



# ***Planning Board***

July 10, 2013 – 6:00 PM - **Minutes**  
City Hall, 133 William Street, Room 314

## **MEMBERS PRESENT:**

**Chairman Arthur Glassman**  
**Janine DaSilva**  
**Kathryn Duff**  
**Peter Cruz**  
**George Smith, Alternate Member**

## **ALSO IN ATTENDANCE:**

**Jill Maclean, City Planner**

Chairman Glassman called the meeting to order and called the roll.  
A motion was made (KD) and seconded (JD) to accept the June 10, 2013 minutes.

## **Public Hearings**

### **CASE #10-13 -Continued Public Hearing - Special Permit and Site Plan Review**

A motion was made (JD) and seconded (KD) to open the public hearing on Case 10-13, applicant having withdrawn the review.

A motion was made (JD) and seconded (KD) to accept the withdrawn.

A motion was made (JD) and seconded (KD) to close the special permit and site plan review hearing for Case 10-13.

Motion passed unopposed.

### **CASE # 14-13 Written Motion, Councillor Martins, on behalf of WINN Development**

Ms. Maclean provided background as follows: Councillor Martins is asking that the two parking lots associated with Cliftex and Whalers Place be rezoned from their current Mixed Use Business to Residential Zoning. The recommendation did not specify what type of residential, but the surrounding area is zoned Residential C. This would not change the special permit which would still remain parking and would not allow for building on the lots, but would change their tax rate.

Upon invitation from Chairman Glassman, Attorney Chris Saunders of 700 Pleasant Street, New Bedford addressed the board on behalf of WINN Development. The parking lots are utilized for the residential dwelling units, and are now being taxed at a commercial rate. Because there are special permits associated with the projects, the lots can only be used for a residential purpose. The assessor's office advised the only way the tax rate can change is to change the zoning from mixed use to residential. The lots cannot be used for mixed use business purpose because of the special permit. Because the lots cannot be utilized for anything but residential at this point, we'd ask for a favorable recommendation. Mr. Saunders invited questions.

Ms. Duff sought clarification on why they cannot be used for mixed use.

Mr. Saunders stated he was told though actual lot was not being utilized for mixed use business, the mixed use business zoning creates the potential to be used as such, but for one parcel not under the special permit. All other parcels are under the special permit and therefore any mixed use business would put the Mill Building in zoning violation tainting the lots.

Ms. Duff inquired if hypothetically someone could come before the board to modify the special permit to develop one of the parcels as mixed use.

Mr. Saunders stated that could not be done without first coming before the board to modify the original special permit seeking permission to take away parking spaces from the Mill Building, which he believed could not happen.

A motion was made (JD) and seconded (PC) to open the public hearing.

There was no response to an invitation by Mr. Glassman to speak in favor of the proposed change.

Upon invitation by Mr. Glassman to be recorded in favor of the proposed change was the Gentleman property owner, WINN Development.

There was no response to an invitation by Mr. Glassman to speak in opposition to the proposed change.

There was no response to an invitation by Mr. Glassman to be recorded as opposed.

A motion was made (JD) and seconded (KD) to close the public hearing.

Mr. Glassman clarified that the vote is for a recommendation only, the council making the final decision.

Ms. Duff stated that though concurring with Attorney Saunders' presentation, her only reservation was the one parcel not in the special permit. She inquired if the board's recommendation would include that parcel.

Ms. Maclean stated the recommendation only for the parcels before the board.

Ms. Duff clarified her reservation that when a mixed use building comes to be developed, assuming it was a large development and a portion of the mixed use development is parking, would the board be setting a precedent for the extraction of parking in future mixed used developments to be zoned residential.

Mr. Glassman, stated he could not see this becoming non-residential.

Ms. DaSilva stated that would require the current owner selling the parcels.

Ms. Duff again clarified that her concern was future development in general, not necessarily that specific parcel.

Ms. DaSilva indicated she did not believe the boars would be setting any precedent in this instance.

Mr. Smith stated years ago there was an attempt to make the entire area mixed use and this body turned it down.

He saw no problem with the proposal, the resident have stated mixed use is not wanted in that area.

