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NEW BEDFORD PLANNING BOARD

New Bedford City Hall

133 William Street

New Bedford, MA

November 14, 2018

MEETING MINUTES

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2019 JAN 10 A 10:30
CITY CLERK

PRESENT:

Kathryn Duff, *Chairperson*
Arthur Glassman, *Vice-Chairperson*
Alex Kalife, *Clerk*
Kamile Khazan
Peter Cruz

ABSENT:

None

STAFF:

Tabitha Harkin, *City Planner*
Jen Carloni

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:01 p.m.

2. ROLL CALL

A formal roll call was conducted confirming members present as listed above.

3. APPROVAL OF MINUTES

A motion was made (AG) and seconded (PC) to approve the September and October 2018 meeting minutes
Motion passed unopposed.

4. PUBLIC HEARINGS

ITEM 1 – Case #18-43: - Request by applicant for New Ground Sign Site Plan approval for a convenience store/gas station with drive thru located at 209 Theodore Rice Boulevard (Map 136 Lot 322) on a 4.9 +

acre site in a Mixed Use Business [MUB] zoned district. Applicant: Beta Realty, LLC (280 Ayer Road Harvard, MA 01451). Applicant's Agent: Viewpoint Sign & Awning (35 Lyman Street Northboro, MA 01532).

Mr. Sean Donovan, Viewpoint Sign & Awning, sign vendor, stated they are seeking approval to add two height limit bars, indicating the drive-thru lane, and one directional sign. He stated his belief is the store is already open.

In response to Chairperson Duff, Mr. Donovan stated the clearance sign is standard drive-thru protocol in order to designate the drive-thru lane and protect the awning. He added they are not looking for any relief, but understands that by adding the copy to the clearance bars it made it a sign.

In response to Board Member Cruz, Mr. Donovan stated he expects the subject signage to be tied in to the building and pylon signage.

Chairperson Duff explained the standard approval to be one hour before opening/one hour after closing.

A motion was made (AG) and seconded (PC) to open the public hearing.
Motion passed unopposed.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

A motion was made (AG) and seconded (PC) to close the public hearing.
Motion passed unopposed.

After brief board discussion on conditions, a motion was made (AG) and seconded (PC) to approve a request by applicant for Ground Sign Site Plan Approval for a convenience store/gas station with drive thru located at 209 Theodore Rice Boulevard (Map 136 Lot 322) on a 4.9 acre site in a Mixed Use Business [MUB] zoned district with the following conditions:

- That applicant ties in illumination of the already approved signs as one hour before and one hour after;

In addition, approval includes general conditions and the staff recommendations.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member - Kalife	

ITEM 2 – Case #35-17 – Request by applicant for Modification of Site Plan approval for the construction of two solar carports (5,400 SF & 8,400 SF) over an off-street parking lot located at ES Bolton Street (Map 9 Lot 1 & Map 23 Lot 158) on a 1.02 acre site in a Mixed Use Business [MUB] zoned district. Applicant: Howland Place, LLC (283 Sawyer Street #1E New Bedford, MA 02746).

Kevin Welch, Sawyer Street, New Bedford, stated they are looking to erect two solar canopies on top of the

parking lot. He invited board inquiries.

In response to Chairperson Duff, Mr. Welch stated the water will simply run off the panels, as his existing ones do now. With regard to the water dumping to one side of the site, Mr. Welch noted that all drainage for the existing parking lot was approved, and the amount will be the same. He explained that the panels are spaced about 1.5" apart and the rain will go in between.

In response to Chairperson Duff, Mr. Welch stated all lighting will be under the canopies and the lighting will be hung from the canopy structure. He stated the non-canopy area of the parking lot will be the already existing back to back lighting on the poles. He stated the solar panel surface is like a deep blue colored satin finish. Chairperson Duff noted the board had no lighting plan.

In response to Board Member Cruz, Mr. Welch stated the foundations will be a combo of 42" or 26" sawing tubes to the required specified depth or a spread footing.

