bottom of the sign and not more than fifteen (15) feet from the ground to the top of the sign.

Under **3256. Location restrictions.** Only one ground sign shall be permitted per lot in a Mixed-Use Business district.

As per **3226**, signs may not be constructed, mounted or maintained upon the roof of any building.

Elevation drawings show signage in the hip-style roof for Buildings #1 and #2. The Applicant may seek a variance from the ZBA for approval for sign placement at the roofline.

3. Review Comments By Departments:

An email was sent to review departments requesting comments no later than June 1, 2015. Attached are comments from the Department of Public Infrastructure (Attachment 7) dated June 2, 2015 and Department of Inspectional Services (Attachment 8) dated June 1, 2015.

In response to DPI's Item No. 10, I have researched parcel deeds and maps recorded at the Bristol County Registry (S.D.) of Deeds. Matthew Hays conveyed ownership of the site that is shown as Map 108, Lot 42, 43 and 44 on the City of New Bedford parcel maps in 1916, as evidenced in Book 435, Page 213.

The following department review comments have been received by email:

May 27, 2015

I have reviewed the plans for Case #13-15 1771 Acushnet Ave-Panagakos Commercial Redevelopment and there are no local or State wetland resource areas in or within 100' of the property. Therefore, based upon the information provided, at this time I have no comments to add for the Planning Board's consideration.

-Sarah Porter, Conservation Agent, Environmental Stewardship

May 26, 2015

The Health Department received and reviewed the plans... and... based upon the information provided, the site would seem to be appropriate for this proposed use.

-Brenda K. Weis, Director of Health

June 1, 2015

I have no comments regarding this commercial development.

-Barry Rabinovitch [brabinovitch@newbedfordschools.org]

4. Summary

The Applicant's Agent provided case deliverables in a bound report format containing the following:

- Project Description
- Site Plan Application
- Ground Sign Application
- Site Plan checklist
- Certified Abutter's List
- Site Photographs
- Property Deed
- Sign Detail
- Lighting Specifications
- Stormwater Management Report
- Construction Erosion and Sediment Control Plan
- Checklist for Stormwater Report
- Stormwater Operation & Maintenance Plan
- Existing & Proposed Stormwater Conditions

Please refer to this report included with June 2 Staff Comments.

On May 28, 2015 the Applicants agent provided revised deliverables for the Planning Board's consideration.

The following revisions were presented for the Planning Board's consideration:

- Project Description
- Site Plan Application
- Ground Sign Application
- Site Photographs illustrating previously existing structures
- Construction Erosion and Sediment Control Plan

A copy of the Notice of Decision is included as Attachment 9. Minutes of the June 10, 2015 meeting are included for the Planning Board's review (Attachment 10).

The Planning Board may consider bringing the following to the attention of the Applicant:

- Proposed building height for Building #1 and Building #2 is 21 feet according to the Site Plan, but stated as 28 feet in the application. This error should be addressed by the Applicant and clarification made as to the correct building height.
- Street trees should help offset the building massing of proposed rear elevation of Building 1 as viewed from Belleville Road. The Applicant should illustrate on the elevation drawing street trees, in accordance with number of trees, spacing of trees and type of trees specified by DPI.

- The total height of the structures should be noted on elevation drawings and agree with site plan and application.
- If treated as one parcel, Green Space allotment at 23% meets zoning code in the MUB; required percentage of Green Space is *zero*. However, Res C requires 35% of the parcel to be comprised of Green Space. The Applicant should request a waiver from the Planning Board for not meeting this requirement.
- One on-street handicap parking space will be impacted, if the proposed Belleville curb cut is approved. The developer/applicant shall notify the party to whom that space serves, so that party can request approval from the City of New Bedford Traffic Commission authorizing relocation of the Belleville Road on-street handicap parking space and sign.
- Proposed sign area for a double face pylon sign is greater (48 SF) than sign area permitted (25 SF) without a variance from the ZBA.
- As per **3226**, signs may not be constructed, mounted or maintained upon the roof of any building. Elevation drawings show signage in the hip-style roof for Buildings #1 and #2. The Applicant may seek a variance from the ZBA for approval for this sign placement.
- Letter of correspondence from Atty. Edward J. Sylvia, Jr., representing Jose Araujo of Madiera Avenue Realty, LLC, 15 Elizabeth Drive, Rochester, MA 02770, as owner of property located at 12 -22 Glennon Street (Map 108, Lot 269), requesting postponement of the August 12, 2015 application for consideration to September due to a scheduling conflict.

Respectfully submitted.

Attachments

1. Request by Applicant to Rescind Decision Dated July 1, 2015.
2. Consent for Rescission Dated July 9, 2015.
3. Memorandum from Applicant's Agent Clarifying Hours of Operation.
4. Letter of Request for Postponement form Attorney Edward Sylvia Dated July 16, 2015.
5. Plan Set Dated January 5, 2015, as Revised thru May 27, 2015.
6. Project Description.
7. Memorandum form DPI Dated June 2, 2015.
8. Memorandum from DIS Dated June 1, 2015.
9. Notice of Decision.
10. Approved June 10, 2015 Planning Board Meeting Minutes for Case #13-15.



133 Faunce Corner Road
Dartmouth, MA 02747
Phone: (508) 998-3911
Fax: (508) 998-2944
info@panagakosdevelopment.com

Planning Board
Room 303
133 William St.
New Bedford, MA 02740

July 1, 2015

To Whom It May Concern,

I, Michael Panagakos, request that the Planning Board rescind the decision for a Site Plan Review & New Ground Sign at 1771 Acushnet Avenue on the application dated 6/19/2015, due to the improper notification of abutters.

Yours,

Michael W. Panagakos

PLANNING
JUL 01 2015
DEPARTMENT

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 JUL - 1 A 11:42
CITY CLERK

ATTACHMENT 1

CASE 17-15



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

July 9, 2015

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

CITY CLERK
2015 JUL -9 A 9:14
CITY CLERK'S OFFICE
NEW BEDFORD, MA

RE: Consent for Rescission Case # 13-15, 1771 Acushnet Avenue (Map Plot 108 Lot 43)

Dear Mr. Farias,

Please be advised that the New Bedford Planning Board held a public meeting on July 8, 2015 to discuss a petition submitted for the Planning Board to rescind the decision granted for Site Plan Review and New Ground Sign Permit filed with the City Clerk on June 19, 2015 due to improper notification of abutters, for a project at 1771 Acushnet Avenue (Map 108, Lot 43) in a Mixed Use Business/Residence C zoning district.

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

The applicant, Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), submitted in writing a request for rescission dated July 1, 2015. The request informed the Board that the abutters may not have been properly notified, and as they could not provide proof of notification, the applicant was requesting that the decision filed with the City Clerk on June 19, 2015 for Site Plan Review and Ground Sign be rescinded.

After brief discussion, the Planning Board considered a motion by Kathryn Duff, seconded by Arthur Glassman, to grant rescission of the decision for Site Plan Review and Ground Sign filed with the City Clerk on June 19, 2015, due to improper notification of abutters, and waive the application fee should the applicant reapply for the same project at this location. The applicant is permitted to reapply without prejudice.

This motion carried 5-0. (CD, PC, AK, AG, KD)

Sincerely,

Jill Maclean, City Planner
Agent for the Planning Board

Cc: Steven D. Gioiosa, Sitec Inc.
Michael Panagakos of Panagakos Development
Danny Romanowicz, Commissioner DIS
Scott Downing, Executive Secretary, Traffic Commission
Ronald Labelle, Commissioner DPI
Steven Martins, Ward 2 City Councillor

CASE 17-15

ATTACHMENT 2

SITEC

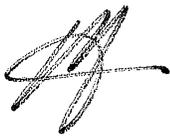
Civil and Environmental Engineering
Land Use Planning

SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747
Tel. (508) 998-2125 FAX (508) 998-7554

Unit C
769 Plain Street
Marshfield, MA 02050
Tel. (781) 319-0100 FAX (781) 834-4783

MEMORANDUM

TO: PLANNING BOARD
CITY OF NEW BEDFORD

FROM: STEVEN D. GIOIOSA, P.E. 

DATE: JULY 15, 2015

SUBJECT: 1771 ACUSHNET AVENUE
HOURS OF OPERATION

As a point of clarification, the applicant for the above referenced project would like to confirm that our request for the redevelopment of 1771 Acushnet Avenue will include an hours of operation period which will span from ~~6~~AM to 12AM. This time period is essential for the competitive benefit of the potential tenants. 5:00 AM up

PLANNING
JUL 15 2015
DEPARTMENT

ATTACHMENT 3

CASE 17-15

ATTY. EDWARD J. SYLVIA, JR. & ASSOCIATES
558 Pleasant Street, Suite 201
New Bedford, MA 02740
508-999-1913 phone * 508-992-3175 facsimile
douglassylvia@sylviaassoc.comcastbiz.net
edwardsylvia@sylviaassoc.comcastbiz.net

July 16, 2015

DEPARTMENT
JUL 16 2015
PLANNING

Jill Maclean, City Planner
City of New Bedford
133 William Street, #303
New Bedford, MA 02740

RE: Case 13-15 Rescinding of Motion re: Application Meeting August 12, 2015
1771 Acushnet Ave., New Bedford, MA
Assessor's Plot 42, 43, 44 (43)

Dear Planner Maclean:

My client, Jose Araujo, owner of the property identified as Lot 269, Plot 108, 12 – 22 Glennon Street, New Bedford, Madeira Avenue Realty, LLC, hereby requests that the Planning Board, with a current scheduled hearing of the Planning Board for August 12, 2015, postpone the above consideration of the application of Michael Panagakos, until the September session.

It is unfortunate that the last hearing lacked the notice to abutters and had to be rescinded. I ask for the postponement on behalf of the largest abutter with 18 residential apartments abutting the applicant's property.

Mr. Araujo of Madeira Avenue Realty, LLC will be out of the United States in August on a previous planned trip and will not be available to be heard. Please, on behalf of my client, if it is possible, postpone the scheduled August 12, 2015 hearing to the next regular scheduled hearing in September or after.

Thank you for your attention to this matter.