There being no further discussion, a motion was made (JD) and seconded (PC) that the planning board make a favorable recommendation that the parking lots for Whalers Place (Plot 100 Lots 29 and 47) and Cliftex Lofts (Plot 105 Lots 132,169,180,213, and 216) be rezoned from MIXED –USE BUSINESS to RESIDENTIAL, and that this recommendation be made to the City Council.

Ms. Maclean added that the board note in the recommendation that the applicant must specify what type of residential A, B or C.

The motion was so amended and passed 4-0.

### **Case # 13-13 - Site Plan Review for a ground sign**

Derick Yates addressed the board, stating that he was seeking permission for a 10' by 5' sign box in front of the 6<sup>th</sup> Bristol Club, the plans having been provided to the board. He stated it was a mounted sign with in-ground 12' foot posts in a concrete foundation.

Mr. Glassman??

Mr. Yates indicated there was to be no lighting whatsoever.

Mr. Cruz confirmed the box would be capped off.

Ms. Duff inquired if the design rendering in pencil was intentional, to which Mr. Yates stated it was the logo design for Pub 6, the restaurant inside 6<sup>th</sup> Bristol.

In response to a question by Mr. Cruz, Mr. Yates stated the sign will be roughly three feet off the building, and 15 away from the curb, and is actually further back than the current sign.

In response to a question by Ms. DaSilva, Mr. Yates stated the proposed colors are red. The sign itself is black and has a paper brown bag look in the background, and the message board below will have black letters.

Mr. Yates confirmed to Ms. DaSilva that the message board was not electronic.

A motion was made (JD) and seconded (KD) to open the public hearing.

There was no response to an invitation by Mr. Glassman to speak in favor of the project.

There was no response to an invitation by Mr. Glassman to be recorded in favor.

There was no response to an invitation by Mr. Glassman to speak in opposition.

There was no response to an invitation by Mr. Glassman to be recorded as opposed.

A motion was made (JD) and seconded (PC) to close the public hearing.

Ms. Duff stated the application indicated the sign would be internally illuminated and the presenter has just represented that the sign will not be illuminated. Ms. Duff expressed that any approval should state the sign is not to be illuminated.

A motion was made (JD) and seconded (KD) that the planning board approve the site plan review for a ground sign located at 736 Ashley Blvd., New Bedford, Plot 126 Lot 65, for a ground sign for Pub 6 social club restaurant with the condition that the sign will not be illuminated as it conflicts with the application.

Motion passed 4-0

#### **Case # 12-13 - Site Plan Review (special permit)**

Mr. Glassman indicated that because this proposal is within the IPOD district Mr. Smith would be voting as well and will need 4 of 5 to pass.

Ms. Maclean clarified that two special votes will be taken; one for site plan and one for the overall special permit. In response to a question from Mr. Smith, Ms. Maclean indicated parking was part of the site plan vote, and stated that voting no on the site plan would require voting no on the special permit.

Alan Ewing of Ewing Engineering addressed the board in representation of the owners. He stated the applicant currently has a 1,736 s.f. existing building at 5 Hicks Street. The 2 story structure has a warehouse, workshop and offices. Two parcels of land on Plot 85 representing a little over 17,000 total s.f., providing frontage on Hicks, North Front, and Washburn Streets, consisting of two (2) two-way streets and one (1) one-way street. After an initial discussion with Ms. Maclean and others, landscaping was addressed. Originally, access off of Washburn Street provided more parking, but current estimates are for 18 parking spaces and the petitioner is seeking a variance for 13 spaces. Currently parking is along Hicks Street, and are not counted spaces. Parking will provide access into the 3, 988 s.f. proposed addition and showroom, including one handicap space. Mr. Ewing referenced the proposed landscaped area along Washburn Street, stating the owner does seek to enhance the current block building appearance.

Mr. Ewing stated the addition will be a metal building for warehousing and storage, along with a mezzanine and offices on the second floor. Utilities will come from the existing building, so the applicant is also seeking a waiver on the utility plan.

