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PLANNING BOARD

STAFF REPORT

REPORT DATE
MAY 4, 2022

MEETING DATE
May 11, 2022

Case #22-23 & 24: Site Plan Review/Special Permit
689 Kempton Street
Map: 56 Lot: 137

Owner: 689 Kempton Street, LLC
689 Kempton Street, New Bedford, MA 02740

Applicant: Dean Associates Architects
7 Kimball Lane suite E6, Lynnfield, MA 01940

Zoning District: Mixed-use Business (MUB)

Site Area: 31,067± square feet

Overview: Renovation of an existing building with associated site improvements and a Special Permit for a parking reduction.



Existing ambulance garage.
Looking west from Kempton Street and Lindsey Street.

Existing Conditions

The project site contains a one-story brick building, built circa 1947, and associated parking and loading areas. The building has two garage bays along Jenney Street and entrances along the parking on Lindsey Street. The property is enclosed with eight-foot chain link fencing along the southerly, easterly, and northerly borders. With the exception of small grass areas on the southern side, the entire property is paved. The site was recently used as a 24-hour ambulance staging and dispatch center.

The site has 158± feet of frontage on Lindsey Street.

A commercial business abuts north. The Greater New Bedford Boys' & Girls' Club is further north. Single-family and multi-family residential properties abut to the south and east. A parking lot for an adjacent retail building abuts west. A restaurant, barber shop, and other small businesses are further southwest.

The surrounding neighborhood consists mostly of residential properties interspersed with small businesses along Kempton Street. The busy intersection of Kempton Street and Rockdale Avenue is further west.

Decision Criteria

The applicant is requesting a Site Plan Review and Special Permit. 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 a change of use and building renovations to accommodate a Family Dollar/Dollar Tree store. Additional site improvements include restriping the parking lot and removal of existing fencing. Landscaping is proposed south of the building along Kempton Street.

Staff Review

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

Parking	- Twenty-three (23) parking spaces including one handicap space are proposed in the parking area east of the building off Lindsey Street. - Seventy-eight (78) parking spaces required. The applicant is requesting a Special Permit for a reduction of 55 spaces. - Plans do not include bicycle parking. The Board may wish to discuss bicycle racks with the applicant.
Landscaping & Site Features	Minimal landscaping exists on site. The applicant proposes replacing a grass along the south side of the building with native plantings and a dry well.
Circulation	- The site is surrounded by one-way streets. Kempton is one-way east, Lindsey is one-way north, Mill is one-way west, and Jenney is one-way south. - Plans indicate vehicles and pedestrians will access the site from the parking lot along Lindsey Street. Two, two-way driveways are proposed on Lindsey Street. - Deliveries and waste management will access the site at the rear along Jenney Street. Loading is proposed at the northwest corner of the building. The Board may wish to discuss loading/waste removal maneuvers with the applicant based on the submitted truck turn analysis.
Traffic/Transit	- The applicant indicates that vehicles will enter and exit the parking lot on Lindsey Street. The Board may wish to discuss any anticipated changes in traffic density/flow on Lindsey Street as a result of the change of use of the site. - Public transportation is accessible from Kempton Street and North Street. The project site location is highly accessible to pedestrian traffic.
Operations	- Proposed hours of operation are 9:00 AM to 9:00 PM, seven days a week. - The applicant indicates deliveries will occur weekly or more frequently during hours of operation. - The applicant indicates four (4) employees on shift daily serving 120± customers per day.
Stormwater	- The applicant proposes a drywell at the southeast corner of the site with roof leaders draining underground. - Plans indicate roof leader at the south of the building will be redirected over the doorway and underground to the drywell. - A rusted drainpipe exists at the north of the building. Evidence of mineral deposits indicate drainage over ground to the public way. The pipe is not shown on elevations. The Board may wish to discuss whether this drainage will be redirected with the applicant. - Planning staff defers to the Department of Public Infrastructure regarding compliance with the City's Stormwater Rules and Regulations.

