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City of New Bedford Department of City Planning

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PLANNING BOARD

STAFF REPORT

REPORT DATE
March 30, 2022

MEETING DATE
April 13, 2022

Case #22-15: Special Permit
NS Rivet Street – ES
Hyacinth Street
Map: 30 Lot: 231, 233,
235
**Owner/
Applicant:** NorthStar Learning
Centers, Inc.
53 Linden Street
New Bedford, MA 02740
Zoning District: Residential C (RC)
Site Area: 32,547± square feet
Overview: Request by applicant for a
Special Permit for a
parking reduction for a
proposed childcare center
with community space



Proposed site for childcare center and community space.
Looking north from Rivet Street.

Existing Conditions

The project site is located on an undeveloped corner lot at Rivet Street and Hyacinth Street. Multifamily residences abut to the north and west. A residential program and multifamily homes abut to the east. An auto sales business and multifamily residences abut to the south. Goulart Square and Ashley Park are further west. The County Street corridor is further east.

The site has 262± feet of frontage on Hyacinth Street. On-street parking is allowed. Off-street parking is available at most of the abutting properties on Hyacinth Street.

The site has 151± feet of frontage on Rivet Street. On-street parking along Rivet Street is allowed with restrictions. There is no parking allowed along the project site's frontage on either side of Rivet Street. There is a curb cut at the approximate midpoint of the project site's frontage on Rivet Street. There is a bus stop nearby at the corner of County Street and Rivet Street.

The surrounding neighborhood is predominantly residential, multifamily housing with some mixed-use housing properties. Local businesses exist along Rivet Street and at Goulart Square, and along County Street. Ashley Park is four blocks west of the project site. There are several churches in the neighborhood and a bank nearby.

Related Permitting

The Department of Public Infrastructure requires stormwater management.

Decision Criteria

The applicant is requesting a Special Permit and has petitioned for exemption from a full Site Plan Review under the Dover Amendment, MGL Chapter 40A Section 3. The ordinance provides the Board the following criteria for reaching a decision.

Special Permit Criteria for Parking Reduction

When deciding on the Special Permit for a parking reduction, the Board must consider the requirements outlined in Section 3120 of the City's Zoning Ordinance (c.9):

- Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board 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

Proposed Conditions

The applicant proposes to construct a childcare and educational facility with community space. A parking lot is also proposed. Additional site improvements include stormwater mitigation as required by the Department of Public Infrastructure.

Staff Review

The table below outlines the proposed site changes and highlights items for discussion and the Board's consideration.

Parking	- Parking is proposed at the side of the proposed building, along Hyacinth Street. - Thirty-eight (38) parking spaces are required by the ordinance. Proposed plans indicate twenty (20) spaces will be provided. The applicant is requesting a Special Permit for a parking reduction of eighteen (18) parking spaces. - The project narrative indicates four (4) parking spaces will be designated for drop-off/pick-up The Board may wish to clarify with the applicant how these spaces will be used and appropriately condition the parking reduction to the number of available parking spaces provided. - A six-stall bicycle rack with concrete pad is proposed adjacent to the southeast corner of the parking lot. - A marked loading space is proposed at the southeast corner of the parking lot.
Landscaping & Site Features	- The applicant proposes a new, two-story building with an 8330 square-foot footprint at the southwest corner of the project site. The applicant estimates the building will occupy 25% of the project site area. - The applicant proposes to close the curb cut on Rivet Street, south of the project site. This requires work in the public right of way. The Board may wish to condition the applicant coordinate with the Department of Public Infrastructure to close the curb cut. - One parking lot is proposed at the northwest of the site, directly north of the proposed building. - Two separate play areas are proposed at the southeast corner of the project site behind the proposed building and at the northeast corner of the site behind the proposed parking lot. - Cement concrete sidewalks are proposed along the building and play areas. Plans show a sidewalk separating the northeast play area from the parking lot. The Board may wish to discuss screening between the parking area and the play area with the applicant.
Circulation	- Vehicles will enter the parking lot at the proposed curb cut next to the building on Hyacinth Street. - Vehicles will circulate one-way to the north to exit from the proposed north curb cut.
Traffic/Transit	- The applicant estimates peak drop-off hours between 6:30 AM – 9:00 AM. Additionally, the applicant indicates two buses for drop off and for pick up. - The project narrative indicates van and bus drop-off/pick-up is proposed in front of the building on Hyacinth Street. - There is no parking allowed along the north side of Rivet Street. There is restricted parking for street sweeping along Rivet Street twice a month.