In response to Chairperson Duff, Mr. Welch stated there is no request for related signage. He stated height clearance will be standard regulation height at 13' to 13'6". Mr. Welch stated they had already passed in all paperwork to the building department and stamped by a structural engineer.

In response to Board Member Cruz, Mr. Welch confirmed there is no decking beneath it and just a panel attached to the steel structure. Board Member Cruz expressed drainage concern since the site is graded and pitched in a certain way, and the panels will shoot the water in different directions. Mr. Welch explained the panels will face south, therefore the water will run off 2.5' more in a southerly direction. He stated the parking lot is pitched to the east, and there are two manholes on the east side of the property. He stated there will be no rainfall problem.

In response to Chairperson Duff, Mr. Welch stated he had not received staff comments. Chairperson Duff noted a recommendation for a height clearance sign, to which Mr. Welch was amenable. She also mentioned the need for an updated lighting plan and stated all the original conditions from 37-17 remain in place. She stated that any proposed signage will need to be submitted to the city planner for determination as to whether the plans must return to the board for further review.

Board Member Cruz inquired as to any impact on the landscaping in the islands. Mr. Welch stated while there will be more shading, this will require less watering. He stated this will almost be like having plantings installed on the north side of a house but will get even more sun, and he expects the plantings will be perfectly fine. Mr. Welch confirmed the foundation structures are flush with the pavement, adding that any impact from a vehicle with schedule steel beams will not move the beams, as looked at by the structural engineer.

There was brief board discussion on the impact to plantings and trees.

In response to Chairperson Duff with regard to public safety, Mr. Welch stated the panels are made of tempered glass with the backing sheets, and the sheets do not fall apart or allow any glass to pass thru it if something impacts it. He responded that the generated power will be transferred through a mounted inverter located high on the structure, then into a conduit and back to the on-site transformer. There was discussion on the transformer location. He confirmed all of the wiring equipment is underground to achieve a clean look. He confirmed there was no amendment related to the percentage of green space. There was discussion on the 22'

aisles and the structure effect on the parking spaces. He noted the space occupied by the in ground structures will be divided by four parking spaces, resulting in a minimal impact.

Board Member Cruz stated he would have liked to see a drainage plan.

A motion was made (PC) to accept a similar project photo.

Mr. Welch added that all the metal will be painted white and has designed the canopy to make an attractive site and prevent bird nesting. He also noted last year's problems with street parking, which this will address. In response to Board Member Cruz, Mr. Welch stated they expect to produce 221KW of power.

A motion was made (AG) and seconded (PC) to open the public hearing.
Motion passed unopposed.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.

In response to Chairperson Duff's invitation to speak or be recorded in opposition, Ronald Flanders of Jenkins Street stated he had questions, such as the lack of pedestrian walkways.

Chairperson Duff explained this evening's meeting on the matter relates to an amendment to the site plan approval, and other issues, apart from the solar panels, were addressed at that meeting.

Mr. Flanders inquired about any reflection off the panels.

Chairperson Duff explained that, as a concern, the reflectivity of the panels will be submitted for review.

Mr. Flanders inquired about the lighting times.

Chairperson Duff explained the typical limitations of the lighting being shut off when the business is closed, which will also be reviewed by planning staff.

Mr. Flanders asked the purpose of the panels; is it to help the Howland Place utility bill.

Chairperson Duff explained the panels are another form of business, an energy generating business. Mr. Flanders asked "energy to whom?" Chairperson Duff explained it would be the owner of the property. Mr. Flanders then discussed the location of panels and future plans. He again addressed reflectivity concerns, as well as snow removal areas.

Chairperson Duff again noted that the snow removal areas have not changed since original approval.

There was no response to Chairperson Duff's further invitation to speak or be recorded in opposition.

A motion was made (AG) to close the public hearing.
Motion passed unopposed.

