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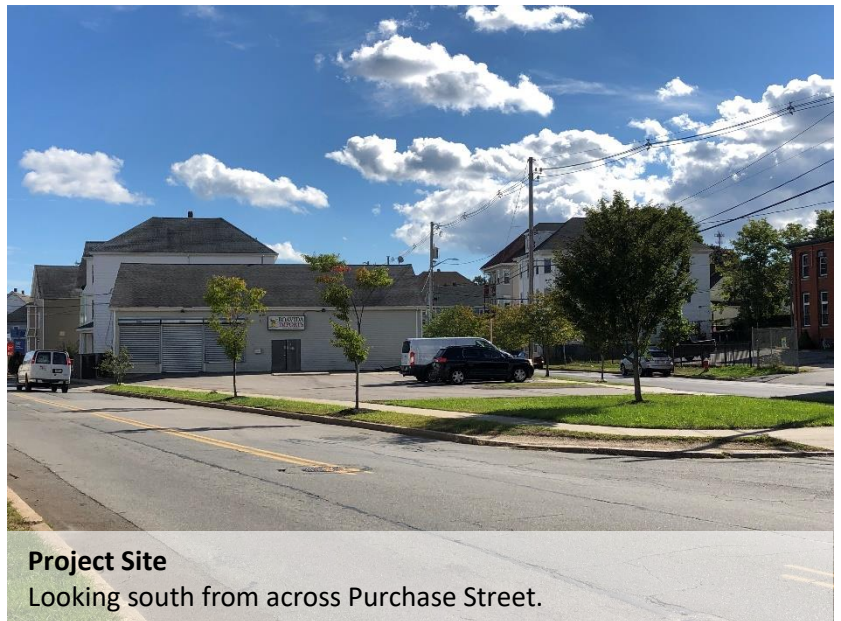
PLANNING BOARD

STAFF REPORT

REPORT DATE
October 6, 2022

MEETING DATE
October 12, 2022

Case #22-44/ Site Plan Review
Case #22-45: Special Permit
2243 Purchase Street
Map: 92 Lot: 1
Owner/Applicant: MD Washim Khan &
Ashma Hossain Sharmin
104 Lexington Street
Dartmouth, MA 02747
Zoning District: Mixed-Use Business
(MUB)
Site Area: 11,100± square feet
Overview: New construction of a gas
station and associated site
improvements, including
improvements to an
existing building and a
request for a parking
reduction.



Project Site
Looking south from across Purchase Street.

Existing Conditions

The project site occupies a triangular lot at the intersection of Purchase Street and County Street. The site is primarily composed of a 2,730 ft² building and an eight-space, paved parking lot. There are two existing curb cuts – one on Purchase Street adjacent to the building and one on County Street adjacent to the intersection. The site is currently vacant. Most recently, it was a retail store.

The site has 216± feet of frontage on Purchase Street.

A multifamily dwelling and a 4-bay garage abut to the south. A rail line is to the east across Purchase Street. The Pierce Brothers mill is across County Street.

The surrounding neighborhood consists of multifamily homes to the south and southwest. A church, and Hayden-McFadden Elementary School are further south. Mixed commercial and residential properties are east of the railway. A commercial corridor runs north of the site.

There are 4 existing gas stations within 5 blocks of the project site. One of the gas stations is on the same block as the project site, at the south of the block.

Related Permitting

The applicant also needs approval from the City Council for the proposed gas station use and variance from the Zoning Board of Appeals for the location of the parking spaces.

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 to construct a new, two pump gas station and reuse the existing building as a convenience store. Additional site improvements include repaving the parking lot, realignment of curb cuts, and landscaping.

Staff Review

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

Parking	- The application indicates 9 proposed parking spaces. Plans show 5 proposed parking spaces, including 1 handicap space, at the front of the existing building. - Plans also identify the area adjacent to the gas pumps as proposed parking spaces, for a total of 4 spaces. The Board may wish to discuss how these spaces will accommodate parking and determine whether the reduction request should be made for 5 spaces. - The rejection package indicates 14 spaces are required by the ordinance. No loading spaces are proposed and none are required by the ordinance. <u>However, given the proposed use the board should note Section 3148 of the Zoning Ordinance states, "No off-street loading areas or berths shall be laid out in such a manner as will result in loading or unloading being carried on within a street right-of-way or other public property. Each area or berth shall be sufficient size as to accommodate the largest expected truck or tractor trailer common to the building use."</u> Regarding this section, the Board may wish to discuss plans for accommodating tanker trucks delivering gas or other truck delivering goods to the site. - No bicycle parking is proposed.
Landscaping & Site Features	- Chain link fencing with PVC slats extends along the southerly property line, screening the rear and the southeast corner of the existing building. - The Landscape Plan indicates three new planting areas: two rows of junipers along the terminal ends of the parking area in front of the store, a bed of knockout roses facing Purchase Street, and 24 daylily plantings at the northern boundary of the site where County Street and Purchase Street meet. - Plans indicate an existing tree north of the parking area is to remain. Concrete curbing is proposed south of the tree, at the edge of parking lot pavement. - Plans indicate existing street trees along Purchase Street and County Street are to remain. - The applicant indicates an application for a new ground sign will be filed separately.
Circulation	- Site Layout indicates the existing 24' curb cut at the northwest of the site on County Street is to remain and the 24' curb cut at the southeast of the site on Purchase Street is to be reoriented to accommodate the proposed parking area in front of the building. - The applicant proposes a 30' drive aisle between the gas pumps and the parking spaces in front of the building. The applicant has requested a waiver for a truck turning plan. Staff recommend a truck turning plan be submitted to facilitate a public review and discussion of truck turns for refueling storage tanks and emergency access.
Traffic/Transit	- The application indicates 250 customers served per day. The applicant has not submitted trip generation estimates or a traffic impact assessment. It is within the Board's purview to request a traffic impact assessment be submitted. It is within the Board's purview to request a peer review of the traffic report.