Yours truly,

Madeira Avenue Realty, LLC


Edward J. Sylvia, Jr., Legal Counsel
EJS:lam

ATTACHMENT 4

OK 17-15

COMMERCIAL DEVELOPMENT

1771 ACUSHNET AVENUE

NEW BEDFORD, MASSACHUSETTS

2015 JUL 29 4:11:30
 CITY OF NEW BEDFORD
 CITY CLERK

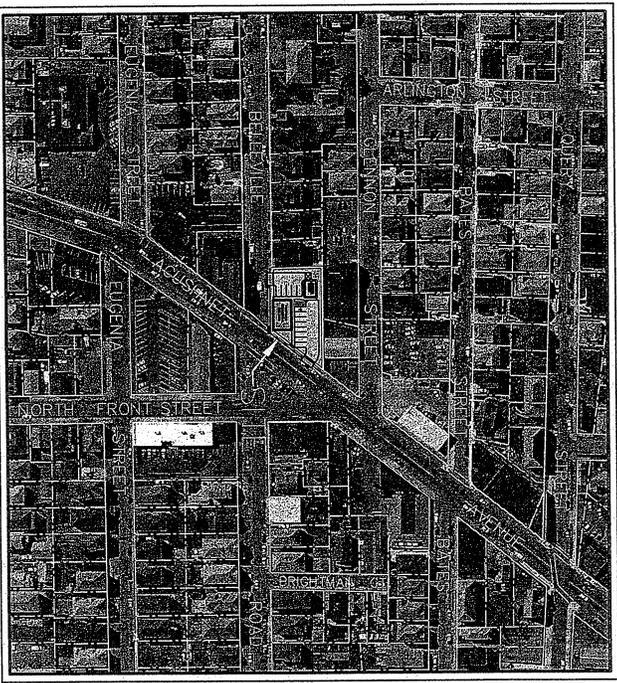
SITE SUMMARY

ASSESSORS MAP 108 LOTS 42, 43, & 44
 ZONING DISTRICT: MIXED USE BUSINESS / RESIDENCE C
 PROPOSED USE: COMMERCIAL
 DEED REFERENCE: BOOK 10984, PAGE 143

ZONING REQUIREMENTS TABLE

	REQUIRED	ACTUAL/PROPOSED
LOT AREA	—	12,456 SF
LOT FRONTAGE	0	109.72 (ACUSHNET AVENUE) 112.35 (BELLEVILLE ROAD)
FRONT SETBACK (BLDG.)	0	BUILDING #1: 0 BUILDING #2: 55'
SIDE SETBACK (BLDG.)	10' (RESIDENTIAL SIDE)	BUILDING #1: 57' BUILDING #2: 23'
SIDE SETBACK (BLDG.)	0 (NON-RESIDENTIAL SIDE)	BUILDING #1: 2.5' BUILDING #2: 80'
REAR SETBACK (BLDG.)	10'	BUILDING #1: 54' BUILDING #2: 10.5'
FRONT SETBACK (PARKING)	0	1'
*SIDE SETBACK (PARKING)	5'	7'
*REAR SETBACK (PARKING)	5'	7'
BUILDING HEIGHT	100'	21'
LOT COVERAGE	—	77%
GREEN SPACE	0	23%
SCREENING BARRIERS	5'	7'

*FROM RESIDENTIAL USE OR DISTRICT (AFTER SCREENING)



LOCUS MAP

SCALE: 1"=100'±

SHEET NO.	TITLE	DATE	REVISED
—	COVER SHEET	JANUARY 5, 2015	MAY 27, 2015
1 OF 8	SITE LAYOUT	JANUARY 5, 2015	MAY 27, 2015
2 OF 8	LOCUS MAP	JANUARY 5, 2015	MAY 27, 2015
3 OF 8	SITE GRADING & UTILITY	JANUARY 5, 2015	MAY 27, 2015
4 OF 8	LANDSCAPING PLAN	JANUARY 5, 2015	MAY 27, 2015
5 OF 8	EXISTING CONDITIONS	JANUARY 5, 2015	MAY 27, 2015
6 OF 8	DEMOLITION PLAN	JANUARY 5, 2015	MAY 27, 2015
7 OF 8	EROSION CONTROL PLAN	JANUARY 5, 2015	MAY 27, 2015
8 OF 8	DETAIL SHEET	JANUARY 5, 2015	MAY 27, 2015
(4) SHEETS FLOOR PLANS & ELEVATIONS			

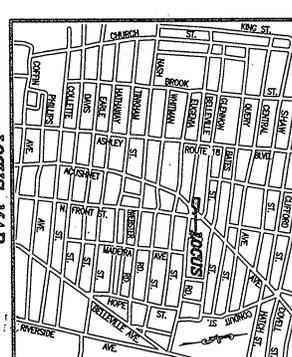
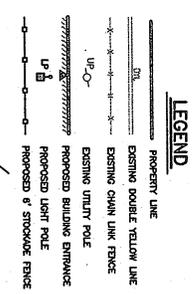
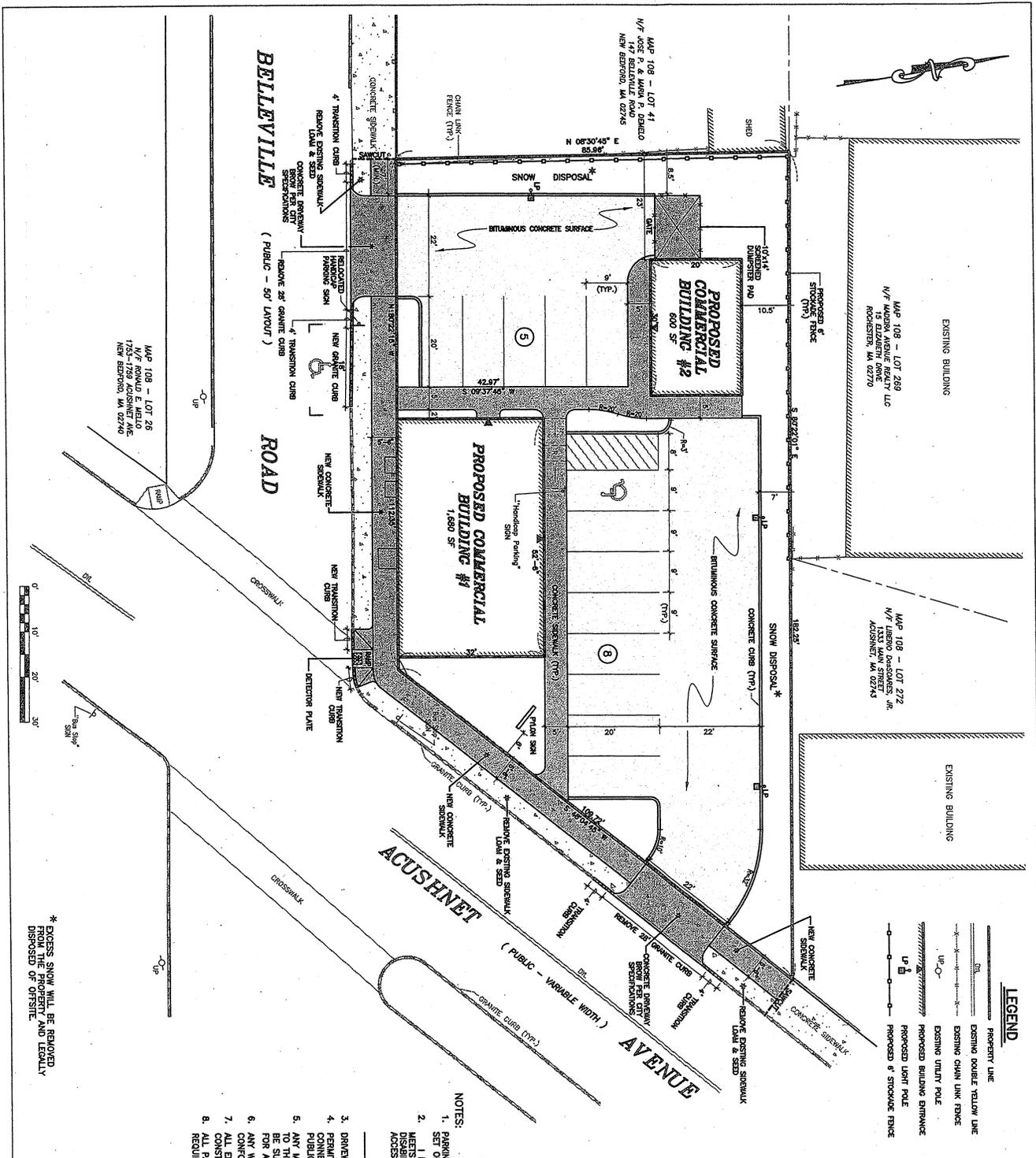
OWNER:
 MICHAEL W. PANAGAROS
 131 STATE STREET, SUITE 100
 DORCHESTER, MA 01924

APPLICANT:
 PANAGAROS DEVELOPMENT
 131 STATE STREET, SUITE 100
 DORCHESTER, MA 01924

PLANNING DEPARTMENT
 JUL 28 2015

SITTEC
 448 Francis Center Road
 1st Floor
 Needham Heights, MA 02461
 (617) 881-2133
 FAX (617) 881-7134
 9:00 AM - 5:00 PM
 13-00001 CORR. SHEETING

DATE: JANUARY 5, 2015, REVISED MAY 27, 2015
 CASE 17-15



SITE SUMMARY

ZONING DISTRICT: MIXED USE BUSINESS/RESIDENCE C
 LOCAL ASSESSORS MAP 108 LOTS 42, 43, 44
 PARCEL AREA: 12,699 SF
 PROPOSED USE: COMMERCIAL
 PARKING REQUIRED:
 BUILDING #1 - 1 SPACE / 200 SF x 1,680 SF = 9 SPACES
 BUILDING #2 - 1 SPACE / 200 SF x 600 SF = 3 SPACES
 PROVIDED: 12 SPACES
 VAN ACCESSIBLE PARKING PROVIDED: 1 SPACE
 ADA COMPLIANCE:
 VAN ACCESSIBLE PARKING PROVIDED: 1 SPACE

- NOTES:**
1. PARKING LOT LIGHTING SHALL BE LED LIGHTING (LED) MODEL (MILITATION)
 2. SET ON 15' POLE OR APPROVED EQUAL.
 3. I HEREBY CERTIFY THAT THE PROJECT AS SHOWN WITH DISABILITIES ACT (ADA) AND THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD (MAB).

* EXCESS SNOW WILL BE REMOVED FROM THE PROPERTY AND LEGALLY DISPOSED OF OFFSITE.