Mr. Ewing spoke with DPI concerning storm drainage. He stated currently the existing building has roof run off dropping on the paved ground off of Hicks Street. DPI informed the applicant that the three streets lack storm drainage. Applicant proposes taking roof run off from the metal building, the peak roof and the flat roof into a drywall system using cul tech units, 330 rechargers with stone and filter fabric, assuring the board that all roof run off will be contained on-site.

Mr. Ewing referenced that the parking lot area would be collected with two catch basins and berm will prevent any water run out onto North Front Street, and will run into a cul tech 400 gallon unit with screens and filters and a manhole access, which will go into a second drywall area with 16 units. DPI did suggest a possible emergency overflow and applicant can connect to an existing sewer.

Mr. Ewing indicated the applicant proposes to take out curbing at the referenced exit and entrance, fill in the area and install a brand new 4.5' wide sidewalk with wheelchair ramps and a 3' grass planting strip. Comments were received that would also require applicant to plant trees in the grass strip, which they agree to.

In response to a question from Mr. Smith, Mr. Ewing indicated that where the test pits are will be just a paved area which could be used for parking, but is not marked off as parking.

Mr. Cruz questioned whether any signs were proposed, to which Mr. Ewing stated the applicant has a brand new sign on the side of the building, which will stay in the same location.

Mr. Cruz questioned whether there would be perimeter fencing around the property, to which Mr. Ewing indicated there is currently chain link fence, which the applicant proposes to replace with new PVC insert fencing, but not all the way to Washburn Street.

Brian Menard of New England Marine stated that the current proposal is to continue it from the edge of the building, but as far as Washburn Street as security is an issue in the area. (indicating for the board) Applicant intends to put vinyl inserts onto the back existing fencing.

A motion was made (JD) and seconded (PC) to receive and place on file.

In response to a question by Mr. Cruz, Ms. Maclean read DPI comments into the record.

Mr. Cruz indicated there no tactile warning strip shown, which the applicant stated was meant to be there and they would comply as necessary. Applicant stated they were not willing to put wheelchair ramps on each of the corners along Hicks Street and at the four-way intersection on the opposite corners from their property.

In response to a transformer inquiry by Mr. Cruz, Mr. Ewing stated that everything will be internal.

Ms. Duff inquired as to how a car parks on the south side of the building relative to how one enters off of Hicks Street. Applicant indicated it was a two-way street and DPI was not requiring the applicant to take that curbing out; though people currently go over the curb and essentially park on the sidewalk. Ms. Duff indicated that was a problem.

Applicant clarified to Ms. Duff that the addition roof has a minor pitch. Ms. Duff inquired as to whether applicant had considered a green roof on the building with regard to water runoff. In response to a question by Ms. Duff, the applicant indicated the pavement limits, indicating the area west of the building to the fence had not yet been decided between paving or stone. Ms. Duff suggested her preference was landscaping and not more paving.

Applicant in response, to Ms. Duff, stated that currently the whole area is fenced in, but they had not yet made a decision on the extent of proposed fencing, as they do not wish to block off their landscaping investment from public site but do have security issues. Ms. Duff proposed fencing on the building side of the landscaping versus sidewalk side. Ms. Duff suggested a prairie mix, no mow, she recently learned of. She applauded the run off absorption, but reiterated her over curb parking concerns.

Ms. DaSilva inquired as to whether the applicant anticipated people driving through the parking lot sections. Applicant indicated there is a fence, and the employees would likely use the Hicks Street entrance.

Mr. Glassman expressed he found the plan to be one of the better thought out ones he had seen in a while. He agreed with Ms. Duff's parking concerns, but stated it was pre-existing and he saw no solution.

Mr. Smith acknowledged that DPI had no concern about it, to which Ms. Maclean clarified that the prior meeting referred to by the applicant was a permitting Task Force meeting, where DPI was present and expressed no issue with regard to the matter.

Ms. Maclean requested the board 'nail down' the type and location of the fencing for the decision.

Paul Dosworthy, property owner and president of New England Marine Engineering, confirmed there is an existing chain link fence which they discussed making a little better. Eventually he would like to put what's around the city with harpoons on it, and he assured he is trying to make the building as nice as possible and bring the neighborhood back. He said they planned on plastic slats for now.

