



City of New Bedford Department of City Planning

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MAYOR
JON MITCHELL
PLANNING DIRECTOR
TABITHA HARKIN

PLANNING BOARD

STAFF REPORT

REPORT DATE
November 3, 2020

PLANNING BOARD MEETING
November 4, 2020

Case #20-29: SITE PLAN REVIEW
Case #20-30: SPECIAL PERMIT
130 Summer Street &
130 ½ Summer Street
Map: 58 Lots: 150,
Map: 58 Lots: 546
(formerly 151, & 477)

Owner/ Kevin Welch
Applicant: 283 Sawyer Street
New Bedford, MA 02746

Agent: Grady Consulting, LLC
71 Evergreen Street, Suite 1
Kingston, MA 02364



130 & 130 ½ Summer Street

Overview

Request by applicant for a **Site Plan Review (Case #20-29)** for the reconfiguration of a property line to create space for and to construct a new driveway for a 3 unit residential structure; and a **Special Permit (Case 20-30)** for the reduction of parking spaces required for a 3 unit residential structure; located at **130 & 130 1/2 Summer Street** (Map: 58 Lot: 150, 151, & 477 (546)) on a 3,647 SF lot in a Residential B (RB) zoned district.

Notes:

The project also requires a Variance from the Zoning Board of Appeals for not meeting several dimensional requirements. The variance applications will be heard on November 12, 2020 over Zoom.



130 ½ Summer Street

Both properties are held in common ownership. The current lot configuration was the result of an 81L plan previously recorded. An 81L plan allows an existing nonconforming property, with more than one structure on the lot, to be divided so that each structure may be located on its own lot without meeting the current zoning requirements. The 81L process may only be done once. Therefore, the current proposal, which proposes to change the lot lines once more, requires the variance relief from the Zoning Board of Appeals and relevant permits from the Planning Board.

Existing Conditions

The project site is located on the east side of Summer Street on the block between Hillman Street (to the south) and Maxfield Street (to the north). The property is currently comprised of two parcels/addresses 130 Summer Street and 130 ½ Summer Street. Combined the parcels are 8,579 SF in area with 64'± of frontage on Summer Street and a depth of 133'±.

At the front of the site is a 3-family residential structure (130 Summer Street) and a single-family residential structure (130 ½ Summer Street) is located in the rear. Various fencing is already existing on site. However, the current locations of the fencing does not match the property lines for these lots. The current proposal is requested to make the formal property lines match the fencing layout that has been installed on site. The rear lot (130 ½ Summer Street) is surrounded by various fencing making it flag shaped. There is low chain-link fencing along the north property line, six-foot-tall wooden fencing in the rear (west) and along a portion of the south most property line. Hedges complete the south property line to the street. In the approximate middle of the combined site a six-foot vinyl fence was installed to enclose the proposed parking area for the three family dwelling as shown on plans submitted. The area proposed for the three-family parking is currently grass.



**130 Summer Street
Location of proposed driveway**

A 13' wide driveway opening along the frontage leads to a two-space parking area located in the rear southwest corner of the site for the single-family dwelling (130 ½ Summer Street). Loose stone has already been poured in this area. A built structure landscape bed and concrete stairway separates the parking area from the house which is located at a lower elevation.

The surrounding neighborhood on Summer Street consists of multifamily residential properties. Directly abutting in the rear of the site is Dillon's Restaurant.

Proposed Conditions

The applicant proposes to reconfigure the existing lot line to match the installed fence line and to provide

parking for both dwellings. The proposed lot lines are as shown on plans submitted. The proposal allows for a parking area to accommodate four (4) vehicles directly adjacent to the 3-family structure (130 Summer Street); and provides a 13' wide



**Location of vinyl fence along proposed new property line and
stone driveway entrance to 130 ½ Summer Street**

driveway to access a parking area adjacent to the rear single family dwelling (130 ½ Summer Street). The single-family driveway is already existing.

No changes are proposed to the structures on site.