After brief board discussion on conditions, a motion was made (AG) and seconded (AK) to approve the request

by applicant for Modification of Site Plan approval for the construction of two solar carports (5,400 SF & 8,400 SF) over an off-street parking lot located at ES Bolton Street (Map 9 Lot 1 & Map 23 Lot 158) on a 1.02 acre site in a Mixed Use Business [MUB] zoned district, with the following conditions:

- That the building Department review the solar panel reflection;
- That the lighting under the panels goes on one hour before and one hour after operations;
- That the specific conditions by staff apply to this decision.

Additionally, with the general conditions as stated.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member Kalife - Yes	

ITEM 3 – Case #18-#45/Case #18-46

CASE #18-45 - Request by applicant for Site Plan approval for a 21,600 SF expansion of an existing warehouse & distribution facility; located at 75 MacArthur Drive (Map 31 Lot 248 & 255) on a 1.59+ acre site in a Waterfront Industrial [WI] zoned district. Applicant: Streetside Realty, LLC c/o Michael T. Fernandes (16 Hassey Street New Bedford, MA 02740). Applicant's Agent: Farland Corp. (401 County Street New Bedford, MA 02740).

CASE #18-46 - Request by applicant for Special Permit for a reduction in the number of parking spaces required for a warehouse and distribution facility located at 75 MacArthur Drive (Map 31 Lot 248 & 255) on a 1.59+acre site in a Waterfront Industrial [WI] zoned district. Applicant: Streetside Realty, LLC c/o Michael T. Fernandes (16 Hassey Street New Bedford, MA 02740). Applicant's Agent: Farland Corp. (401 County Street New Bedford, MA 02740).

Christian Farland, Farland Corp., on behalf of Michael Fernandes, described the subject property, which is currently vacant along with impervious area and 6.9% greenspace. Mr. Farland then displayed and discussed the applicant's proposal for a 21,600 s/f addition for seafood freezer space. He noted the most employees anticipated are 10-15, with 27 parking spaces to be provided. Mr. Farland felt the staff comments were great.

Mr. Farland stated exiting utilities will be used. He explained the components to be added to handle roof runoff, which has been approved with standard conditions by DPI. He pointed out proposed greenspace, elevating the percentage 14.3%, which will be presented to the zoning board as well.

In response to Chairperson Duff, Mr. Farland pointed out the greenspace additions. He also addressed the proposed street trees and corner landscape area.

Mr. Farland pointed out the trash removal area, which is expected to be a trash compactor and screened dumpster area. In response to Chairperson Duff, Mr. Farland stated the screening material is to be solid panel stockade fencing. In response to Chairperson Duff, he pointed out the building entrance and planned handicap

parking. He also responded that the applicant will swap out the existing sign. He also stated they would provide a lighting cutout sheet.

In response to Chairperson Duff, Mr. Farland stated there will be building excavation that will eliminate the pavement and increase the greenspace even more. He also directed Chairperson Duff to the location of the cooling equipment.

Mike Fernandes, the owner, then addressed the board, stating that there may be some normal condensing on the roof, but all the power is inside the building with nothing on the ground but the trash compactor. In response to Chairperson Duff, Mr. Farland stated they will have a white roof.

In response to Board Member Cruz, Mr. Fernandes stated capacity will be around 4.5 million pounds of product.

A motion was made (AG) and seconded (PC) to open the public hearing.
Motion passed unopposed.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.
There was no response to Chairperson Duff's invitation to speak or be recorded in opposed.

A motion was made (PC) and seconded (AG) to open the public hearing.
Motion passed unopposed.