Snow Storage	Plans do not indicate snow storage. The Board may wish to discuss snow storage and/or removal with the applicant.
Waste Receptables	A dumpster is proposed at the southwest corner of the site, behind the building on Jenney Street. The Board may wish to discuss waste removal based on the submitted truck turn analysis.
Utilities and Mechanical Systems	- The applicant does not propose any changes to existing utilities. - Plans do not show a mechanical system. The Board may wish to discuss the location of any mechanical system with the applicant and condition screening if necessary.
Signage	- Plans indicate signage in front of building above main entrance. Wall signs at the rear and along the north façades are also proposed. - Sign plans and details are not included in the plan site. The Board may wish to discuss signage area, which cannot exceed two times the frontage of the building (see Ch. 9 Section 3252,) and whether the signage will be illuminated with the applicant.
Lighting	No lighting is proposed. Lighting detail for wall-mounted lights is not included in architectural plan set. The Board may wish to discuss exterior lighting with the applicant and condition that lighting details be provided for administrative review.
Demolition and Erosion Control	- Plans indicate demolition of existing sidewalks on Lindsey Street for the construction of parking lot driveways and on Jenney Street for the construction of new sidewalks. - Chain link fencing is to be removed. Posts in front of building are to be removed. Existing storage container and jersey barriers are to be removed. - Erosion control plans indicate inlet protection at all gutters around the project site.
Architectural	- Plans indicate the addition of an awning and the replacement of garage doors with windows at the front of the building. - Plans indicate existing loading bays along Jenney Street are to be closed off. - Applicant proposes rear double doors with remaining window to be infilled and a small loading dock to accommodate for elevation at the north of the building for loading.
Master Plan	The proposal is consistent with the Master Plan in that it improves the site to create a more pedestrian-friendly, accessible, commercial space.

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



Westerly extent of property.
Looking north from Kempton Street and Jenney Street.



Overhead doors at rear of building.
Looking east from abutting parking lot across Jenney Street.



Proposed dry well location.
Looking northwest from Kempton Street.



Easterly extent of project site.
Looking north from Kempton Street and Lindsey Street.



Parking lot to be restriped.
Looking northwest from Lindsey Street.



Northerly extent of project site.
Looking west from Lindsey Street and Mill Street.



Westerly extent of project site.
Looking south from Mill Street and Jenney Street.



Southwest extent of project site.
Looking east from Jenney Street.



Drain at north of building.
Looking west from Mill Street.

Materials for Consideration

The engineered plan submission is shown as “FAMILY DOLLAR 689 Kempton Street” dated 4/5/22, and prepared by KCI Technologies of Sparks, MD. The plans are stamped by Eric Kohl, PE. The plan set consists of the following sheets:

- Cover Sheet
- C-02 EXISTING CONDITIONS PLAN
- C-03 PROPOSED SITE LAYOUT PLAN
- C-04 DEMOLITION AND EROSION CONTROL
- C-05 GRADING AND DRAINAGE PLAN
- C-06 UTILITY PLAN
- C-07 LANDSCAPE PLAN
- C-08 VEHICLE ACCESS PLAN
- C-09 DETAILS

The architectural plan submission is shown as “FAMILY DOLLAR 689 Kempton Street – Deal #804193” latest revisions dated 2/4/22, and prepared by Dean Associates Architects, Inc. of Lynnfield, MA. The plans are stamped by James W. Dean, RA. The plan set consists of the following sheets:

- A-1 FIELD CONDITIONS
- A-3 FIELD CONDITIONS COORD. & NEW BUMP CONSTRUCTION, SCOPE OF WORK COORD.
- A-3.1 FIELD CONDITIONS COORD. & NEW BUMP CONSTRUCTION, SCOPE OF WORK COORD.

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 twenty-three (23).



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. The applicant shall submit sign plans and details to the Department of City Planning for administrative review prior to the issuance of a building permit.
2. Site lighting, including signage, shall be illuminated no earlier than one hour prior to opening and no later than one hour after closing.
3. The applicant shall submit revised plans with improvements to the public right of way including section details indicating ADA compliance to the Department of City Planning prior to the issuance of a building permit.
4. The applicant shall submit revised plans showing bicycle rack locations and detail to the Department of City Planning prior to the issuance of a building permit.
5. The applicant shall coordinate with the Department of Public Infrastructure to resolve all comments in their forthcoming memorandum.

