



Planning Board

October 9, 2013 – 6:03 PM - **Minutes**
City Hall, 133 William Street, Room 314

Members Present:

Arthur Glassman
Colleen Dawicki
Janine DaSilva
Kathryn Duff
Peter Cruz

Members Absent:

Note: For the purposes of these minutes, a motion that is made and seconded, will be transcribed as shown in the following example-JD/CD, where the first two letters represent the member initials making the motion; and the second set of initials are those of the member seconding the same motion. Tally of the vote appears numerically as 5-0 or the actual vote. This meeting was filmed by New Bedford Cable Access.

1. **Call the meeting to order.** Chairman Glassman called the meeting to order at 6:03 P.M., called the Roll, and introduced the Board Members, the City Planner, and Mr. Blair Bailey, Ward 1 Councilor was also introduced.
2. **Call the roll.** Colleen Dawicki, (CD), Peter Cruz, (PC), Kathryn Duff, (KD), Janine DaSilva, (JD), Arthur Glassman, (AG)

Public Hearings:

3. **Case # 19-13:** Proposed zoning change submitted by Councilor James D. Oliveira, requesting that the zoning on Plot 123, Lot 43 (950 King's Highway), Plot 123, Lot 109 (966 King's Highway) and Plot 125, Lot 29 (1080 King's Highway) be rezoned from Planned Business District to Industrial A District.

Mr. Glassman then asked if anyone was present to represent this case.

James D. Oliveira, Ward 1 Councilor, 39 Briarwood Dr., N.B., approached the podium requesting to change the zoning, discussing retail development and the movie theatre. Applicants discussed zoning laws. Concerns were the oil change business which is not allowed under Industrial A, and the other retailers involved. **2nd, Mr. Lindsay Wilson, 29 Tall Turbers Lane, Kingston, Ma., Counsel for Cedar Reality Trust**, also approached the podium proposing a rezoning, further speaking about the zoning category, retailers involved, looking to change zoning to draw tenants. CD questioned zoning laws. Questions were directed to JM regarding zoning laws. The Rail station in question and future site plans was discussed. KD discussed zoning laws with JM. JM explained plans, etc. Chairman Glassman expressed he is not against changing the zoning, just the needs for the use of the project. Site plan overlays were discussed.

Motion was made:

Motion was made to open public hearing by KD/JD, JD/KD, Motion to close public hearing. No one in favor, no one in opposition.

Condition for motion:

Motion was made by JD/KD, for a recommendation to change the zoning law regarding lots above, change to Industrial A, 25' height restriction, non specific use; national retailers, affirmative recommendation to ordinance.

Case # 19-13---

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Kathryn Duff – yes

Janine DaSilva – yes

Arthur Glassman – yes

Tally 5-0, with all in favor, **Motion passes 5 to 0**

4. **Case # 31-13:** Proposed zoning change submitted by Councilor John T. Saunders, requesting that Plot 100, Lot 139 (NS Davis Street) be rezoned from Mixed-Use Business District to Industrial B District

Motion was made:

JD/CD made a motion to open public hearing. **Opposed:** Whalers Cove (Attorney Timothy Winger, 120 Union Street, N.B.) Opposition was expressed through a letter written and submitted to board which was read to the Board Members by Whalers Cove Attorney. Letter signed by Allen W. Cove (Whalers Cove). Motion to close public hearing made by JD/KD. Rezoning discussed amongst the board members regarding pre-existing, non-conforming use lot. Proposed zoning change, ordinance recommendation and adjacent lots were discussed by board members. KD spoke regarding lots and redevelopment, and about a vessel on north end of the river.

AG mentioned buying the lot and rights of a business owner.

Condition for motion: Case # 31-13, Affirmative recommendation to ordinance

Roll Call Vote:

Colleen Dawicki – No

Peter Cruz – No

Kathryn Duff – No

Janine DaSilva – No

Arthur Glassman – No

Tally 0-5, **Motion fails 0 to 5**

5. **Case # 32-13:** Proposed amendment to Chapter 9 Zoning Code of Ordinances to adopt revisions to Appendix B Table of Dimensional Regulations to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B.

Motion was made: JD/KD made a motion to open a Public Hearing. No one in favor and no one opposed. JD/KD made a motion to close the public hearing. JM discussed the zoning aspects etc. PC made a motion to accept the proposed amendments.

Condition for motion: Motion to accept the proposed amendments.