After brief board discussion, including trash compactor access/screening, as well as conditions, a motion was made (AG) and seconded (KK) regarding Case # 18-45, to approve the request by applicant for Site Plan approval for a 21,600 SF expansion of an existing warehouse & distribution facility; located at 75 MacArthur Drive (Map 31 Lot 248 & 255) on a 1.59+ acre site in a Waterfront Industrial [WI] zoned district, with the following conditions:

- Subject to ZBA approval of a minimum of 14% greenspace;
- Applicant to install a handicap parking space on the east side;
- Applicant to submit a lighting plan;
- Applicant to submit location of the compactor;
- Applicant to expand landscaping on the southerly side of the building;
- Subject to all DPI requirements;
- Subject to all specific and general conditions as stated.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member Kalife - Yes	

A motion was then made (AG) and seconded (AK) regarding Case #18-46, to approve the rrequest by applicant for Special Permit for a reduction in the number of parking spaces required for a warehouse and distribution facility located at 75 MacArthur Drive (Map 31 Lot 248 & 255) on a 1.59+acre site in a Waterfront Industrial [WI] zoned district, a reduction of six parking spaces, from 32-27.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member Kalife – Yes	

ITEM 4 – Case #18-#47 - Request by applicant for New Ground Sign Site Plan approval for a corporate office and retail establishment; located at 319A Union Street (Map 52, Lot 357) on a 2,960 SF site in a Mixed Use Business [MUB] zoned district. Applicant: Jasgar, LLC c/o Job Roach (319A Union Street New Bedford, MA 02740).

Jeff Pepi, County Street, Company CEO, stated they seek to put a sign back where there was one previously. He noted the signage above the door has already been installed. He directed the board to the sign plans submitted.

Mr. Glassman noted the location used to be a dentist office. Mr. Pepi confirmed this is a former dentist office. He stated they will appear before the zoning board as well.

Chair Duff inquired if the sign would be hung on the existing pole. Mr. Pepi clarified that they would be installing a new pole and be replacing the sign. Chair Duff noted the blade sign is a pedestrian friendly sign appropriate for the site.

In response to an inquiry from Mr. Cruz, Mr. Pepi responded that no lighting would be on the sign other than the existing building lighting.

A motion was made (AG) and seconded (AK) to open the public hearing.
Motion passed unopposed.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.
There was no response to Chairperson Duff's invitation to speak or be recorded in opposed.

A motion was made (AG) and seconded (AK) to open the public hearing.
Motion passed unopposed.

After brief board discussion, including whether site plan review is required, a motion was then made (AG) and seconded (AK) to approve the request by applicant for New Ground Sign approval for a corporate office and retail establishment, located at 319A Union Street (Map 52, Lot 357) on a 2,960 SF site in a Mixed Use Business [MUB] zoned district, with all general condition and ZBA approval.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member Kalife – Yes	

ITEM 4 – Case #18-48 – Request by applicant for the release from Covenant lots 1- 4, 9-11, 15-18,

and 21-23 of as shown on the plan of land entitled "Definitive Subdivision Plan Farland Estates I Assessors Map 130D Lots 388-406, 412-419 New Bedford, Massachusetts", prepared by Farland Corp, 401 County Street New Bedford, MA, dated December 15, 2017, latest revision date June 25, 2018, and recorded with the Bristol County (S.D) Registry of Deeds in Plan Book 178, Page 35. Applicant: MIH1, LLC (401 County Street New Bedford, MA 02740). Applicant's Agent: Farland Corp. (401 County Street New Bedford, MA 02740)

Christian Farland, Farland Corp, stated the majority of work in the subdivision has been done, including water and sewer lines, as well as the binder course on the roadway. He stated the DPI estimate of what is left is pretty accurate, including curbing and street trees. He stated they seek to release the listed lots which are already sold, with 12 lots still remaining under covenant. He stated they expect to complete the project by next year. Mr. Farland invited questions.

Board Member Glassman discussed the fast development pace of the project to date.

A motion was made (AG) and seconded (AK) to open the public hearing.
Motion passed unopposed.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.
There was no response to Chairperson Duff's invitation to speak or be recorded in opposed.

A motion was made (AG) and seconded (AK) to open the public hearing.
Motion passed unopposed.

