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City of New Bedford Department of City Planning

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PLANNING BOARD

STAFF REPORT

REPORT DATE
MAY 5, 2022

MEETING DATE
May 11, 2022

Case #22-20 & 21: Site Plan Review/Special Permit
161 Popes Island
Map: 60 Lots: 26 & 12

Owner: 161 Pope's Island, LLC
867 Middle Road
Acushnet, MA 02743

Applicant: Prime Engineering, Inc.
P.O. Box 1088
350 Bedford Street
Lakeville, MA 02347

Zoning District: Industrial A (IA) within an Opportunity Zone

Site Area: 28,314± square feet

Overview: Modification of a previously approved **Site Plan** for a multi-tenant retail building and associated site improvements and a **Special Permit** for a parking reduction



Rear parking area and adjacent loading bays.
Looking northwest from the retail plaza.

Existing Conditions

A new, single-story retail building with multiple units exists on site (see Case #20-19). The building is currently vacant. The site is accessible via a driveway entrance located on the abutting lot to the west. Vehicular access across this lot is supported via a right-of-way easement.

Vehicle circulation at the front of the building remains unchanged. Observations of existing circulation patterns at the rear of the building have prompted changes to the previously approved site plan layout. The applicant now comes before the Board to request a modified Site Plan Review and for a Special Permit for a parking reduction.

The site has 90± feet of frontage on Pope's Island/Route 6. An associated parking lot is located in the rear. A fenced enclosure is located at the end of the parking lot. This enclosed area is leased to the rear abutting property.

The abutting lot to the west is held in common ownership and consists of a retail building and shared parking lot. A restaurant and additional retail space exist further west. Retail and commercial/industrial businesses abut to the east. Marine Park abuts directly south across Route 6.

The surrounding neighborhood consists of retail/marine commerce businesses and a public park with marina.

Decision Criteria

The applicant is requesting a Site Plan Review and a Special Permit for a parking reduction. The ordinance provides the Board the following criteria for reaching a decision.

Site Plan Review Criteria

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets the objectives identified in Section 5470 of the City's Zoning Ordinance (c.9) 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 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 modify the approved site plans for the rear parking area to accommodate truck deliveries to the adjacent property, which will result in a reduction in parking.

Staff Review

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

Parking	• The applicant is seeking a parking reduction from the previously approved forty-three spaces (43) to thirty-one (31) spaces to accommodate changes to the site layout. • Plans note "the majority of pavement will be ground down and receive a 1 1/2 inch top course of pavement" but do not identify the areas to be ground and recoated. The Board may wish to discuss this with the applicant and condition that plans be revised to identify the areas to be repaved.
Landscaping	• The applicant proposes landscaped islands throughout the rear parking area, similar to those proposed in previously approved plans. The Board may wish to review changes with the applicant. • A Planning staff site visit for a certificate of occupancy sign off in 2021 revealed that landscaping had been installed in front of the stone way at the southern edge of the property, which was not in the approved plans, and that species had been replaced due to lack of availability. The requested modification addresses these alterations the site plan approved in 2020.
Circulation	• Plans indicate a modified site layout plan with traffic islands relocated north of the adjacent Worley Bed loading bay. • Striping for NO PARKING areas is proposed in front of the loading area, at the eastern extent of the property, and along the north of the building to accommodate truck turns. • The applicant has provided a truck turning analysis to demonstrate how truck traffic will access the adjacent building. The Board may wish to review this analysis with the applicant.
Operations	• The applicant indicates a liquor store will occupy the site. Hours of operation are proposed as 9:00 AM to 11:00 PM. • Deliveries are expected to occur between 9:00 Am and 6:00 PM. • Three (3) employees working seven-hour shifts will be on site.
Snow Storage	• Snow storage is proposed in the NO PARKING area at the eastern extent of the site and in the last two of the proposed parking spaces furthest from the building. Plans indicate the applicant will also truck snow off site.
Waste Receptables	• The dumpster location north of the building is to remain. • The dumpster enclosure was installed recently and does not match the approved plans from 2020, which call for a wooden plank enclosure. The Board may wish to discuss this change with the applicant.
Master Plan	• The proposal is consistent with the Master Plan in its goal to promote commercial development along a key commercial corridor in a designated Opportunity Zone.

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.