DEED REFERENCE: BOOK 10084, PAGE 143
OWNER: MICHAEL W. PANAGAKOS
 133 FAUNCE CORNER MILL ROAD
 DARTMOUTH, MA 02747
APPLICANT: PANAGAKOS DEVELOPMENT
 133 FAUNCE CORNER MILL ROAD
 DARTMOUTH, MA 02747

PLANNING DEPARTMENT
JUL 23 2015
153

SITEC, Inc.
 448 Fausse Corner Road
 Dartmouth, MA 02747
 (508) 980-2125
 FAX (508) 918-1554
 www.SITEC-Design.com

Project: COMMERCIAL DEVELOPMENT 1771 ACUSHNET AVENUE NEW BEDFORD, MASSACHUSETTS	Scale: 1"=10'	Date: JANUARY 5, 2015
Client: PANAGAKOS DEVELOPMENT	Author: NAD	Checked: SDG
Drawn: SDG	Approved: SDG	Sheet: SL-1
Project No: 15-000	Scale: 1"=10'	Date: MAY 27, 2015
Sheet No: 15-000	Scale: 1"=10'	Date: REVISION PER PLANNING BOARD COMMENTS

No.	Date	Revised Description	Drawn By	Appr. By
1	MAY 27, 2015	REVISE PER PLANNING BOARD COMMENTS	SDG	SDG



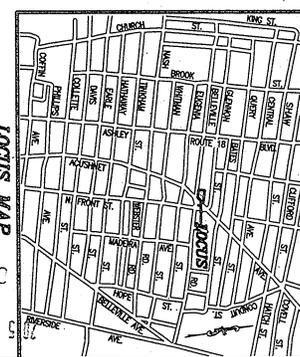
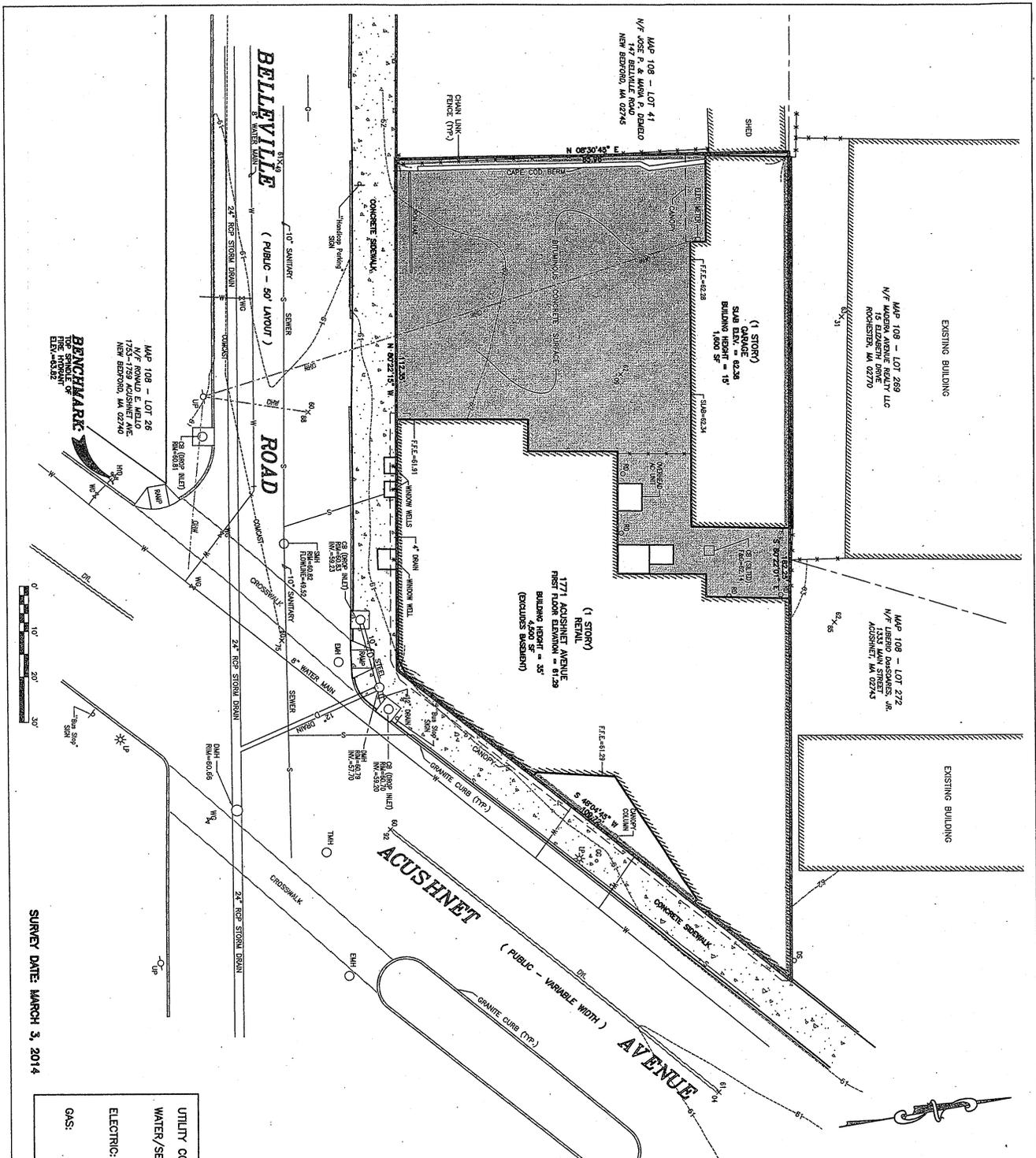
PLANNING
 JUL 28 2015
 DEPARTMENT

CITY CLERK

2015 JUL 29 A 11:50

SITEC City and Environmental Engineering Land Use Planning 449 France Center Road Northwood, MA 02757 (508) 998-2125 FAX (508) 998-7254 WWW.SITEC-ENGINEERING.COM	project: COMMERCIAL DEVELOPMENT 1771 ACUSHNET AVENUE NEW BEDFORD, MASSACHUSETTS	scale: 1"=60'± date: JANUARY 5, 2015 drawn: NAD checked: SDG approved: SDG	No. Date Revision Description Check by App'd by
	client: PANAGAKOS DEVELOPMENT project: LOCUS MAP	sheet: 2 of 8 drawing number: LOCUS -1	1 MAY 27, 2015 REVISE PER PLANNING BOARD COMMENTS SDG SDG

062 17-15



5 JUL 29 2 14:57
CITY CLERK

LEGEND

---	PROPERTY LINE
---	EXISTING CONTROL
---	DOUBLE YELLOW LINE
---	CHAIN LINK FENCE
---	OVERHEAD WIRES
---	GAS MAIN
---	WATER MAIN
---	SEWER LINE
---	DRAINAGE LINE
---	DORMER
---	ROOF DRAIN
---	CATCH BASIN
---	MANHOLE
---	DRIVE MANHOLE
---	ELECTRIC MANHOLE
---	TELEPHONE MANHOLE
---	SEWER MANHOLE
---	ELECTRIC WAREHOUSE
---	FIRE HYDRANT
---	WATER GATE VALVE
---	GAS GATE VALVE
---	LIGHT POLE
---	UTILITY POLE
---	EXISTING SPOT GRADE

UTILITY COMPANIES

WATER/SEWER: DEPARTMENT OF PUBLIC INFRASTRUCTURE
100 SHAWMUT AVENUE
NEW BEDFORD, MA 02740

ELECTRIC: NSTAR ELECTRIC
1 NSTAR WAY
WESTWOOD MA 02090

GAS: NSTAR GAS
1 NSTAR WAY
WESTWOOD MA 02090

PLANNING
JUL 29 2015
DEPARTMENT OF PUBLIC INFRASTRUCTURE

SURVEY DATE: MARCH 3, 2014

CRK 17-12

PROJECT: COMMERCIAL DEVELOPMENT
1771 ACUSHNET AVENUE
NEW BEDFORD, MASSACHUSETTS

PANAGAKOS DEVELOPMENT

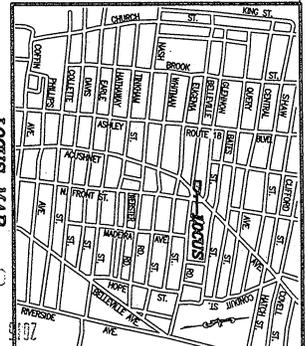
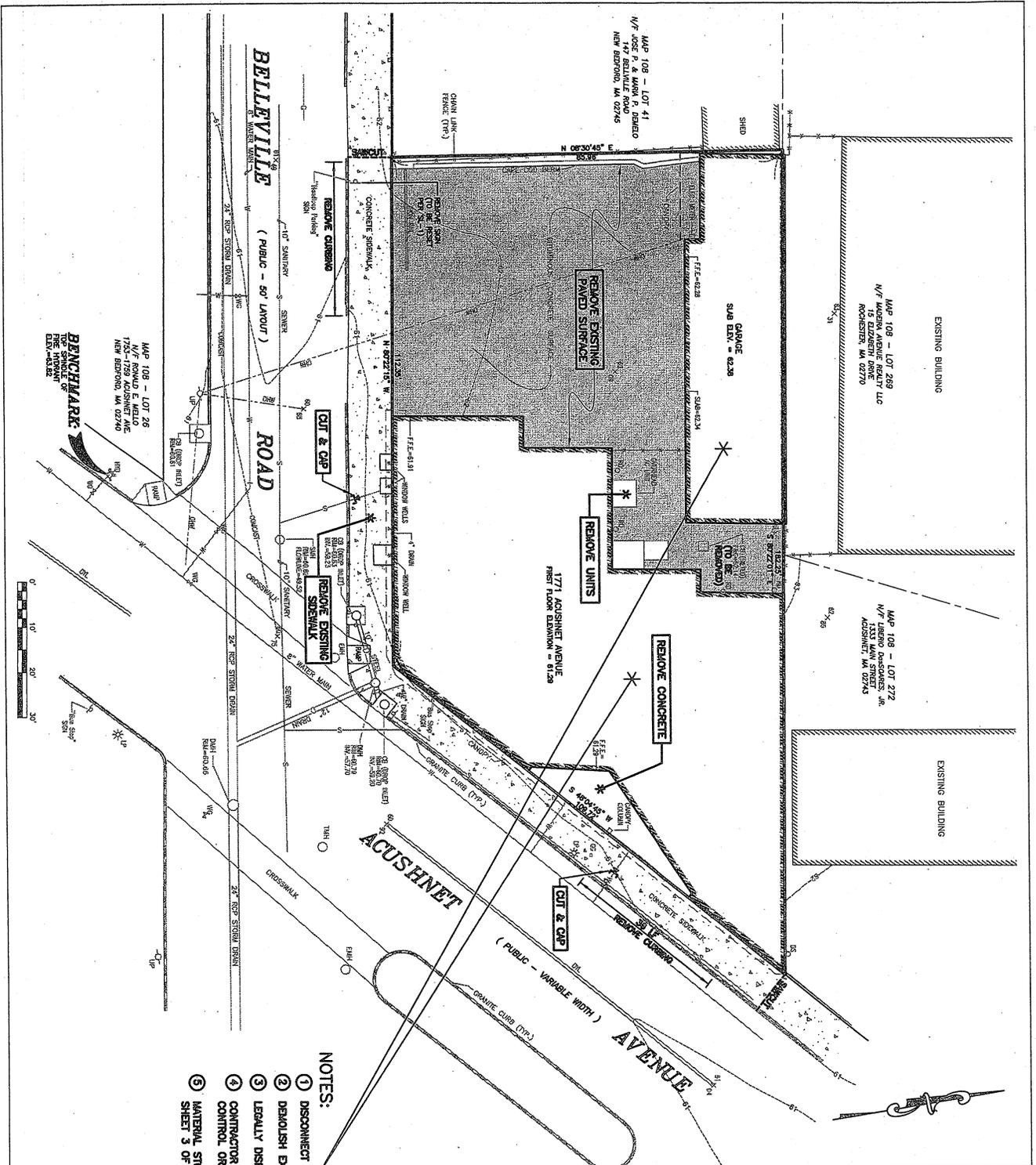
EXISTING CONDITIONS

scale: 1"=10'
date: JANUARY 5, 2015
drawn: NAD
checked: SDG
approved: SDG
sheet: 1 of 1
drawing: EC-1