A motion was made (AG) and seconded (AK) to approve rrequest by applicant for the release from Covenant lots 1- 4, 9-11, 15-18, and 21-23 of as shown on the plan of land entitled "Definitive Subdivision Plan Farland Estates I" Assessors Map 130D Lots 388-406, 412-419 New Bedford, Massachusetts", prepared by Farland Corp, 401 County Street New Bedford, MA, dated December 15, 2017, latest revision date June 25, 2018, and recorded with the Bristol County (S.D) Registry of Deeds in Plan Book 178, Page 35. Applicant: MIH1, LLC (401 County Street New Bedford, MA 02740), subject to DPI comments on the estimate amounts.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Cruz – Yes	Board Member Khazan – Yes
Board Member Kalife - Yes	

ITEM 5- Case #18-49

With regard to **Case #18-49**, Chairperson Duff read into the record correspondence received 11/9/18 requesting a continuance to the December meeting.

A motion (AG) was made and seconded (AK) to receive the letter.
Motion passed unopposed.

A motion was made (PC) and seconded (AK) to continue the matter to the January 2019 meeting.
Motion passed unopposed.

ITEM 6- Case # 16-31/ #16 - 32: - Request by applicant for an additional 6 month extension of Site Plan Approval and a Special Permit for parking reduction, originally granted on November 30, 2016 and subsequently granted a one year extension on January 23, 2018, for new construction of veteran's housing and support services on a 0.51 acre site located at 20 Willis Street, NW Purchase Street and WS Purchase Street (Map 66 Lots: 167,168, & 33) in a Mixed Use Business [MUB] zoned district. Applicant: Women's Development Corporation (861A Broad Street Providence, RI 02907)

Chairperson Duff informed the board that she would recuse herself from the above-named case.

Board Member Glassman read into the record correspondence wherein the applicant requests an extension.

There being no board discussion, a motion was made (AG) and seconded (AK) regarding Cases #16-31/16-32 16-32 to approve additional 6 month extension of Site Plan Approval and a Special Permit for parking reduction, originally granted on November 30, 2016 and subsequently granted a one year extension on January 23, 2018, for new construction of veteran's housing and support services on a 0.51 acre site located at 20 Willis Street, NW Purchase Street and WS Purchase Street (Map 66 Lots: 167,168, & 33) in a Mixed Use Business [MUB] zoned district.

Motion passed unopposed

(Chairperson Duff re-entered the meeting)

6. OLD/NEW BUSINESS:

Chairperson Duff noted approval requested for the 2019 calendar, noting the board has generally met the 2nd Wednesday of each month.

A motion was made (AG) and seconded (PC) to approve the calendar.

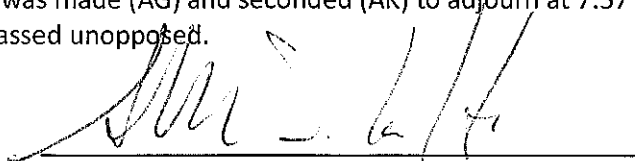
Motion passed unopposed.

Ms. Harkin provided a planning staff update, noting there had been an ANR plan signed off on since the last meeting. She noted studies and plans being worker on, such as the Master Plan. She explained the details of the work being done. She stated the recreational marijuana ordinance was formalized and sent to board members. She noted the Adult Daycare change is to go before the city council. She stated the sign ordinance is still being worked on, as well as revision to the use table. She noted work on transit development. She informed the board she had attended the Mass Downtown Summit, the Moving Together conference. She addressed CPA eligibility applications.

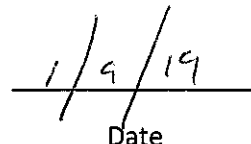
7. ADJOURNMENT:

A motion was made (AG) and seconded (AK) to adjourn at 7:57 p.m.

Motion passed unopposed.



Alexander J. Kalife, Clerk



Date