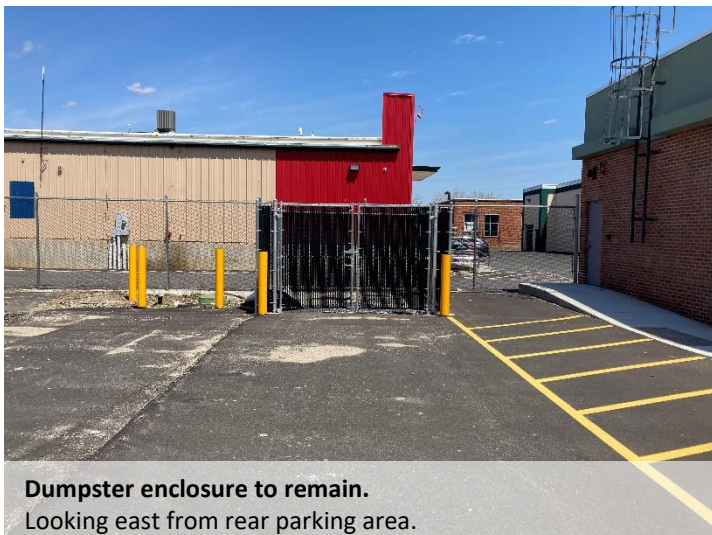
Site Photos



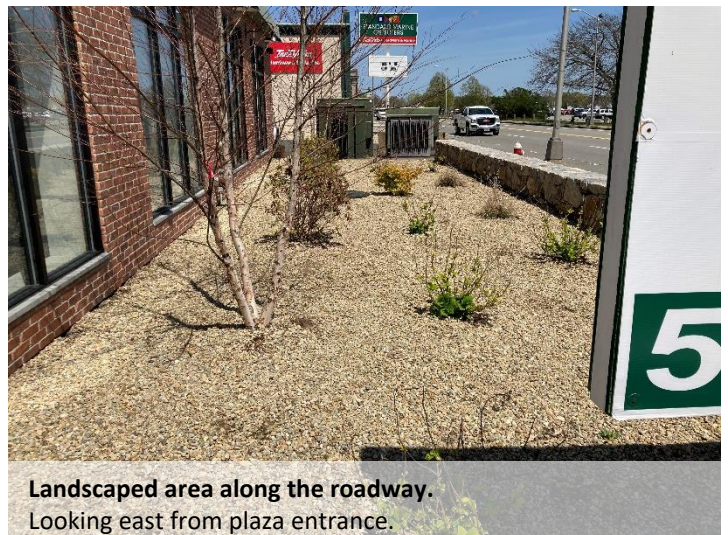
Light pole proposed to remain and loading bay beyond.
Looking west from parking lot.



Rear parking area to be repaved.
Looking north from parking area.



Dumpster enclosure to remain.
Looking east from rear parking area.



Landscaped area along the roadway.
Looking east from plaza entrance.

Materials for Consideration

The engineered plan submission is shown as “161 POPE’S ISLAND PROPOSED PARKING IMPROVEMENTS – Special Permit & Site Plan Review” with latest revisions dated 3/28/22, and prepared by Prime Engineering of Lakeville, MA. The plans are stamped by Richard Rheaume, PE. The plan set consists of the following sheets:

- Sheet 1 COVER SHEET
- Sheet 2 OVERALL EXISTING CONDITIONS PLAN
- Sheet 3 SITE EXISTING CONDITIONS PLAN
- Sheet 4 OVERALL LAYOUT PLAN
- Sheet 5 SITE LAYOUT PLAN
- Sheet 6 LANDSCAPE PLAN

In addition to the submitted materials, the application has submitted waiver requests for the Board’s consideration as follows:

- Drainage: no changes proposed, staff recommend waiving the requirement.
- Utilities: no changes proposed, staff recommend waiving the requirement.
- Lighting: no changes proposed, staff recommend waiving the requirement.
- Architectural Plans: no changes proposed, staff recommend waiving the requirement.

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 shall be reduced from forty-three to thirty-one for a reduction of twelve parking spaces.



Site Plan 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 approval for the project:

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

1. Revised plans identifying the areas of pavement to be ground and resurfaced shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
2. Any conditions from the previous for Planning Board Case #20-19 approval shall be considered part of this decision.

That the following **general conditions** also be applied to both decisions:

3. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
10. 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.
11. 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.
12. 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: Michael McCarthy, Assistant City Planner



161 Pope's Island Map: 60 Lots: 12 & 26

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