	• There is a fire hydrant on Hyacinth Street near Rivet Street. Designated handicap parking exists on the west side of Hyacinth Street near Rivet Street. • The project site is readily accessible by public transportation.
Operations	• Proposed hours of operation are 5:30 AM to 9:00 PM, Monday – Friday. The childcare facility will operate from 5:30 AM to 5:30 PM. • Deliveries are estimated to occur weekly between 10:00 AM and 12:00 PM. • The facility will serve approximately 134 clients daily. • The applicant estimates they will have 35 employees. The Board may wish to consider the impacts on neighborhood on-street parking and discuss this with the applicant.
Snow Storage	• Snow storage is not indicated on proposed plans. The Board may wish to discuss snow storage and/or removal with the applicant.
Waste Receptables	• A concrete pad for a dumpster and recycling receptacle is proposed for the northeast corner of the parking lot. The Board may wish to discuss screening the dumpster and recycling area with the applicant.
Lighting	• Lighting is proposed over the parking lot area at the south, east, and west of the parking lot. The Board may wish to discuss parking lot lighting with the applicant and condition the parking lot be illuminated no earlier than one hour prior to opening and no later than one hour after closing.
Master Plan	• The proposal is consistent with the Master Plan in that it provides access to innovative educational opportunities for students, families, and adults, and communicates a positive message for economic growth opportunities in the area.

Interdepartmental 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.

At the time of writing this report, no departmental memos have been received.

Site Photos



Northerly extent and abutters to the east.
Looking east from Hyacinth Street.



Project site and abutters to the south and southeast.
Looking southeast from Hyacinth Street.



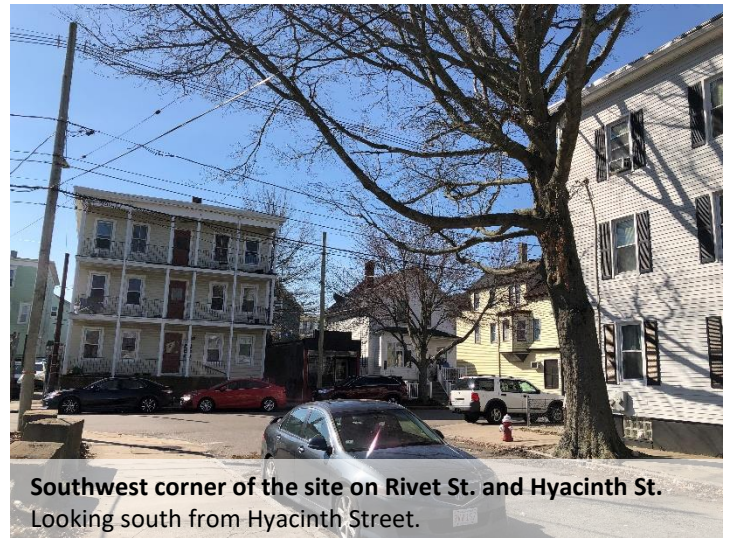
Westerly extent and proposed location of parking lot cuts.
Looking north from corner of Rivet Street and Hyacinth Street



Southerly extent and curb cut to be removed.
Looking west from abutting driveway on Rivet Street.



Southeast corner of the site.
Looking northwest from Rivet Street.



Southwest corner of the site on Rivet St. and Hyacinth St.
Looking south from Hyacinth Street.



Rivet Street parking restrictions.
Looking west from Rivet Street.

Materials for Consideration

The engineered plan submission is shown as “NEW CONSTRUCTION OF NORTHSTAR CHILD CARE CENTER – Rivet Street New Bedford MA” dated 3/4/22, and prepared by DeVellis Zrein, Inc. of Foxborough, MA. The plans are stamped by Imad A. Zrein, PE. The plan set consists of the following sheets:

- Sheet C-1 LAYOUT AND MATERIALS PLAN

The existing conditions plan submission is shown as “EXISTING CONDITIONS PLAN in New Bedford, MA” dated 12/18/17, and prepared by Precision Land Surveying, Inc. of Southborough, MA. The plan set consists of the following sheets:

- Sheet 1 EXISTING CONDITIONS PLAN

The architectural plan submission is shown as “NEW CONSTRUCTION OF NORTHSTAR CHILD CARE CENTER – Rivet Street New Bedford MA” dated 2/11/22, and prepared by Davis Square Architects, Inc. of Somerville, MA. The plans are stamped by Leonard Jerome Boehner, RA. The plan set consists of the following sheets:

- Cover Sheet
- A100 PROPOSED BASEMENT PLAN
- A101 PROPOSED FIRST FLOOR PLAN
- A102 PROPOSED SECOND FLOOR PLAN
- A201 BUILDING ELEVATIONS
- A202 BUILDING ELEVATIONS

Recommended Conditions



Special Permit. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested Special Permit approval for the project:

That the following **specific conditions** be applied to this decision:

1. The number of parking spaces provided shall be fourteen (14).
2. Site lighting shall be illuminated no earlier than one hour prior to opening and no later than one hour after closing.
3. The applicant shall coordinate with the Department of Public Infrastructure to address all the comments in their forthcoming memorandum.
4. The applicant shall provide screening for dumpster and recycling area and submit revised plans detailing the screening to the Department of City Planning for review prior to the issuance of a building permit