Site Plan Review and Special Permit are required due to the changes proposed for the three-family dwelling. The single-family dwelling and related parking do not meet the threshold for Planning Board review except for the lot line change as a result of the proposal.

Therefore, the proposal includes the creation of a paved parking area to accommodate 4 parking spaces for the three-family residential structure. The parking area is to be surrounded by a six-foot tall vinyl stockade fence and the applicant proposes planting 12 Emerald Green Arborvitae as a screening and landscape buffer.



Parking & Loading

The proposal for the 3-family dwelling does not meet the parking requirements and therefore requires a parking reduction. Under ordinance the 3-family dwelling is required to have six (6) parking space, 2 per dwelling unit. The applicant proposed 4 parking spaces. Therefore, the applicant request a reduction of 2 parking spaces.

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Dwelling	Two (2) spaces per dwelling unit	One (1) loading space for each multifamily dwelling containing more than ten (10) dwelling units, or more than twenty (20) housekeeping units
Parking Calculations		
6 parking spaces (2 per residential unit)		0 Loading space(s)
6 Total parking spaces required		0 Loading space(s) required
Proposed Parking		
4 Total parking spaces proposed		0 Loading space proposed

Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

Comments were not received as of the publication of this report; any comments received will be made available at the public meeting.

Master Plan Goal

The proposal is consistent with the master plan’s goal to encourage and maintain a wide range of housing types throughout the city that reflects the historic and cultural character of each area by supporting development that provides for households of all income levels.

Materials for Consideration

The engineered plan submission is shown as “Site Plan Assessors Map 58 Lots 150 and 546 #130 and 130 ½ Summer Street New Bedford, Massachusetts” dated October 2, 2020. Plans were prepared by Grady Consulting, LLC., in Kingston, MA and stamped by Douglas Bailey, PLS and Darren M. Grady, PE. The plan set consists of the following sheets:

- Sheet 1 Cover Sheet
- Sheet 2 Existing Conditions
- Sheet 3 Existing Conditions Color-Up

Site Plan Criteria

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets a number of objectives identified in Section 5470 of the City’s (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
 - Minimize cut/fill volumes, removal of 6” caliper trees and larger, removal of stone walls, displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
 - Maximize pedestrian/vehicular safety to/from the site;
 - Minimize the obstruction of scenic views from publicly accessible locations;
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
 - Minimize glare from vehicle headlights and lighting fixtures;
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
 - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances;
 - Ensure compliance with the Zoning Ordinance;
 - Minimize damage to existing adjacent public ways;
 - Promote orderly and reasonable internal circulation within the site so as to protect public safety.

Special Permit Criteria

Per zoning ordinance section 3120 the board may reduce any parking or loading requirement if, the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

- **Use of a common parking lot for separate uses having peak demands occurring at different times;**
- **Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;**
- **Peculiarities of the use which make usual measures of demand invalid;**
- **Availability of on-street parking or parking at nearby municipally owned facilities.**
- **Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.**

Additionally, under section 5300 of the zoning ordinance the Board must take into account the characteristics of the site and of the proposal in relation to that site, the determination shall include consideration of each of the following:

- **Social, economic, or community needs which are served by the proposal.**
- **Traffic flow and safety, including parking and loading.**
- **Adequacy of utilities and other public services.**
- **Neighborhood character and social structures.**
- **Impacts on the natural environment**



Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan/special permit for the project:

- That the following general conditions also be applied to this decision:
 1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
 2. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
 3. The applicant shall submit final plan revisions to the Department of City Planning in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
 4. The applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
 5. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning Case file folder.
 6. The applicant shall present any proposed modification from the approved plans for consideration to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review.
 7. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2020/>

Staff Report prepared by: Jennifer Carloni, Senior Planner

130 & 130 ½ Summer Street (Map: 150 Map: 58 Lots: 150 & 546)

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.



130 & 130 ½ Summer Street (Map: 150 Map: 58 Lots: 150 & 546)

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