No.	Date	Revision Description	Chd. by	Appr. by
1	MAY 27, 2015	REVISE PER PLANNING BOARD COMMENTS	SDG	SDG

SITEC, Inc.
449 Fausch Corner Road
New Bedford, MA 02747
(508) 998-2125
www.sitec-dcnr.com

DEPARTMENT OF PUBLIC INFRASTRUCTURE



LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- EXISTING DOUBLE YELLOW LINE
- EXISTING CHAIN LINK FENCE
- EXISTING OVERHEAD WIRES
- EXISTING GAS MAIN
- EXISTING WATER MAIN
- EXISTING SEWER LINE
- EXISTING DRAINAGE LINE
- EXISTING DOWNPOUT
- EXISTING ROOF DRAIN
- EXISTING CATCH BASIN
- EXISTING DOWN MANHOLE
- EXISTING ELECTRIC MANHOLE
- EXISTING TELEPHONE MANHOLE
- EXISTING SINKER MANHOLE
- EXISTING ELECTRIC MANHOLE
- EXISTING FIRE MAST
- EXISTING WATER GATE VALVE
- EXISTING GAS GATE VALVE
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING SPOT GRADE

NOTES:

- 1 DISCONNECT ALL EXISTING UTILITIES.
- 2 DEMOLISH EXISTING STRUCTURES, WALLS, ETC.
- 3 LEGALLY DISPOSE ALL DEMOLITION MATERIAL OFFSITE.
- 4 CONTRACTOR SHALL HAVE WATER AVAILABLE FOR DUST CONTROL OR AN APPROVED DUST CONTROL AGENT.
- 5 MATERIAL STOCKPILE AREA SHALL BE AS NOTED ON SHEET 3 OF 8.

PLANNING
JUL 28 2015
DEPARTMENT

CS-22 17-125

SITEC
Site and Environmental Engineering
Land Use Planning

SITEC, Inc.
445 Faxon Center Road
Bedford, MA 02747
(508) 898-2122
FAX (508) 898-7554
www.sitec-engineering.com

COMMERCIAL DEVELOPMENT
1771 ACUSHNET AVENUE
NEW BEDFORD, MASSACHUSETTS

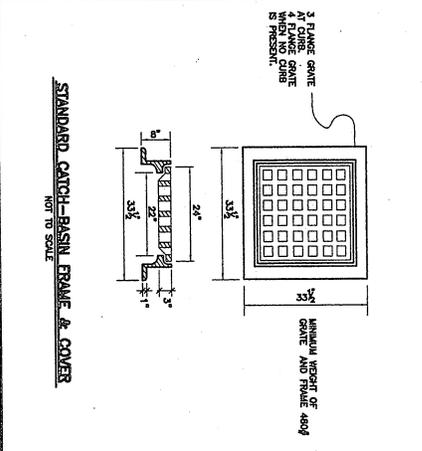
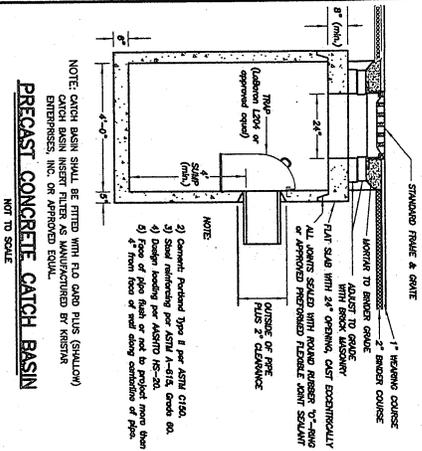
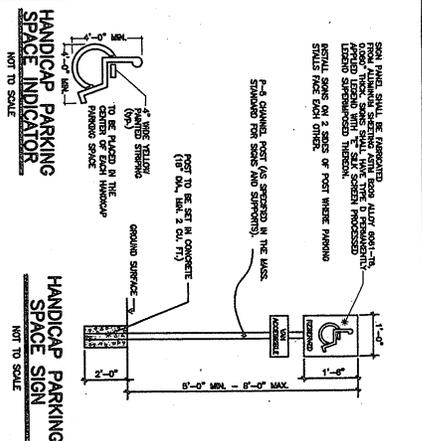
PANAGAKOS DEVELOPMENT

DEMOLITION PLAN

scale: 1"=10'
date: JANUARY 5, 2015
drawn: NAD
checked: SDG
approved: SDG

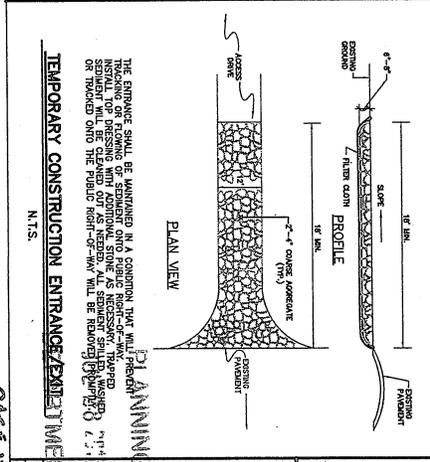
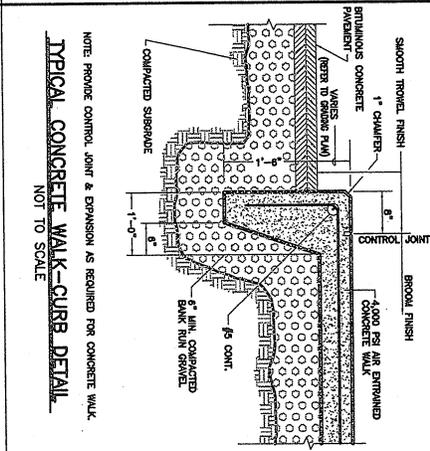
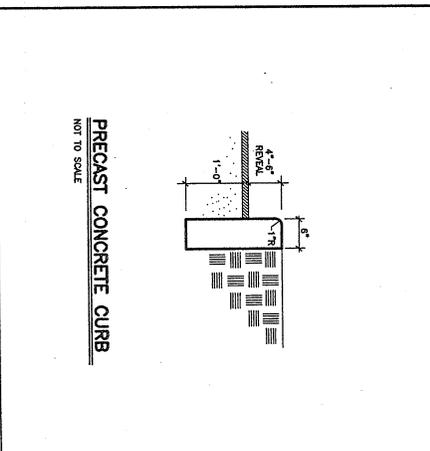
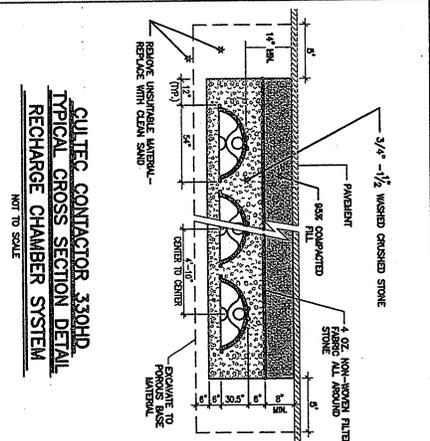
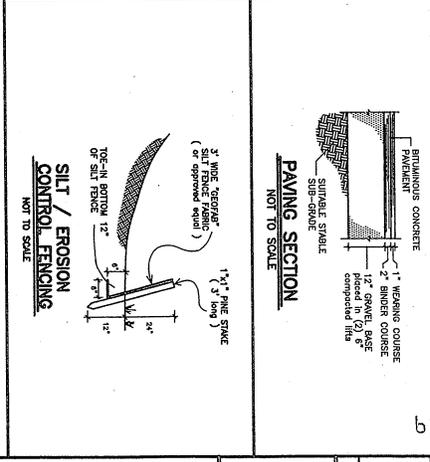
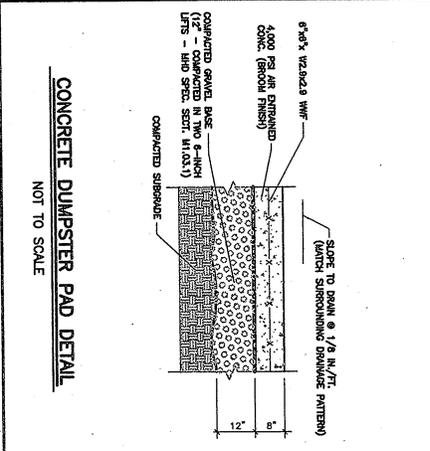
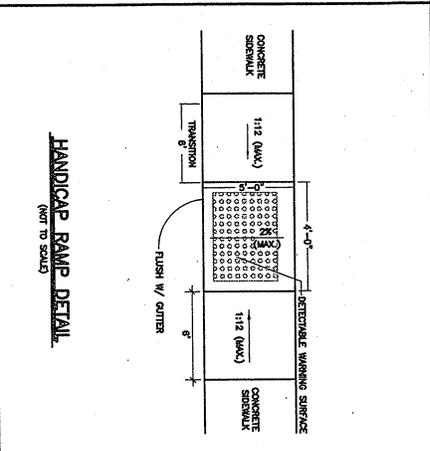
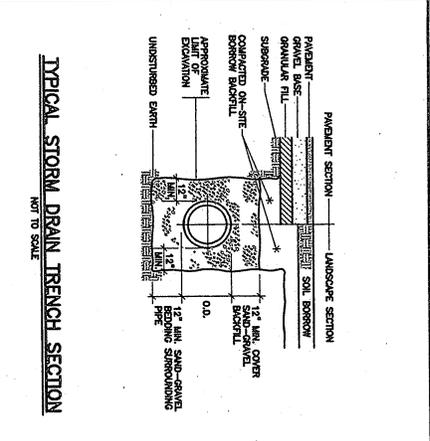
sheet 6 of 8
DEMOLITION PLAN
DEM-1

No.	Date	Revision Description	Checked by	Approved by
1	MAY 27, 2015	REVISE PER PLANNING BOARD COMMENTS	SDG	SDG



GENERAL NOTES:

- CONTRACTOR SHALL NOTIFY THE STATE OF CONSTRUCTION.
- CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL VERIFY THE OWNER'S RECORD DRAWINGS AND FIELD CONDITIONS ARE IN AGREEMENT.
- CONTRACTOR SHALL VERIFY THE MEASURED PERIMETER OF THE LOT LINE WITH THE PERIMETER OF THE CONVEYANCE AND SHALL CORRECT ANY DISCREPANCIES.
- THE SET CONSTRUCTION SHALL BE REVERSIBLE FOR FUTURE RECONSTRUCTION OR MODIFICATION.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS.
- THE PROPOSED CONSTRUCTION SHALL COMPLY WITH THE CITY OF NEW BEDFORD DEW STANDARDS.
- ALL CONSTRUCTION SHALL BE SUBJECT TO THE DEPARTMENT OF PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS.
- ALL CONSTRUCTION SHALL BE SUBJECT TO THE DEPARTMENT OF PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS.
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- ALL CONSTRUCTION SHALL BE SUBJECT TO THE DEPARTMENT OF PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS.