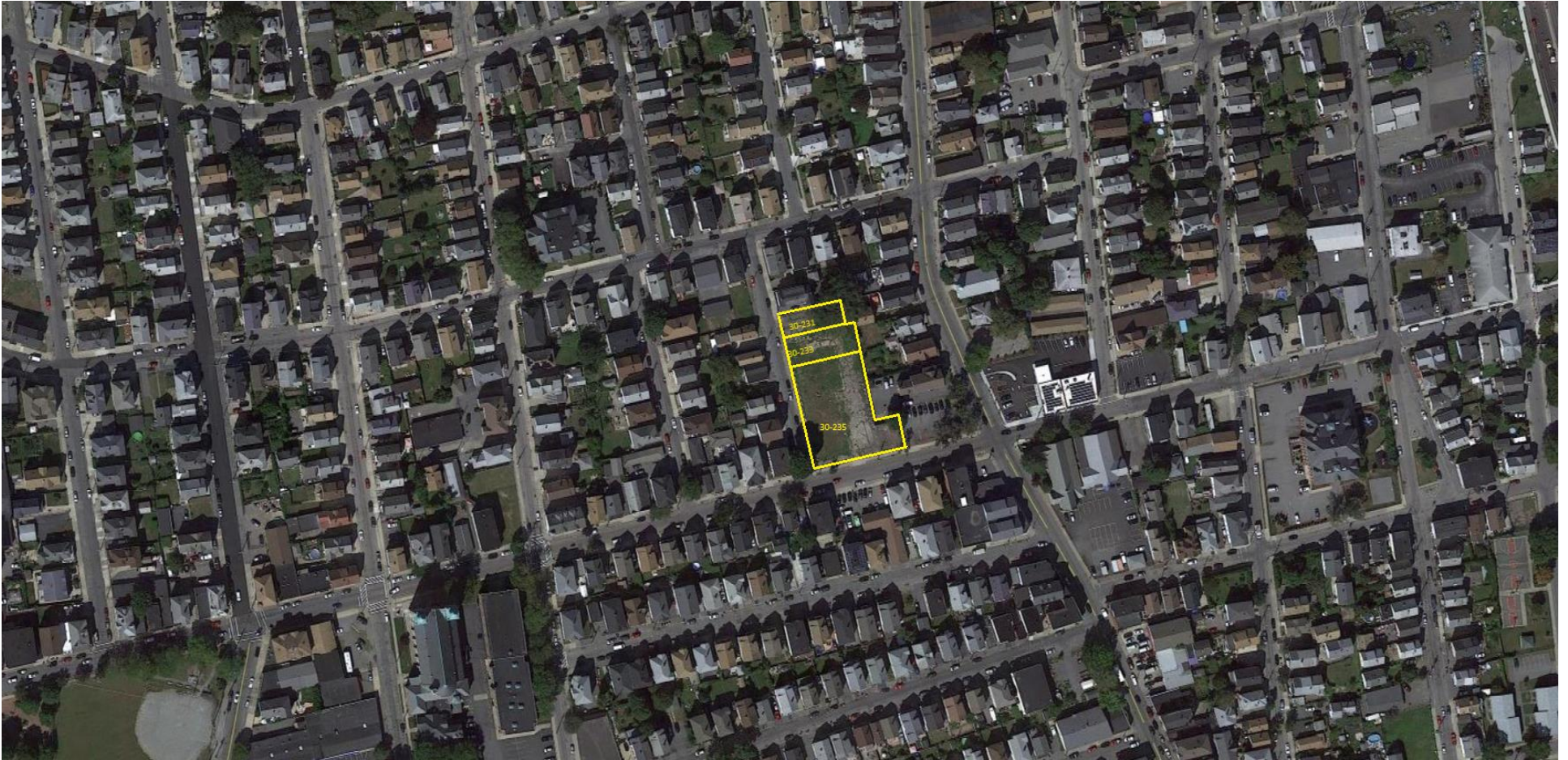
That the following **general conditions** also be applied to the decision:

5. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
6. Plant materials shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Ground cover materials shall be maintained so as to control weed growth. Dead plantings shall be replaced with new live plantings at the earliest appropriate season.
7. The project shall be undertaken in a manner consistent with any departmental memos received in relation to plan and placed on file for Planning Board consideration. The conditions of such memos shall be considered to be part of these conditions.
8. 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.
9. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Department of City Planning case file folder.

10. That 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.
11. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
12. 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.
13. 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.
14. 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-2022/>

Staff Report prepared by: Rachel Mulroy Staff Planner
Reviewed by: Jennifer Carloni, City Planner



NS Rivet Street ES Hyacinth Street Map: 30 Lot: 231, 233, 235

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