Mr. Glassman inquired if applicant would put vinyl coated fence to avoid rusting, and the applicant agreed if he could keep galvanized for now. He is still considering what to put in front due to security issues. If made to replace it now, he would put something traditional and will come up with proposals and work with the board. He stated the current fence is brand new and not rusted.

Applicant stated that from a budget standpoint they would like to propose leaving the existing fence and address it in the future. Ms. Duff asked to see where the existing fence is and the applicant indicated, stating there was no existing fence in the front of the building.

Mr. Cruz confirmed that the existing fence would be modified as supplicant is modifying where the new driveways are, by galvanized chain link for now.

Mr. Smith and Ms. Maclean clarified that you get it now or never, as one the certificate of occupancy has issued it will be difficult even with a time limit, so the board should make their conditions this evening at the issuance of the permit.

Ms. Duff confirmed that where the design shows in and out the applicant will put gates.

A motion was made (JD) and seconded (GS) to open the public hearing.

Upon invitation by Mr. Glassman to speak in favor of the project, David Ralston, owner of Southeastern Diesel, a neighboring company at 21 Hicks Street, stated he is in total agreement with the project and feels it will improve the neighborhood even further.

There was no response to a further invitation by Mr. Glassman to speak in favor of the project.

There was no response to an invitation by Mr. Glassman to be recorded in favor.

There was no response to an invitation by Mr. Glassman to speak in opposition.

There was no response to an invitation by Mr. Glassman to be recorded as opposed.

A motion was made (JD) and seconded (KD) to close the public hearing.

Mr. Glassman and the board clarified what the motion should include, especially in light of the IPOD.

Mr. Cruz added that v-tech tactical strips on the accessible ramps be included as well.

Ms. Duff added 5 trees along North Front Street. Ms. DaSilva suggested a fencing plan.

A motion was made (JD) and seconded (KD) to approve site plan review for Case #12-13 at 5 Hicks Street, Assessors Plot 85 Lots 182 and 184 and that the site plan be approved with the following conditions:

- That five (5) trees be planted on North Front Street
- That the applicant bulk up the landscape on the west side of the property
- That the applicant install ADA warning strips on the ADA accessible crosswalks
- That the parking spaces be reduced from 18 to 13 spaces
- That the utility plan be waived and the applicant work with DPI
- That the applicant adhere to all the DPI comments submitted
- That the applicant gets approval from the Traffic Commission for the curb cuts
- That the applicant works with the planning staff to develop a fencing plan for the property once the work is completed

Motion passed 5-0

A motion was made (JD) and seconded (GS) to approve the special permit for Case #12-13 at 5 Hicks Street, Assessors Plot 85 Lots 182 and 184.

Motion passed 5-0

(After motions passed unanimously, the Board took a brief recess and resumed)

#### **Case # 15-13 - Special Permit and Site Plan Review**

Ms. Maclean clarified that the protocol again, due to the IPOD location of the project, will require the board take up the site plan review as one vote and the special permit as a second vote, both votes needing four in the affirmative to pass. Voting no on the site plan requires a no vote on the special permit.

Mark White of White Construction for the developers representing Harbor Coggeshall LLC, accompanied by Rick Treeholm of Prime Engineering, Eric Juliano, Steven Vanasse from Stucky and Bradley Architects representing Bradley Landscape Design, and Shawn Kelley from Vanasse Associates, addressed the board. Essentially it's the same design team for Phase 1 and Phase 2.

Mr. White indicated they had done a successful Phase 1 market testing site and are now under construction of Phase 2 and the mixed use building. They are now proposing the medical building as Phase 3 of the proposal. Mr. White introduced Rick Treeholm to further address the board.