No.	Date	Revision Description	Chd. By	Appr. By
1	MAY 20, 2014	REVISE PER PLANNING BOARD COMMENTS	SDG	SDG

AS NOTED
DATE: MAY 20, 2014
DRAWN: NAD
CHECKED: SDG
APPROVED: SDG
SCALE: 8" = 8'
DS-1

COMMERCIAL DEVELOPMENT
1771 ACUSHNET AVENUE
NEW BEDFORD, MASSACHUSETTS

PANAGAKOS DEVELOPMENT

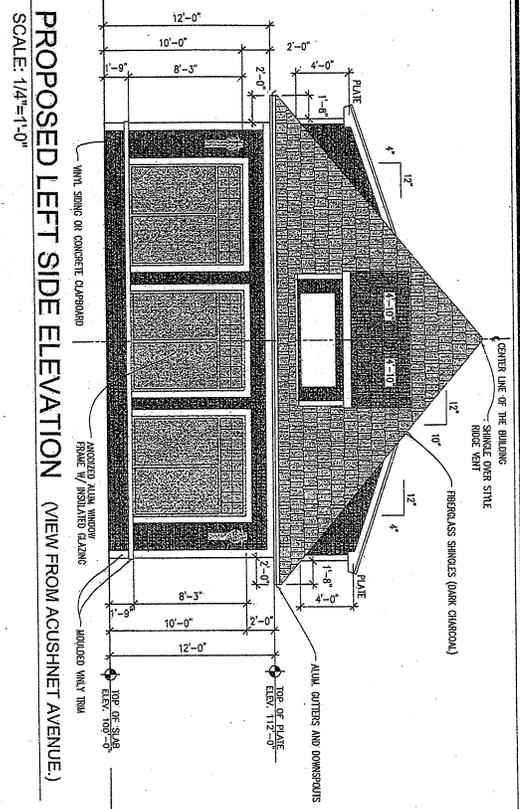
DETAIL SHEET

SITEC
Site and Environmental Engineering
Lead for Planning

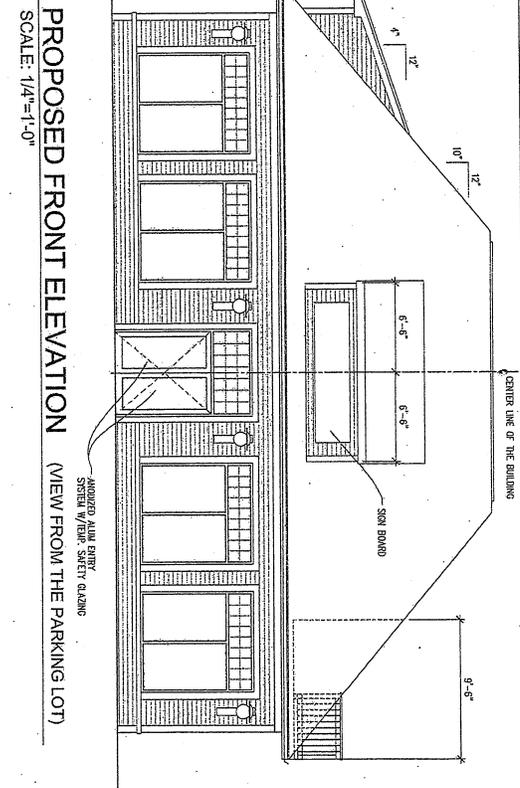
SITEC, Inc.
446 Flanders Corner Road
Dorchester, MA 02747
(617) 489-5151
FAX (617) 489-7554
www.sitec-engineering.com

PROJECT NO. 13-3004

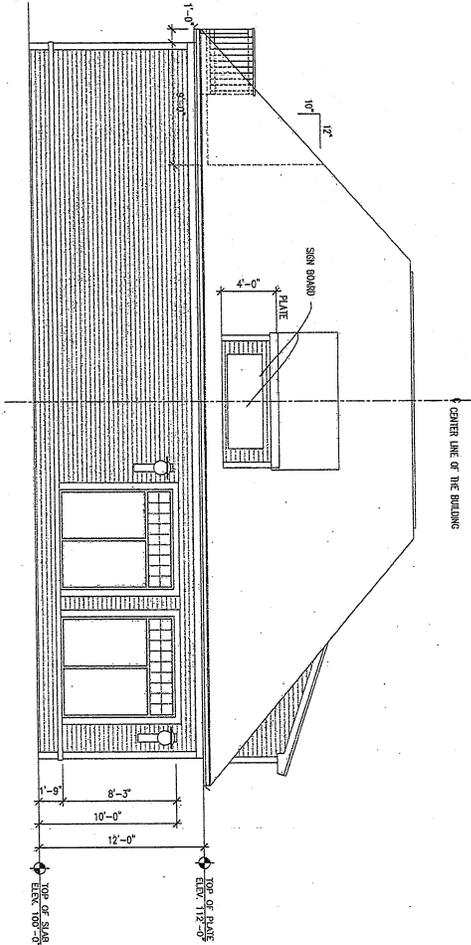
CASE 17-15



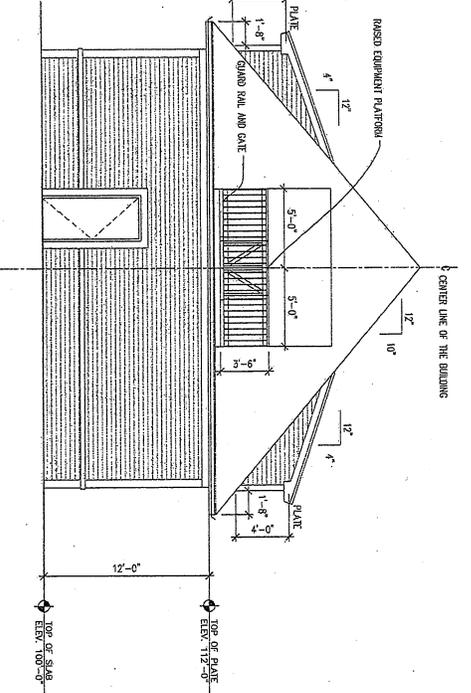
PROPOSED LEFT SIDE ELEVATION (VIEW FROM ACUSHNET AVENUE.)
SCALE: 1/4"=1'-0"



PROPOSED FRONT ELEVATION (VIEW FROM THE PARKING LOT)
SCALE: 1/4"=1'-0"



PROPOSED REAR ELEVATION (VIEW FROM BELLEVILLE ROAD)
SCALE: 1/4"=1'-0"



PROPOSED RIGHT SIDE ELEVATION (VIEW FROM LOT #2)
SCALE: 1/4"=1'-0"

04/05/15
DWG. NUMBER

PLANNING
JUL 28 2015

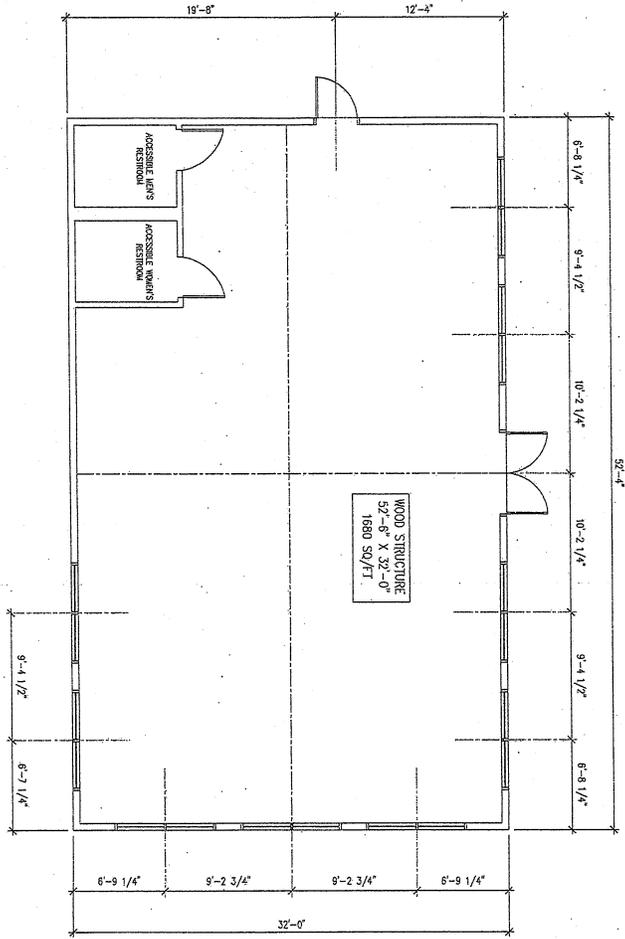
DEPARTMENT

CASE 17-15

DRAWING NAME: PROPOSED ELEVATIONS	DATE ISSUED: 1/16/15	REVISIONS PER: DATE:
DWG. SCALE: AS SHOWN	DRAWN BY: JAC	
REVIEWED BY: JAC	PROJECT NO.:	

PROJECT NAME: ALTERATIONS TO THE EXISTING BUILDING 1771 ACUSHNET AVENUE NEW BRISBANE, MA LOT #1	DESIGN CONCEPTS OF NEW ENGLAND 508-279-1659
--	--

CITY OF BRISBANE OFFICE

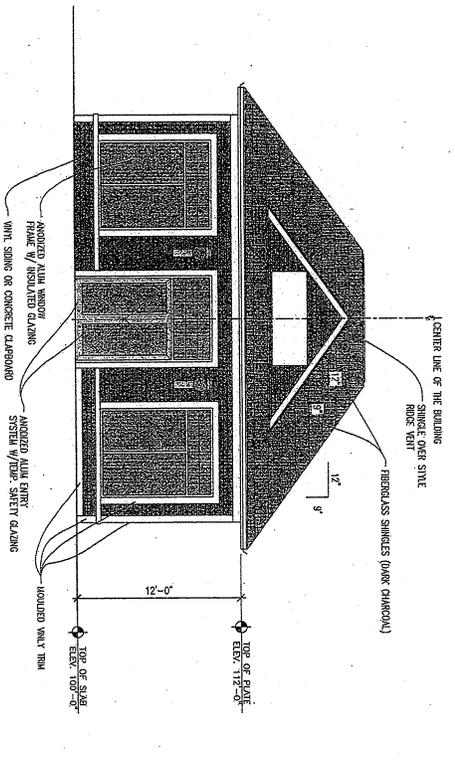


PROPOSED FLOOR PLAN
(LOT #1)
SCALE: 1/4"=1'-0"

