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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

July 15, 2016

Case # 4237: **SPECIAL PERMIT**
811 Mount Pleasant Street
Map: 123A, Lot:81

Owner: Hardy Family Nominee Trust,
Arthur J. Hardy, Jr., and
Norma M. Hardy, Trustee
74 Apple Tree Lane New Bedford, MA

Applicant: David Costa
157 Gammons Road Acushnet, MA



Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a **Mixed Use Business [MUB]** zoning district. The petitioner proposes to operate a chiropractic office at the property listed above. The proposed use as a chiropractic office is considered a medical office, center, or clinic under the zoning code and therefore requires a Special Permit.

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a.) social, economic, or community needs which are served by the proposal;
- b.) traffic flow and safety, including parking and loading;
- c.) adequacy of utilities and other public services;
- d.) neighborhood character and social structures;
- e.) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Existing Conditions: The 3,397+ sq. ft. corner lot is located in the north end of the city along a mixed commercial and residential corridor on Mt. Pleasant Street, between King's Highway and Sacred Heart Cemetery. It has 42.45' frontage on Mt. Pleasant Street and 80' depth along Haskell Street. The property has a 34' x 29' office building, with attached wheelchair ramp, and five parking spaces located in the rear. The property is currently used as an insurance

office. The neighborhood has a daycare facility to the north, commercial warehouse businesses to the east, and residential properties directly abutting on the south side and in the rear.

Proposal: The petitioner proposes to change the use at the property to a chiropractic office. The petitioner's application states no physical or structural changes are proposed. The proposed chiropractic office would be a satellite office location for the practice, the main office of which is currently located in Wareham. This satellite office is expected to have 10 customers per day, be open three days per week, and have two employees. The days and hours of operation are proposed as being: Tuesday 10am-3pm, Thursday 1pm-6pm, and Saturday 9am-12pm.

In regards to the criteria necessary to grant the special permit the applicant states, "As a chiropractic office, we would provide services to the surrounding area as there are no other chiropractic offices in the area. Traffic flow and safety will not be affected because there is off-street parking (5 spaces), which is more than enough for our satellite office location. Our main office is in Wareham. No more than 2 patients scheduled simultaneously. The property is serviced by all required utilities both private and public including water and sewer. Mt. Pleasant Street is lined with numerous small and larger businesses and I believe our office and its services will fit right in while also addressing a need there. There will be no impact on the natural environments as there will be no changes to the exterior or its surroundings. There will be no negative impact on city services and such as I am just re-locating a chiropractic business that not had any of those issues in prior years at other locations."

For Board Member Consideration: The board may wish to consider that the proposed use as a satellite chiropractic office provides a medical service to the community and maintains a commercial use and tax value on the property. This petition has the five parking spaces required for a medical office of this scale at this property. The parking may be a concern for the residential properties abutting the property in the rear; however it is an existing condition.

As a satellite office with two employees and part-time hours, the expected traffic intensity at the site will likely be similar or less than the previous use in this regard.



811 Mount Pleasant Street Map: 123A, Lot: 81

NOTE: Property line is approximate; for discussion purposes, only.

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Imagery Date: 5/6/2015 41°40'21.16" N 70°56'42.38" W elev 92 ft eye alt 1273 ft