Mr. Treeholm stated the project is to the northern end of the Hicks/Logan Complex, just north of Coggeshall St. The city's master plan of re-developing the area contained goals and principles that applicants should try to achieve, and the applicant showed a master plan of block between Sawyer and Coggeshall, and made the buildings compatible with the historic character. The applicant has developed a new public boulevard through the site to develop to strengthen the connection. Phase 1, the Market Basket Site, has been completed. The original master plan saw two buildings and the tree-lined boulevard as Phase 1. The area east of Memorial Way has been used temporarily by Market Basket as parking. The design plans for the Mill Tower complex was fully built as proposed. He stated that Phase 2, the Taco Bell and the multi-use building, also saw overall goals met and was constructed as designed and permitted. The Phase 3 design, the Hawthorn Medical Complex and proposed bank, will include a relocated curb cut on the east side designed for optimum safety and has egress from Phase 2, blending the phases together. Goals were to acquire and utilize the vacant land adjacent to Riverside, compliment existing architecture, add medical use, and add a drive thru-bank with parking in the front. Working with the planning staff and DPI, the applicant evolved the current plan set presented this evening. He stated the existing site is predominately a concrete pad with an old unfriendly chain link fence

running along Coggeshall St. The applicant proposes to define the edge, do nice landscaping, and bring the site into the neighborhood.

Mr. Treeholm indicated the westerly neighbor is McDonalds, Market Basket to the north and Taco Bell to the east. The applicant will employ the same elements, same style crosswalk, same size sidewalks, same style ramps, benches, trash receptacles and bike racks, to create uniformity between all the phases. Additionally, parking lot lighting will have the same uniform standards. Along Coggeshall St. the Washingtonian style lights and street trees have already been installed.

Mr. Treeholm indicated that a key element the planning board worked with the applicant on was having a granite wall defining the street edge. It was done along Sawyer Street and is being done along Veteran's Memorial Way, and it will be continued defining the street edge with landscaping behind it along the frontage, again giving a consistency to the look and feel, and more pedestrian friendly. The applicant proposes sidewalks on both side along Sawyer and Mitchell Streets, Bellville and all along Coggeshall Street over to Veteran's Memorial Way. An additional sidewalk system is being developed to run along the face of Taco Bell and along the face of the multi-use building and between the two, continuing the element from the bus stop to Coggeshall Street, unifying the entire development from a pedestrian standpoint.

Mr. Treeholm continued, stating the minimum parking in the underlying district is the maximum allowed in the IPOD district, the concept being the use of shared parking, minimizing asphalt and maximizing landscaping. Mr. Treeholm presented a table showing minimum required spaces of 151 for the specific tenants. The total the applicant has is 147, meeting the IPOD goal.

Due to concerns about large vehicles circulating throughout the site, Mr. Treeholm indicated that Vanasse Associates did a computer model assuring the trash vehicles can enter and exit safely and effectively. Mr. Treeholm indicated that the applicant met all of the IPOD goals and principles. He then introduced Sean??? from Vanasse Associates to address the traffic analysis.

Sean Kelley, traffic engineer with Vanasse Associates addressed the board, and submitted supplemental material as a result of a meeting with city staff.

Located between the existing McDonalds and the access to Riverside Landing, the project analyzed is a medical office building and drive-thru bank. The study area included the intersections accommodating the majority of project traffic. The study looked at two signals on Coggeshall Street; Bellville Avenue and the signal across from the ramps and Veteran's Memorial Way. The study also evaluated the proposed site driveway onto Coggeshall, and the internal driveway is part of the supplemental analysis.

Mr. Kelly stated the study was done in accordance with industry and state guidelines; including current traffic counts, weekday morning 7:00-9:00 and weekday evening 4:00-6:00, as well as Saturday midday 11:00 – 2:00, the commercial shopping peak. Volumes were adjusted to account for traffic growth and to account for the unbuilt development with the landing itself. Their previous filings having been reviewed by Mass DOT and MEBA. Their future conditional analysis includes everything present today and everything in the additional build out. The site analysis data relied on the ITE database and Mr. Kelly then broke down the expected visits for both the medical and bank buildings. The analysis incorporated a 25% pass by or current traffic rate. He stated the site provides multiple entrance options. Mr. Kelly stated the focus has been access and what became clear was exiting left turn traffic would not work from a full front access plan. Exiting traffic from that driveway is now proposed to be right turn only. Safe inbound movement of a left-turn in already exists. The city staff suggested modifying the island to further restrict the left turn movement, and it has been extended as far as possible while still being able to accommodate a truck pulling out. It will have a pedestrian cut out in the middle of the island. To address Mr. Cruz' intersection concerns, counts were done and those observations were presented to the board in memo. Indicating the traffic study did not see a lot of impact.