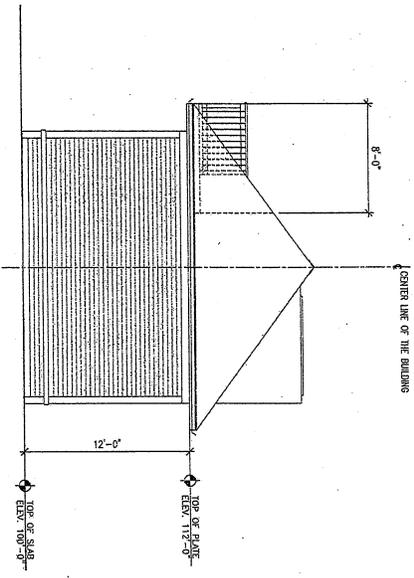
PLANNING
JUL 28 2015
CITY CLERK

DRAWING NAME: PROPOSED FLOOR PLAN	DATE ISSUED: <i>7/28/15</i>	<table border="1"> <thead> <tr> <th>REVISIONS PER:</th> <th>DATE:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS PER:	DATE:											PROJECT NAME: ALTERATIONS TO THE EXISTING BUILDING AT: 1771 ACQUINCE AVENUE NEW BEDFORD, MA LOT #1	DESIGN CONCERNS OF NEW ENGLAND P.O. BOX 26 BRIDGEWATER, MA 02324 508-279-1659
	REVISIONS PER:		DATE:													
A2	DWG. SCALE: DRAWN BY: <i>LC</i> REVIEWED BY: <i>DWD</i> PROJECT NO:	<table border="1"> <tr> <td> </td> <td> </td> </tr> </table>														

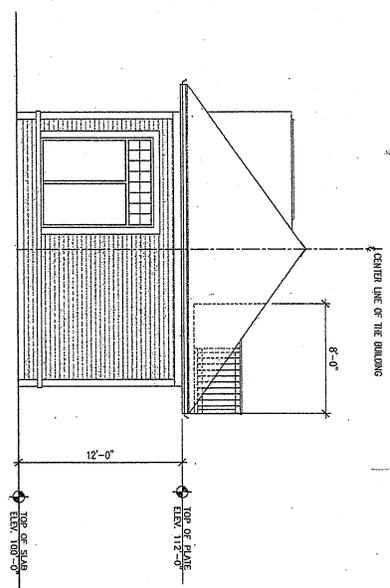
CASE 17-1S



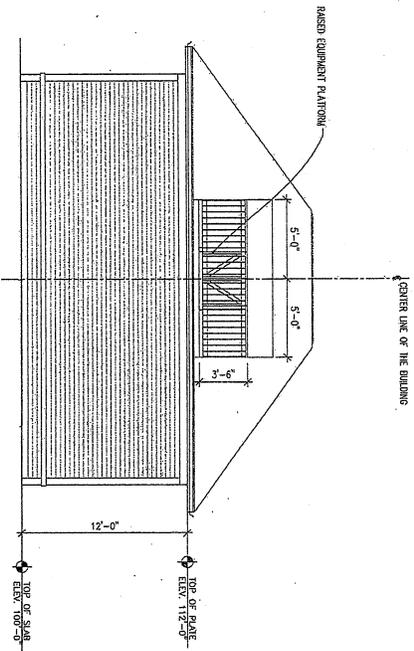
PROPOSED FRONT ELEVATION (VIEW FROM BELLEVILLE ROAD)
SCALE: 1/4"=1'-0"



PROPOSED LEFT SIDE ELEVATION (VIEW FROM LOT #41)
SCALE: 1/4"=1'-0"



PROPOSED RIGHT SIDE ELEVATION (VIEW FROM LOT #1)
SCALE: 1/4"=1'-0"



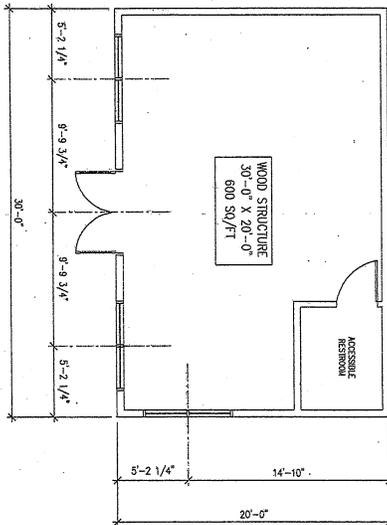
PROPOSED REAR ELEVATION (VIEW FROM LOT #269)
SCALE: 1/4"=1'-0"

PLANNING
JUL 28 2015
DEPARTMENT
CASE 17-15

DRAWING NAME: PROPOSED ELEVATIONS	DATE ISSUED: 1/16/15	REVISIONS PER: DATE:	PROJECT NAME: ALTERATIONS TO THE EXISTING BUILDING AT 1771 KENNEDY AVENUE, NEW BEDFORD, MA LOT #2	DESIGN CONCEPTS OF NEW ENGLAND P.O. BOX 28 BRIDGEWATER, MA 02324 508-279-1659
	DWG. SCALE: A.C.	DRAWN BY: A.C.	REVIEWED BY: DMD	PROJECT NO.:

CITY CLERK

2015 JUL 29 10:55 AM
NEW BEDFORD, MA



PROPOSED FLOOR PLAN (LOT #2)
 SCALE: 1/4"=1'-0"

CITY CLERK

PLANNING
 JUL 28 2018
 DEPARTMENT CASE 17-45

DRAWING NAME: PROPOSED FLOOR PLAN	DATE ISSUED: 7/25/18	REVISIONS PER: DATE: 10/12/2018	PROJECT NAME:	DESIGN CONCEPTS OF NEW ENGLAND P.O. BOX 26 BRIDGEWATER, MA 02324 508-275-1859	CITY CLERK'S OFFICE 107
	DWG. SCALE: AC		ALTERATIONS TO THE EXISTING BUILDING AT: 1771 ACORNHURST AVENUE, NEW BEDFORD, MA LOT #2		
DRAWN BY: JAC	REVIEWED BY: DWO				
PROJECT NO:					

PROJECT DESCRIPTION

A. SITE DESCRIPTION

1. Owner: Michael Panagakos
133 Faunce Corner Mall Road
Dartmouth, MA 02747
2. Applicant: Panagakos Development
133 Faunce Corner Mall Road
Dartmouth, MA 02747
3. Location: 1771 Acushnet Avenue
New Bedford, MA
Assessors Map 108 – Lot 42, 43, 44
4. Zoning District: Mixed use Business/Residence C
5. Existing Site Conditions:

The subject property is a 12,658 square foot (SF) lot located on the northwest corner of Acushnet Avenue and Belleville Road. This site was previously the Sullivan's Brothers Clothing store. The property contained the retail building, a garage structure and a paved parking lot. Approximately 100% of the property was impervious.

6. Proposed Redevelopment:

The Applicant proposes to demolish the existing structures and parking facility and construct 2 new commercial buildings. The new buildings will be placed in the general location of the original building and garage with improved setbacks from the residential properties. The overall project will consist of the following in addition to the new building construction:

- A. Construction of a 13 space parking lot to support the future commercial tenants. The parking spaces and access drive aisles have been designed to meet current City of New Bedford standards.

- B. The property has historically served two commercial buildings on a single lot with shared parking. This condition will remain unchanged.
- C. Vehicular access to the site will be from Acushnet Avenue and from Belleville Road.
- D. Onsite walkways will provide a pedestrian link to both public ways.
- E. A screened dumpster pad will be sited at the northwest corner of the site.
- F. Overall lot coverage will be reduced to 77, a 23% increase in green space.
- G. Two catch basins and a stormwater recharge system will be constructed onsite to further reduce offsite runoff discharges.
- H. New landscaping and site lighting will be provided as shown on the plans.
- I. A new pylon sign is proposed in accordance with the requirements of Section 3250 of the Zoning Ordinance. The sign size, height, and location will comply with the City Ordinance.
- J. The project is projected to take 6 months to construct.

It is important to note that the rear garage style building has historically functioned as a commercial use structure and at no time was utilized for residential purposes. Additionally, the garage most recently contained a small office, storage area, maintenance room unrelated to the clothing store and dry cleaners that operated in the 1771 Acushnet Avenue front building.



Department of Public Infrastructure

Ronald H. Labelle
Commissioner

CITY OF NEW BEDFORD

Jonathan Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

To: City of New Bedford Planning Board
From: Ronald H. Labelle, Commissioner, DPI
Date: June 2, 2015
Re: Site Plan – Commercial Development
Acushnet Avenue- Plot 108 Lot 42, 43 & 44

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

1. Driveways to be built in accordance with City of New Bedford regulations, 90 degrees to the curb line and with 4 foot transition curb on both sides (22 foot curb cut at curb line)
2. On Belleville Road side, add note to remove existing sidewalk and loam & seed between proposed driveway and proposed wheelchair ramp.
3. Add 7 trees to the grass ribbon area on Belleville Road and Acushnet Avenue sides. Trees to be planted in accordance with City of New Bedford regulations. Contact the City about the type of trees for the project.
4. Install cement concrete wheelchair ramp at the southwest corner of Belleville Road and Acushnet Avenue.
5. Grading of both parking lots and location of catch basins should be revised to improve retainage of run-off water within the site.
6. Owner must install separate sewer services for proposed buildings.
7. The Department is requiring the engineer to verify that the proposed water services will provide sufficient volume and pressure for the 600SF proposed building.
8. The proposed water service from Belleville Road curb stop to be 1.5ft from face of curb.
9. Cut and cap all unused water services to the property at the water main. (Service on Acushnet Ave south of proposed driveway.)
10. This site plan includes 3 different lots which may need to be combined to meet zoning requirements.
11. All utilities to be installed in accordance with City of New Bedford standards.
12. Owner/Developer must contact the Department of Public Infrastructure Engineering Division to assign a new address for the proposed buildings.

13. Developer and Site Contractor must schedule a pre construction meeting with the Department of Public Infrastructure prior to the start of construction.
14. Upon completion Engineer must submit "As Built drawings" in CADD format prior to the Certificate of Occupancy being issued.

/ejl

Cc: Department of Inspectional Services
Environmental Stewardship
SITEC
Michael Panagakos



City of New Bedford
Department of Inspectional Services

133 William Street, Room 308
New Bedford, Massachusetts 02740

Tel. 508-979-1540

Fax: 508-961-3143

TO: New Bedford Planning Board
FROM: Danny D. Romanowicz, Inspectional Services Commissioner
DATE: June 1, 2015
RE: Preliminary Site Plan Review/ Site Plan Review
Assessor's Plot: 108 Lot: 42, 43, and 44

Inspectional Services Department has received and reviewed the above referenced Preliminary and, or Site Plan Review for Panagakos Development which has been submitted by Sitec. Inc.

