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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

July 15, 2016

Case # 4240: SPECIAL PERMIT
2883 Acushnet Avenue
Map: 130B, Lot: 244

Owner: Evelyn F. Carvalho Realty Trust
Evelyn F. Carvalho, Trustee
232 Lawrence Street
New Bedford, MA 02745

Applicants: Candice Rego
140 Sherman Street
South Dartmouth, MA 02748

Steven Costa
44 Wing Road
Acushnet, MA 02743



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 petitioners propose to add permanent make-up and body art to the existing hair and nail salon, Candi's Corner, at the property listed above. The additional proposed use requires a special permit for body art.

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.

Additionally, a recently adopted city ordinance sets forth specific regulations for all body art establishments. Those regulations include:

- A body art establishment shall not operate between 10pm-10am.
- Body art establishments shall not be located within a 200 foot radius of a school, child care facility, or church; or within 1000 foot radius of another body art establishment.
- Body art that requires the exposure of a person's genitals, public area, buttocks or breasts of the female shall be completely and appropriately screened in a manner that prevents any visual access to any person situated at the exterior of the establishment or to any persons on the interior who has not explicitly consented to visual access prior to acquiring such visual access.

Existing Conditions: This north end 11,961± sq. ft. corner lot is located on the east side of Acushnet Avenue where Ashley Boulevard and Acushnet Avenue converge just south of Trucchi's Supermarket. The property has a 6,842± sq. ft. commercial building with three businesses sharing a total of 22 parking spaces.

Candi's Corner Salon is in the middle of the plaza between Pine Grove Dry Cleaners and Hong Kong Restaurant. The 1,000± sq.ft. salon has three (3) employees serves 8-10 customers per day, and is open Monday-Saturday 9am-9pm.

The mixed use neighborhood is residential to the south side and rear of the plaza while an auto repair shop with gas station is located to the north of the property, and a pizza restaurant is west across the avenue.

Proposal: The petitioners seek to add permanent make-up and body art services to the existing hair and nail salon. The proposed services will begin by adding one tattoo artist employee to the salon, with the intention of expanding to three (a second artist and an apprentice). The service is described as bringing in 2-4 additional customers per day to the salon thereby bringing the salon total to 12-14 customers per day. The proposed hours of operation for the body art establishing will be the same as the existing salon, Monday-Saturday 9am-9pm. The permanent make-up and body art services will be provided in a private room (6' 6"x 13'2") located in the back of the salon. Plans submitted show the private room has a sink and a storage area accessible only from within the room.

In regards to the criteria necessary to grant the special permit, the application describes the social, economic, or community needs served by the proposal as providing nipple areola reconstruction tattoos for breast cancer survivors, eyebrows for women who experience hair loss, and other medical conditions. The petitioner also indicates the business will have fundraisers and collections for art supplies for schools, holidays, cancer/MS/autism awareness/relay for life, and sponsor local your sports and recreation.

The service is described as employing up to two additional employees and bringing clientele to spend money at the surrounding businesses. The petition states the 2 to 4 clients a day will cause no hindrance for local traffic or parking. All supplies will be delivered either by using the existing services used by the salon or items will be shipped to the home of the petitioner as to not increase traffic or reduce available parking. The applicant notes all sharps will be picked up by a contracted third party. The application describes the surrounding neighborhood as commercial.

In regards to the criteria necessary for body art establishments, the petitioner states, "this location is outside of a 200 ft. radius of any school or church property and outside of a 1000 ft. radius of any other body art establishment." Also, "the permanent makeup and body art will be screened from the public viewing do to all procedures will be done in a private room located in the back of the salon".

For Board Member Consideration: The location meets the radius requirements and visual screening requirements. Permanent make-up and body art services shall not be performed between the hours of 10pm-10am, therefore, the proposed hours of 9am-9pm are in violation, and should be clarified with the petitioners. The salon hair and nail services may be provided outside of the restriction for the permanent make-up and body art services. If granted, the board may wish to specify the different hours for the services in the conditions.



2883 Acushnet Avenue Map: 130B, Lot: 244

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

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Google earth

41°41'53.70"N 70°56'07.95"W elev 103 ft eye alt 1581 ft