Steve Vanasse of Stucky and Bradley Architects addressed the board, stating the firm is the architect for the 10,000 s.f. urgent care as a satellite of St. Anne's hospital in Fall River. The facility will have exam rooms, treatment rooms and radiology rooms. Mr. Vanasse showed the primary entrance and covered drop-off on the plans, as well as the handicap parking. He indicated the location of the service area and ambulance bay. Mr. Vanasse then went over the interior floor plan. The front entry will have two colors of brick for the face and punched window openings. The flat canopy will be supported on brick piers. All four sides of the building now have masonry up to approximately the fourteen foot line. There is a roof screen as well, that serves as a screen both visually and acoustically. The signage is a matching silver metal panel common to St. Anne's/Stewart facilities. The intent in the selection of the brick was to be consistent with some of the other buildings on the site. Mr. Vanasse invited questions.

The board wishing to see the entire presentation first, Michael Radner of Radner Design Associates, addressed the board with regard to the landscaping. The overall landscape approach is to plant durable, colorful, drought tolerant plants with year round interest. This is a continuation of the Phase 2 and the plant palate is essentially the same with some variation. Basic landscape design principles are about rhythm and repetition. For example, using 10-12 shrubs of the same type are blocked together. This is particularly true for a commercial landscape of this type and along Coggeshall St., which is basically a highway. You want large drifts of planting to provide maximum visual impact. All of the proposed landscape islands will have a large shade tree. Mr. Radner stated they had tried to minimize conventional lawn by filling with low maintenance planting rather than lawn. The parking lot and the trees within it are, again, a continuation of Phase 2, and will contain Zelcova trees, pin oaks and sugar maples, all drought tolerant species. Along the front of the medical building will be three tree pits in the sidewalk in tree grates providing additional vegetation between the parking and the building.

Mr. Radner stated that screening and softening of the hard edges on the eastern site border will be done with Giant Arborvitae, providing a thick evergreen screen, with forsythia interspersed. There will be another Arborvitae row along Coggeshall Street, as well as at the service bay and trash enclosure. The site entrance will have a low stone wall. Shrubs and perennials will be planted, further increasing the height of the screening to the parking lot.

Mr. Radner continued by citing the plantings proposed along the medical building. In the small islands there will be a planting of day lilies. Planting around the bank are plant beds of the same palate seen along the street, with a seasonal variety and fall colors as well.

MALE: Originally a pylon sign was proposed for the area, but met with objection from planning board members and staff. It was converted to a ground sign and applicant is predominantly relying on the signage on the building. In conclusion, Phase 3 is additional redevelopment consistent with the original master plan, and buildings are compatible with the historic character and compatible with other buildings on the site. The applicant is providing new functions that will benefit the city and the neighborhood, and are meeting the design policies, principles and goals of the IPOD district. Board questions were invited.

for a proposed Medical Ambulatory Facility and Drive-Thru Bank with Ancillary Parking Lot located within the Hicks Logan Sawyer (IPOD) Interim Planning Overlay District located at Riverside Landing, Coggeshall Street, Plot 93-2, Lot 261 and 264. The applicant is Coggeshall-New Bedford LLC and Highway View LLC, 1266 Furnace Brook Parkway, Quincy, MA 02169 Plans submitted by: Prime Engineering Inc., P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347.

9. Case # 11-13 A Preliminary Subdivision (Form B), A Definitive Subdivision (Form C), and for Site Plan Review namely for the Cardinal Place Residential Subdivision at Swallow St. Assessors Map 136 Lot 353 and Assessors Map 138 Lots 376 to 380. The applicant is Richard Hopps, 302 Elm Street, Dartmouth, MA 02748. Plans submitted by: Prime Engineering, Inc., P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347.

New Business: None

Old Business: None

Date of next meeting: August 14, 2013