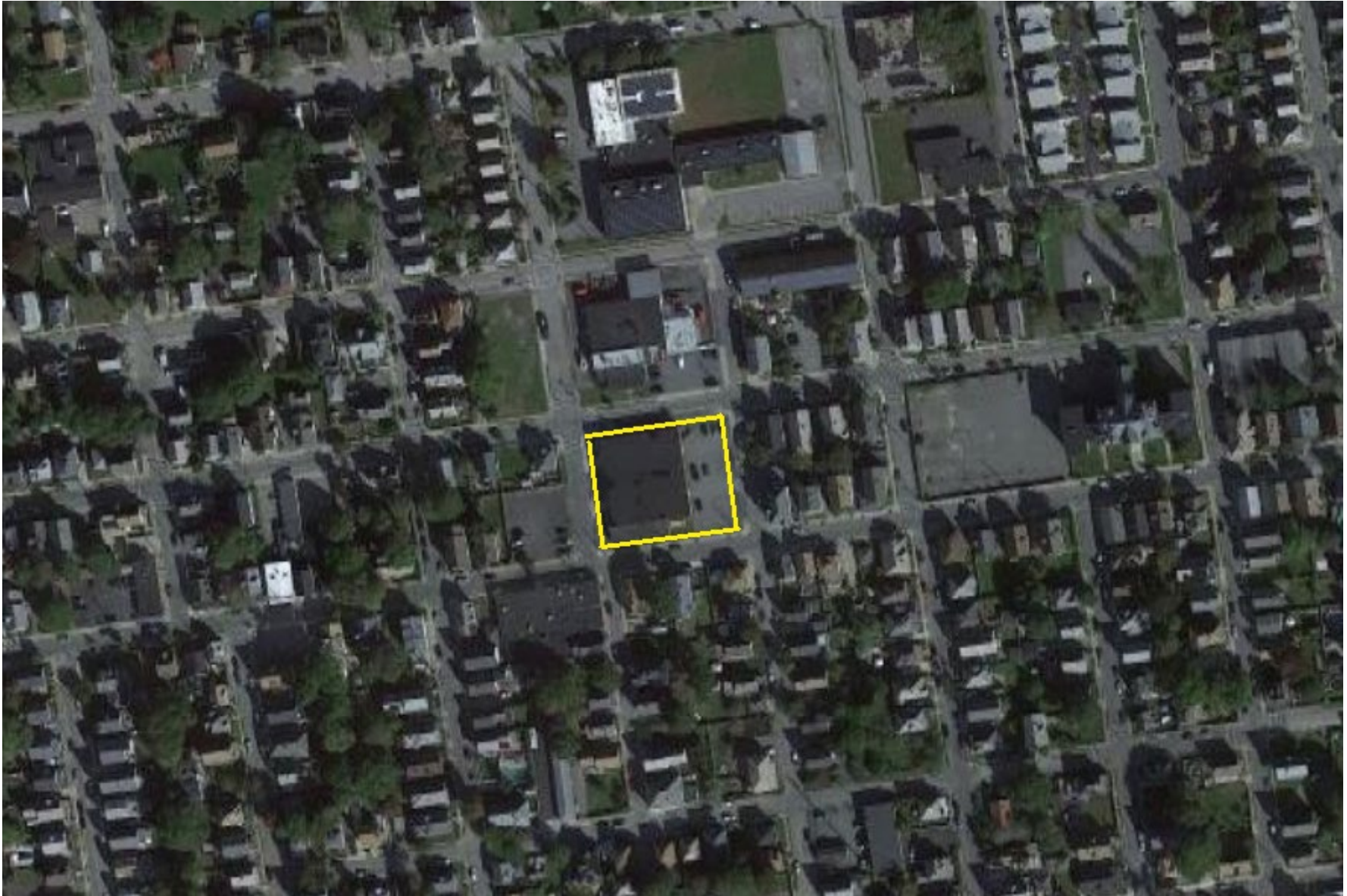
That the following **general conditions** also be applied to both decisions:

6. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
13. 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.
14. 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.

15. 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



689 Kempton Street Map: 56 Lot: 137

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