Operations	- Proposed hours of operation are 6:00 AM – 12:00 AM, 7 days per week, with intermittent delivery times between 6:00 AM and 6:00 PM. The Board may wish to discuss hours of operation and days of deliveries with the applicant based on the residential neighborhood. - The application indicates 2 employees will staff the store daily.
Stormwater	- A catch basin and stormwater recharge system are proposed in the parking lot, south of the gas pumps. - A trench drain, connected to the recharge system, is proposed at the Purchase Street curb cut. - Roof leaders are not indicated on plans and existing downspouts discharge on the cement and paved surface around the building directly adjacent to the public right of way. The Board may wish to discuss the roof drainage system with the applicant. Planning staff defers to the Department of Public Infrastructure regarding compliance with the City’s Stormwater Rules and Regulations.
Snow Storage	The project narrative indicates “excess snow” will be removed from the site. The Board may wish to discuss with the applicant at what point snow becomes excessive and how snow storage will be managed before reaching excessive levels, as no storage areas are indicated.
Waste Receptacles	- Plans indicate the existing enclosure sited along Purchase Street, adjacent to the front entrance of the abutting triple decker, will be used for a dumpster area. The Board may wish to discuss waste management relative to the abutting residence. - The existing enclosure is a chain link fence with black PVC slats.
Utilities and Mechanical Systems	- A mechanical system exists at the rear of the building and is screened by exiting fencing. - The Utility Plan indicates an electrical conduit is proposed within the site from the west side of the building along the westerly border of the site to the proposed location of a future ground sign at the north of the project site. - Plans indicate fuel storage tanks to the north of the proposed fuel pumps. - Plans indicate no changes to the existing service connections for electric, gas, water or sewer.
Lighting	- The applicant has submitted a brochure for Rab Lighting ALED 360 lights. The Board may wish to discuss the specifications of the lighting proposal with the applicant. - The Lighting Plan indicates infiltration into the public ROW along WS Purchase Street by up to 2 fc, and along ES County Street by up to 5 fc. - Plans indicate lighting at the gas station canopy to have an initial fc rating of 10 or less. The Board may wish to confirm lighting specifications for the gas station canopy with the applicant. - A lamppost is proposed at the terminal end of the parking area adjacent to County Street. The Board may wish to discuss illumination of the site no earlier than one hour prior to opening and no later than one hour after closing.
Demolition and Erosion Control	- The proposed construction entrance is along Purchase Street at the existing curb cut. - Plans indicate a stockpile area at the north of the site where the gas station is proposed.

	- Plans indicate the existing tree at the north of the site will be surrounded with orange construction fencing. - A silt fence is proposed around the limits of work.
Architectural	- Canopy elevations indicate the bottom of the canopy is proposed at 12' from grade. - Plans indicate the canopy cover is 50' x 27.' - The applicant indicates no alterations to the existing building are proposed.
Master Plan	The proposal is consistent with the Master Plan's goal of expand workforce opportunities.

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





West side of the project site.
Looking northeast from WS County Street.



East side of the project site.
Looking northwest from ES Purchase Street.



Meters, electric connection and extent of fencing.
Looking east from WS County Street.



Parking lot and front of building.
Looking south from northerly property boundary.



Existing conditions at front of building.
Looking south from parking lot.

Materials for Consideration

The engineered plan submission is shown as “S.B. GAS STATION, INC. – PROPOSED GAS STATION CONVENIENCE STORE” dated 7/22/22, and prepared by CEC of Raynham, MA. The plans are stamped by Steven Gioiosa, PE, date stamped received by the City Clerk’s Office 9/16/22. The plan set consists of the following sheets:

- CS-1 Cover Sheet
- SL-1 SITE LAYOUT
- LM-1 LOCUS MAP
- SG-1 SITE GRADING
- LP-1 LANDSCAPING PLAN
- SU-1 SITE UTILITIES
- LT-1 LIGHTING PLAN
- EC-1 EXISTING CONDITIONS
- DECP-1 DEMOLITION/EROSION CONTROL PLAN
- DS – 1 DETAIL SHEET

The canopy elevation submission is untitled, revisions noted as “August 2022” and prepared by Brand Book - Site Imaging Materials Maintenance of Northfield, IL. The plan set consists of the following sheets:

- Page 1 Elevations
- Page 2 SITE CONFIGURATIONS

Waivers Requested

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

- Locus Map: allow a locus scale of 1”: 200’. **Staff recommend granting the waiver request.**
- Existing Conditions: allow elevations based on NAVD. **Staff recommend granting the waiver request.**
- Architectural Plans: no building modifications are proposed. **The Board may wish to review drainage plans as well as gas station canopy details prior to granting a waiver request.**
- Truck Access Plan: The applicant has not provided a reason for the request. **Staff do not recommend granting the waiver request.**

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 granted relief are to be determined by the Board.
2. 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.
3. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.



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 the following to the Department of City Planning for administrative review prior to the issuance of a building permit:

- a. Plan revisions indicating the location and number of all proposed parking spaces. Include correct parking requirements on Cover Sheet.
- b. Plan revisions indicating utility connections for the gas station
- c. Lighting Plan revisions with footcandle readings with limited impacts on the public right of way and zero cutoff to adjacent residential abutters.

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

2. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
3. 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.
4. 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.
5. 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.
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.
8. 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



2243 Purchase Street Map: 92 Lot: 1

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