	Approved	Rejected	N/A
Building *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing & Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTACHMENT 8

BUILDING 508-979-1540
WIRE 508-979-1470 • PLUMBING & GAS 508-979-1518
WEIGHTS & MEASURES 508-991-6144

Based upon the information provided the Department of Inspectional Services has

*Approved Rejected the Site Plan Review.

*Conditionally_ Will need Z.B.A. approval under Chapter 9 Comprehensive Zoning Sections 2400 (Nonconforming uses and Structures), 2410(Applicability) 2430-2432 (Nonconforming structures other than single and two family structures), 3149(Special Permit for Commercial Parking in a Residential District, and 5300- 5390 (Special Permit)

Cc: Conservation Commission

Department of Public Infrastructure/ Engineering

Department of Public Infrastructure/ Water-Wastewater

Owner and Sitec_



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

Registry of Deeds Use Only:

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.

City of New Bedford, MA • Planning Board Decision
Case #13 - 15 • 1771 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

Jill Maclean
Jill Maclean, City Planner
Agent for the Planning Board

NEW BEDFORD PLANNING BOARD
June 10, 2015
New Bedford City Hall - Room
William Street, New Bedford
APPROVED MEETING MINUTES

MEMBERS PRESENT:

Colleen Dawicki, Chairperson

Katherine Duff

Peter Cruz

Arthur Glassman

Also in attendance: City Planner Jill Maclean

Chairperson Dawicki called the meeting to order at 6:18 p.m.

Ms. Dawicki asked board members for approval of the prior meeting minutes.

A motion was made (KD) and seconded (PC) to approve the May 2015 meeting minutes. Motion passed unopposed.

PUBLIC HEARINGS

CASE #13-15 – Site plan review

Steve Gioiosa of SITEC addressed the board on behalf of the applicant. The applicant seeks to redevelop 1771 Acushnet Avenue, the former Sullivan Brothers Clothing Store. He stated there were two properties on the site spanning from the north side of the property all the way down to Belleville Road bordering the site on the south side.

Mr. Gioiosa stated that additionally on the property was a paved parking facility with access onto Belleville Road. He stated there was a second free standing structure had a small office and garage space.

He stated there were commercial uses on the property with the portion of the land was zoned mixed use business, which extends westerly. He stated the last 50' of the property is zoned resident C. So, historically we had a commercial parking lot and commercial use in a Resident C zone.

He stated the proposed was superimposed on an aerial photograph showing the context of the site and the surrounding streets. He stated there is primarily commercial mixed use along Acushnet Avenue, and moving west of the site it becomes primarily multi-family residential.

When the site was originally purchased by the applicant the site was nearly 100% lot coverage with

pavement and buildings, and no landscaping, and the smaller building encroaching on an adjacent lot. The applicant is requesting approval for redevelopment of the site. The same basic concept will be maintained with two separate buildings significantly less in size. He stated the original Sullivan Brothers building, approximately 4,500 sf, including a full basement area. The proposal calls for a 1,680 sf building, a significant reduction in square footage, translating into a significant reduction in overall use on the property and impact to the surrounding area.

Mr. Gioiosa stated the smaller building on the back, originally some 1,600 sf, will be reduced to 600 sf. Again, another significant reduction on building size. The applicant is proposing off-street parking to further better the site.

He stated historically Sullivan Brothers relied on parking on Acushnet Avenue, Belleville Road or other adjacent roads. The proposal will create more formal parking on Belleville Road and additional parking with the Acushnet Avenue access. He stated he believes the result will be less on street requirement. He stated a curb cut will be added on the north side of the property facing Acushnet Avenue with eight parking stalls. He stated a van accessible handicap spot will be installed. He stated the proposal contains an additional parking facility with five parking stalls accessing onto Belleville.

Mr. Gioiosa stated the applicant is looking at creating pedestrian links between both streets, both buildings. He stated there will be sidewalk connections to both Belleville and Acushnet Avenue leading to the both parking facilities.

He stated the proposed changes reduce lot coverage and add green space, from zero presently to nearly 30%. Again, providing a significant improvement.

He stated new utility service is proposed directing waste water connections out to Belleville Road. In addition, there are three LED parking lot lighting fixtures proposed. Mr. Gioiosa explained their locations.

Mr. Gioiosa stated the applicant had done a landscaping plan adding three trees along Acushnet Avenue, three additional trees and additional landscaping near the dumpster pad, and adjacent plantings, shrubbery, and lawn area in the front of the site.

He again stated the proposal offers significant improvement to the site. Additionally, the applicant is creating onsite drainage control, which does not currently exist. The site currently is 100% impervious and absent catch basins, retention control, and recharge capability.

The applicant is proposing two deep sump catch basins located in each parking area. The basins will be directed into an onsite recharge system. He stated the catch basins will have water quality filters. The roof drainage will also be collected and inserted into the recharge system. The location of the recharge system was selected in consideration of existing old concrete.

Mr. Gioiosa stated the developer currently has no set tenant. He displayed architectural drawings. He stated both buildings are designed with very similar architecture.

He stated the project will rehabilitate a tired piece of land with significant improvements in green

space. He stated, as is typical, the applicant proposes reconstruction of the sidewalks, creating a ribbon system per DPI along Acushnet Avenue and Belleville Road.

Mr. Gioiosa stated there is a handicap parking stall in front of the site, coinciding with the proposed driveway. The applicant is looking to relocate this space a few feet to the east with new signage and stripping.

Improved landscaping, reduced lot coverage, improved drainage, new utilities, new structures and a significant investment in the city and significant improvement to an older commercial property. He invited questions from the board.

Mr. Duff inquired if the handicap space in the parking lot is to serve both buildings. Mr. Gioiosa indicated it was, and the current design brings them out of the passenger side and at the van accessible loading area, as opposed to circulating around the car.

Ms. Duff expressed a concern that someone could pull in from Belleville Road to visit Building #2 and not see provisions for a handicap space, and would them back out onto Bellville and see a handicap space for the resident to the west.

Ms. Maclean noted that any handicap spaces on the road are for anyone with a handicap plate. They do not belong to a certain address.

Ms. Duff asked if the required number of parking spaces had been met. The applicant responded affirmatively, and stated they have an additional spot with twelve required, the applicant providing thirteen.

Mr. Cruz inquired if the standards are met with both buildings sharing spots or if each building meets the standards. Mr. Gioiosa stated it is a single site/single owner. On this combined facility the parking meets both.

Mr. Cruz inquired if someone with a handicap van is able to pull in and unload with the configuration presented. Mr. Gioiosa responded affirmative. He stated that ADA code allows for the accessible spot to be on either side of the loading zone. He stated this more conventional plan has the spot on the left and loading on the right.

Mr. Cruz asked if the applicant had an anticipated use for the two buildings. Mr. Gioiosa stated they did not. Mr. Cruz asked if the applicant had considered delivery trucks in the parking lot design. Mr. Gioiosa stated due to the size of the two buildings, deliveries would be limited to a Fed-Ex truck size, not tractor trailers.

Ms. Dawicki confirmed that the applicant had received DPI comments. Mr. Gioiosa stated he had some confusion with DPI's request that seven trees be planted along the sidewalk ribbon strip. He stated the applicant is already showing six trees along the frontage. He stated three trees have been left on the applicant's property due to the concern about the narrow strip and the lifting of sidewalks. He stated they do not want to interfere with the handicap stall. He stated he believes seven trees would overwhelm the corner.

Ms. Dawicki noted that street trees stay with the city and trees on the developer's property could not exist in the next year. She stated the city has a new direction regarding street trees and they are planted in a way that does not require long-term maintenance. She stated her concern is to make sure the trees are there for time in memorial.

Mr. Gioiosa requested leaving the number of trees uncertain till a discussion with DPI to ensure code is met, but not overplanted.

Ms. Duff stated that typically they are spaced 20' from center. She stated she agreed with Mr. Gioiosa in this instance with the ideal location from curb cut being 8' to ensure root ball health. She felt a happy medium could be reached as long as the visual tree line continued.

In response to an inquiry from Ms. Dawicki with regard to fencing, Mr. Gioiosa stated there would be a 6' chain link fence with slat screening. He stated being adjacent to residential use in areas, the applicant is proposing a 6' stockade fence in those areas for screening from the commercial development.

Ms. Duff inquired about the whether the planting strip shown extends to the properties immediately north and west. Mr. Gioiosa responded affirmatively. He stated a handicap ramp is being constructed.

Ms. Duff confirmed that the sidewalk in front of the west residence is concrete all the way to Ashley Boulevard.

Mr. Glassman felt the applicant's planting of grass and trees definitely adds to the area.

Ms. Dawicki asked the applicant to expound on signage. Mr. Gioiosa stated there is a proposed pylon sign on the front of the site on the Acushnet Avenue side and the setback and size requirements are met. He stated the sign will contain both businesses. In response to Ms. Dawicki, Mr. Gioiosa stated there was a generic image showing dimensions. He stated it would be an interior illuminated sign.

In response to inquiry by Ms. Dawicki, Mr. Gioiosa affirmed there will be signs on the buildings as well. He stated the applicant has created dormers as an architectural feature, similar to the 177 Cove Street property and 776 Ashley Boulevard. He stated those too will be lit with internal illumination.

Ms. Duff confirmed that the sign would be double-sided.

Mr. Cruz confirmed that the sign would likely be divided into two panels if two separate tenants.

In response to Ms. Duff, Mr. Gioiosa stated the buildings would have clapboard siding and an asphalt shingled roof.

Ms. Dawicki stated the applicant seemed so confident about the outcome of this evening's meeting that the foundation is already set. Mr. Gioiosa stated there had been a number of starts and stops on the project. He stated originally the applicant was looking at renovation rather than a totally new project, and as such preserved some of the old foundation. He stated the building had a full basement which

they backfilled, and wanted it to sit for compaction. He stated the ultimately determined the buildings were not worth salvaging.

Mr. Panagakos addressed the board. He stated that when they started to take down the foundation, the lower section of foundation on the old building had different construction layers. He stated part of it was maintained in fear that removing it may have parts of Acushnet Avenue sliding into the site. He stated they filled it and compacted it more as a retaining wall.

Ms. Maclean asked if the applicant had any landscaping plan with regard to the wall facing Belleville Avenue. She confirmed that the sidewalk goes right up to the building. Mr. Gioiosa stated they had considered putting an entrance there to make it appear as the building front, but there was a grading issue. He stated again that the handicap loading and unloading is the applicant's basis for not installing another tree in that area. He stated the applicant will attempt to look into doing something in that area.

Mr. Gioiosa stated the plan calls for three LED light poles on the outside of the parking area shining in. Ms. Dawicki inquired with regard to building lights. Mr. Gioiosa stated there architect shows some lighting sconces, which have not been finalized, but are expected to be incorporated.

