



PLANNING BOARD
 City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
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CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2016 MAR 23 A 8:34
 CITY CLERK

NOTICE OF DECISION

Case Number: 07-16				
Request Type: Site Plan Approval				
Address: ES Acushnet Ave				
Zoning: Mixed Use Business (MUB)				
Recorded Owner: Kevin Welch				
Applicant: Kevin Welch				
Applicant Address: P.O. Box 413 Whitman, MA				
Application Submittal Date		Public Hearing Date		Decision Date
February 12, 2016		March 9, 2016		March 23, 2016
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
93	68	10172	250	

Application: **Case 07-16** Request for Site Plan approval for a 4,547+/- SF commercial parking lot located at the east side of Acushnet Avenue (Map 93, Lot 68), in the Mixed Use Business (MUB) zoning district.

Action: GRANTED, WITH THE FOLLOWING CONDITIONS:

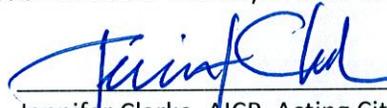
1. The applicant is to provide legal documentation of the said designated "right of passage" right-of-way.
2. Scale and location of the "right of passage" right-of-way is to be dimensioned and shown on the final, revised site plan.
3. The applicant's engineer is to provide documentation for calculations of the capacity of the proposed drainage trench along the eastern edge of the proposed parking area for review and approval by planning staff.
4. The applicant's engineer is to provide a solution, to be approved by the planning staff, for a protective barrier (such as curb stops, bollards or similar) to protect the existing building from vehicles along the southern edge of the parking area.
5. The applicant is to make all changes and corrections to case submittal documents as described by the planning staff, as noted in the Planning Staff Comment report.
6. The applicant is to accommodate all comments, as noted in the Planning Staff Comment report, particularly in regard to the timely completion of repairs and repaving of the parking area on their final plans.

7. The applicant is to review plans with, and subsequently receive the approval of planning staff for the excavation, installation and planting of a small, triangulated landscape area along Acushnet Avenue between the proposed parking area and the public sidewalk. This element of the landscape design plan is to be illustrated and noted on the revised final plan.
8. The applicant is to properly designate with appropriate signage the ADA compliant parking space proposed at the eastern side of the parking lot.
9. The applicant is to properly designate with appropriate signage the "No Parking" area to identify the "right of passage" related to the abutter's rights to have access throughout the "right of passage."
10. The city planner shall review and approve of lighting for the site to ensure safety and appropriate coverage that does not spillover into adjacent residential areas.
11. The Department of Inspectional Services will enforce the integration of the buffer zone landscape area, with plantings subject to approval of planning staff.
12. The applicant will clearly mark the area of the parking lot that is a restricted No Parking zone.
13. The applicant shall ensure the timely and proper repair and repaving of the parking lot as proposed.

A copy of this Decision was filed with the City Clerk of the City of New Bedford on March 23, 2016. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

3.23.16

Date



Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

The petitioner submitted an application for SITE PLAN APPROVAL under Chapter 9 Comprehensive Zoning, Section 5400, relative to property listed above located in a Mixed Use Business (MUB) zoning district.

The applicant intends to stripe the parking lot to serve seven (7) standard vehicles and one (1) compact size vehicle for a total of eight (8) parking spaces with associated screening and landscaping under Section 3300. It appears vehicles will be laid out so all autos may enter Acushnet Avenue facing the street.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal is shown as the Proposed Parking Lot for Kevin Welch at ES Acushnet Avenue in New Bedford, MA, dated 02.12.2015 as revised thru 03.03.2016, and prepared by Comprehensive Design-Build Services, P.O. Box 578, West Wareham, MA 02576 consisting of four (4) plan sheets:

1. Cover Sheet C0.1
2. Existing Conditions Site Plan C1.1

3. Proposed Site Plan C1.2
4. Planting Details and Notes LS1.0

Other Documents and Supporting Materials

5. Staff Review Comments with Attachments:
 - 1-A - Deed Bristol County (S.D) Registry of Deeds Book 10172, Page 250
 - 1-B – Plan Land Drawn for Antonio Perreira dated Feb. 10, 1987
 - Narrative
 - Plan Set
 - Waiver Requests
 - Photos
 - Site Plan Review Application
 - Zoning Sketch Plan drawn by Ricardo J. Romao-Santos of 1118 Acushnet Avenue, New Bedford, MA dated March 9, 2016

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the evening of the discussion.

Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during the proceedings for the subject case review.

Agent for the applicant Armando Pereira of Comprehensive Design-Build Service, attorney for the applicant, Michael Medeiros, and applicant /owner Kevin Welch described the plan, encumbrances, and objective of the project for the Planning Board. The applicant proposed a plan to stripe the parking lot to serve seven (7) standard vehicles and one (1) compact size vehicle for a total of eight (8) commercial parking spaces on a site that is encumbered by a “right of passage”, or right-of-way, of undetermined, dedicated metes and bounds.

Joseph Kaufmann, local building inspector from the City of New Bedford Department of Inspectional Services stated for the Planning Board that the Department of Inspectional Services wanted to ensure that all parties might dutifully follow the required process for approval of a commercial parking lot under the city ordinance.

Discussion ensued regarding the applicant’s request for waivers, illumination of the lot for safety reasons, design of landscaping and screening that provided a buffer for residents from a commercial use, parking space allotment and circulation, ADA parking compliance, installation of No Parking signage to ensure protection of the “right of passage”, or right-of-way, drainage plan for mitigation of storm water flow at the site and installation of French drain, installation of car curb stops for safety reasons, and snow storage area.

Chairperson Dawicki asked for a motion to open the public hearing. Board Member K. Duff moved the motion, seconded by Board Member Glassman, which carried unanimously Five (5) to Zero (0).

Speaking in favor of the project were Christopher Sheldon, owner of Southern Light Solar, and Kevin Welch. Ricardo Santos, architect and direct abutter south of the site, provided a plan, accepted into the

record by a motion by Board Member P. Cruz and seconded by Board Member K. Duff (5-0), outlining what he indicated was constructive criticism for improvements to the applicant's proposed site plan.

No member of the public body asked to be recorded in favor of the proposal.

No member of the public body asked to speak or be recorded in opposition of the proposal.

Chairman Dawicki suspended the public hearing and applicants were asked to respond to Mr. Santos comments. Following consideration of the applicant's response made by applicant and his respective agents regarding landscaping, parking layout, curb stops, lighting, location of chain link fence at the property line, easement, area of prohibited parking, and ingress and egress to Mr. Santos' dwelling unit, points of clarification were made by the Planning Board. For the record, Chair Dawicki noted the following:

1. The Department of Inspectional Services will enforce the integration of the buffer zone landscape area, with plantings subject to approval of planning staff.
2. The applicant will clearly mark the area of the parking lot that is a restricted "No Parking" zone.
3. The applicant and abutter [Mr. Santos] were advised to reach an amicable agreement outside of the Planning Board meeting, as several issues of concern were beyond the purview of the Planning Board's jurisdiction.

Hearing no further questions or comments, the motion was moved to close the public hearing by Board Member K. Duff, seconded by Board Member A. Glassman. Motion carried unanimously Five (5) to Zero (0).

4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

1. The applicant is to provide legal documentation of the said designated "right of passage" right-of-way.
2. Scale and location of the "right of passage" right-of-way is to be dimensioned and shown on the final, revised site plan.
3. The applicant's engineer is to provide documentation for calculations of the capacity of the proposed drainage trench along the eastern edge of the proposed parking area for review and approval by planning staff.
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12. The applicant will clearly mark the area of the parking lot that is a restricted No Parking zone.
13. The applicant shall ensure the timely and proper repair and repaving of the parking lot as proposed.

5) DECISION

Board Member K. Duff made the motion to approve Site Plan 07-16, with conditions and waivers as stated above, for approval of a commercial parking lot, located at the east side of Acushnet Avenue (Map 93, Lot 68), in the Mixed Use Business (MUB) zoning district; seconded by Board Member A. Glassman. Motion carried Five (5) to Zero (0).

NOTE: Said motion and subsequent vote was made with the implicit understanding by the Board that waivers from several sections of the Zoning Code relative to the submittal/technical requirements of Section 5430 and 5440 were so granted given the inapplicability of those sections.

Filed with the City Clerk on:

3.23.16
Date



Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board