Ms. Duff asked if the residential building to the west of the property came all the way to the lot line. Mr. Gioiosa stated it was pulled back a little. He stated it was not on the property line and had a driveway separating the properties. He noted all the houses on Belleville are close to the street. He stated the logic of hugging the building on the lot line is that, as indicated, they were trying to preserve the line. He stated the alternative would not allow the parking as it is designed now and makes it a little more disguised into the site for a better aesthetic fit. Mr. Duff confirmed that was the portion of foundation that was kept. Ms. Duff agreed that the pulled back parking was better than out in front.

Ms. Maclean noted the applicant had included architectural detail to break up the appearance of the wall.

Mr. Cruz commented the plan looked good. He stated one question he had was the system going to serve all three parcels as one parcel. Mr. Gioiosa responded affirmatively. He stated that he believed the deed is a single parcel of land; though the assessors' show three separate parcels. Mr. Cruz addressed adding silk sacks in the street for construction. He noted the silk fence, but asked the applicant to add hay bales on the southeast corner of the lot for sedimentation. The applicant agreed.

Ms. Maclean suggested that, in light of DPI comments stating the parcels may be combined, the zoning enforcement officer or the building commissioner review it to ensure there is no harming to the grandfathering property rights.

Mr. Cruz noted that technically the small building and the parking lot sit on one parcel. The applicant agreed. Mr. Cruz stated that, if not combined, the applicant provide a different drainage system in anticipation of the possibility of any future sale of one parcel.

Ms. Maclean noted that you cannot make a preexisting non-conforming lot more non-conforming. Technically if the lot is sold off the back lot is not zoned appropriately. She again suggested leaving

the matter at the discretion of the Building Commissioner.

Ms. Dawicki affirmed that adopting DPI comments would capture the issue

Mr. Cruz asked if the applicant planned to add the extra curb cut with regard to the wheelchair ramp.

Mr. Gioiosa noted the southwest corner already has a handicap ramp. Mr. Cruz asked for another to facilitate movement and clarified the location with Mr. Gioiosa. Mr. Gioiosa stated they would seek clarification with DPI.

A motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.

There was no response to Ms. Dawicki's invitation to speak or be recorded in favor.

There was no response to Ms. Dawicki's invitation to speak or be recorded in opposition.

Ms. Dawicki suspended the public hearing.

Ms. Dawicki reviewed items the applicant needs to supplement. She then raised discussion on the hours of operation. She stated the applicant has proposed twenty-four hours. She noted the board, at its last meeting with the applicant on an unspecified use project at the Cove Street property, restricted the hours from 7:00am to 11:00 pm., along with a restriction on sign illumination from 9:00 am to 9:00pm. She clarified that on that project the decision was that once occupied, the planning staff would review restrictions.

Mr. Glassman agreed that he was not comfortable setting hours without knowing the use. He felt that like Cove Street, once there was a tenant, the matter could be reviewed.

Mr. Gioiosa stated that a limitation on hours presents difficulties with some tenants. He inquired that in the event a tenant is found where a twenty-four hour operation is a reasonable use for the property, how will that be treated. He asked if the applicant would have to come back before the planning board. He noted Mr. Panagakos has prospective tenants for Cove where the extension of hours of operation is an issue.

Mr. Gioiosa asked if there was a way to amend the restrictions once a tenant is found without having to redo the formal process.

Ms. Maclean stated that is the board's decision. She expressed that she was unsure that such an issue should be left to staff absent a public hearing. She felt abutters should have the right to address a twenty-four hour operation next to them. She stated she believed twenty-four hour operations is not something the city necessarily want in terms of its direction, citing the problems that exist with the few remaining.

Ms. Maclean stated, unlike signs, she did not believe the issue oh hours of operation should not be left to staff.

Mr. Cruz agreed.

In response to Ms. Dawicki, Ms. Maclean stated it would be a site plan modification and would require a public hearing and abutter notification, but would not require new plans. Ms. Maclean clarified her

concern with regard to a mixed use residential area as opposed to an industrial area.

Ms. Duff agreed.

Mr. Panagakos addressed the board. He stated as a developer that building will not be built with those hour restrictions, as he can't get a tenant. He stated no one would put a million dollars in a property and then chases a tenant who cannot live with those hours. He stated he can't put a restaurant or convenience store in. He stated without lifting those hours, Cove Road will remain the way it is as well as this property. He stated it is not a doable thing. He stated after building a building they chase a tenant, and he cannot talk to a tenant and say these are the hours you can be open. A business that wants to stay open till one or two o'clock in the morning will have to come back to the board, and at that point they walk. He stated he had been in the business for forty years and it just doesn't work that way.

Mr. Panagakos stated he had very few twenty-four hour tenants even on properties that can be twenty-four hours. He stated most twenty-four hour tenants are convenience stores, although even Subway is pushing breakfast. He stated you can't tell a tenant they can't get in till nine o'clock in the morning. He stated the board needed to be realistic, as it was a limited market that will service the population in the area. Mr. Panagakos stated he does not take pawn shops, cash checking or tattoo businesses. He stated his leases call for tenants to not create neighborhood problems. He stated his tenants rent the building and are allowed to use common areas, allowing him to make the rules and regulations for common area spaces, preventing problems. He stated his girlfriend has both a yoga studio and spin class with classes starting at 5:00 a.m.

Ms. Dawicki noted that a tenant wishing to have 5:00am classes would simply mean coming before the board to modify the site plan.

Mr. Panagakos stated it was not that easy. He stated first he must get a tenant with a letter of intent. Then the lease must be agreed to. This costs the developer and the tenant money which they are not willing to spend when there is no guarantee. They will instead go to a site where they don't have to have that.

Mr. Glassman stated the board could not give the twenty-four hours and asked Mr. Panagakos what he could live with.

Mr. Panagakos stated he would like to see 6:00 in the morning. He stated though he did not have many, if a restaurant wanted to have a late night business and has no problems, it is allowed. He stated the Route 18 Dunkin Donuts has a twenty-four hour license and has never had a problem, and it closes at eleven o'clock with the drive-thru sometimes open till 2:00a.m.

Mr. Panagakos said his theory is that nothing good happens after midnight. He stated that's how he runs his life and picks his tenants. He stated he believes most tenants could live with midnight to five. He stated a Cove Road convenience store would be at a disadvantage with a nearby 7-eleven that has twenty-four hours. He stated he is into the Acushnet Avenue site for approximately \$450,000. He stated it will cost another half million dollars to develop the site. He stated after investing nearly one million dollars and chasing a tenant, the chances of getting a return on that site is slim to none. He

stated they were the first to clean up Coggeshall Street. He stated they will make the area look good and will put the right tenants in which will bring more business. He stated they have, in the past few years, invested in properties in areas that need investment.

Mr. Cruz expressed that the board is not trying to restrict tenants, but merely protect both sides; the developer and the residents. Mr. Cruz acknowledged that he understood it may be tough to sell.

Mr. Panagakos stated it was not tough, it was impossible. He suggested the board look at his track record with police and abutters, as they will find it spotless. He stated he works with his abutters and addresses complaints immediately. He stated he is in six or seven different communities and has not a single problem with any abutters and elaborated on the work he has done.

Ms. Dawicki thanked the petitioner for sharing and asked him to bear in mind that the board must also consider and balance what could happen in the event that this petitioner were no longer the property owner.

Mr. Panagakos stated he has never sold a piece of commercial real estate and cannot imagine he will.

Mr. Glassman stated he has always been pro-business and wants to see businesses succeed, and that is one reason he serves on the board. He expressed that he felt the board should grant the petitioner a little more on the hours, perhaps 6:00 a.m. to midnight.

Ms. Dawicki noted the Cove Street property hours were 7:00 a.m. to 11:00 p.m.

Mr. Glassman stated that too late for a restaurant.

Ms. Dawicki noted the Cumberland on Hathaway Road also sought a twenty-four hour operation, and the board granted 5:00 a.m. to midnight. She felt that example also had residential on two sides.

Mr. Glassman suggested giving this petitioner the same.

Ms. Dawicki felt that was reasonable. She asked the board what their wish was for sign illuminations hours while unoccupied. There was discussion centering on other cases where the hours were 9:00 a.m. to 9:00 p.m.

Ms. Maclean suggested allowing signs to be turned on at the start of business and shut off a half hour after closing, thereby avoiding another appearance before the board on the sign illumination issue.

Ms. Dawicki noted that the limitation was so that the sign would not be illuminated while they building was absent a tenant.

Ms. Duff agreed that the 9:00 a.m. – 9:00 p.m. hours were appropriate while there is no tenant.

In response to a question from Mr. Glassman, Ms. Dawicki stated that there is no research showing that lighting improves safety. Mr. Glassman felt a dark parking lot might encourage people to hang out.

Ms. Dawicki and the board reviewed the contents and conditions of any motion.

Ms. Duff raised the issue that regulations do not allow for roof signage.

Mr. Gioiosa stated the applicant would defer to the building commissioner and inspectional services for interpretation. He stated they will not look for a variance to allow signs on the roof

Ms. Dawicki asked Ms. Maclean about whether the sign ordinance would address the definition of a roof as it appears to be a gray area at present. Ms. Maclean stated she did not recall and would make a note.

Ms. Duff confirmed with Ms. Maclean that any double sign would still meet the sign code.

A motion was made (KD) and seconded (AG) to close the public hearing. Motion passed unopposed.

A motion was made (KD) and seconded (AG) to approve the request for site plan review for the property located at 1771 Acushnet Avenue (Map 108, Lot 43) to be developed into a commercial property with the following stipulations: that the applicant's negotiate with DPI regarding the number of street trees to be planted along Acushnet Avenue and Belleville Road regarding the 7 proposed by DPI and the 3 setback onto the applicant's property; that the applicant agree to add the building height onto the drawing elevations; that the applicant agree to the hours of operation from 5:00 a.m. to midnight; and that the applicant agree to the lighting of the sign while the project is not occupied but being advertised from 9:00 a.m. to 9:00 pm., and once occupied by a tenant to be during hours of operation with the turning off of the sign one half hour after the close of business; and that the applicant agree to add silk sacks and the Belleville Road and Acushnet Avenue streets; and that the applicant agree to add silk fence and straw bales along the south and easterly edges of the site for erosion control.

Motion was unopposed and passed 4-0.

Ms. Dawicki suggested Mr. Panagakos speak with Ms. Maclean on the Cove Road property regarding the possible waiver of application fees should he need to come back to the board for modification of the site plan regarding hours of operation, leaving the applicant only the financial responsibility of notifying abutters.

A motion was made (KD) and seconded (PC) to waive the application fees for 177 Cove Road. Motion was unopposed and passed 4-0.

CASE #14-15 – Sidewalk Café Permit

Ana Lourenco of 58 Reservoir Road, Acushnet addressed the board. She stated she is proposing a 30' x 10' sidewalk café with ten tables in the front of the building.

Ms. Dawicki reminded the board that images were available on their tablets.

Ms. Duff confirmed that this would be on the newly expanded sidewalks along the area.