Case # 32-13

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Kathryn Duff – yes

Janine DaSilva – yes
Arthur Glassman – yes
Tally 5-0, with all in favor **Motion passes 5 to 0**

6. **Case # 26-13:** Site Plan Review for a proposed NSTAR Electric & Gas Corporation Service Center at 200 Theodore Rice Boulevard (Plot 136, Lots 323, 354 and 466) submitted by Field Engineering Co., Inc., on behalf of NSTAR and the property owner, Highland New Bedford Associate Partnership.

Motion was made:

KD/JD motion to open public hearing. No one in favor, no one opposed. JD/PC Motion to close public hearing. **Rich Riccio, Field Engineer**, approached the podium on behalf of NSTAR, did a presentation regarding the proposed fleet parking, storage areas, etc. Security fence, transformers, landscaping plan presented etc. Questions for applicant were discussed, conservation, engineering process, aisles in parking lot (width etc) 9x18 spaces. PC discussed transformers and storage for oil. Hay/straw bales, and soap sacks. Conservation will be consulted. KD discussed with Mr. Riccio regarding the paving and square footing of trees, soil etc (Impervious area), managing storm water, renewable energy, storm water management system, potential spills NSTAR spoke of sensitive areas for storage, i.e. gravel areas and draining systems. Approximately 200 employees, 400-500 vehicles need to be able to access the equipment. JD/PC Motion to close public hearing. Quantity of parking was discussed by the planning board. KD hesitates to approve plan presented, due to amount of asphalt which is petroleum based, issues with trees being taken down and spoke about the positive impact of trees, paving up to building was also discussed.

Condition for motion: A solution was discussed regarding planting more trees on property. NSTAR will go back to discuss the pavement issues with their clients given the board concerns. NSTAR will be consulting the conservation dept. Board suggests an extension letter be submitted to them. Applicant verbally agreed and stated intent to submit a letter. More information will be presented regarding the building etc of the plans. Board suggests NSTAR comes back with a better plan. CD/PC motions that this case be continued at next board meeting on November 13, 2013. (extension to applicant); Continued Hearing on Case #26-13

Roll Call Vote:

Colleen Dawicki – yes
Peter Cruz – yes
Kathryn Duff – yes
Janine DaSilva – yes
Arthur Glassman – yes

Tally 5-0, with all in favor, **Motion to continue case passes 5 to 0**

7. **Case # 27-13:** Preliminary and Definitive Subdivision Review for a proposed Subdivision at Lucy Street at the Town of Acushnet border (Plot 132, Lot 470), submitted by Romanelli Associates Inc., on behalf of the owners, Jose & Maria Pacheco.

Motion was made: JD/CD motion to open public hearing. **Greg Morse, 19 Union St., Scituate, Ma., Morse Engineering**, approached the podium on behalf of owners, Jose and Maria Pacheco. Mr. Morse presented issues regarding a new dwelling on Lucy Street, looking to extend the right of way on Lucy Street, sub-dividing the property. Waivers have been discussed. AG asked questions regarding the existing cul-de-sac. CD presented questions to **Greg Morse**. What services will residents receive regarding Police, Fire, EMS, if needed, were discussed. **Joe Pacheco, 16 Laura Dr.**, is benefiting from lot B, stating Acushnet services were responders since he has lived there. Subdivision discussed, fire hydrant etc. JM spoke of issues needed to be worked out, waivers, road

work, how developer should fund project, and home owners association. **Mr. Bailey** spoke on how it will not be a city street, creating a roadway, zoning in Acushnet, lot size was discussed. Cannot be further subdivided should be put in approval. No one opposed. JD/CD motion to close public hearing.

Condition for motion: JD/CD Motion made with conditions that this lot not be further sub-divided, road shall not be accepted as a public city street, D.P.I comments, and bond for completion of all road/infrastructure work.

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Kathryn Duff – yes

Janine DaSilva – yes

Arthur Glassman – yes

Tally 5-0, with all in favor, **Motion passes 5 to 0**

XXX A.G. made a motion to substitute case 28-13 to Hotel Case #29-13 XXX

8. **Case # 28-13:** Site Plan Review for a proposed Off-Street Parking Area at 11 Cove Street (Plot 21, Lot 47) and Special Permit for a reduction of the required minimum drive aisle width, submitted by Thompson Farland, Inc., on behalf of the property owner, Outer Harbor, LLC.

Motion was made: JD/CD made a motion to open public hearing, no one in favor, no one opposed. **Nick Dufresne, TFI, N.B.**, discusses drainage, grading, elevation setting, one way access from cove street, parking. Applicant is seeking a special permit for the angle parking. JM explains about the special permit needed for approval for the angle parking. **Roland Letendre, 36 Holly Wood Rd, Mattapoisett** speaks regarding the proposal. PC inquires about the fencing, site distance and bike path. AG made a motion to accept photos for the board to view. JD/CD made a motion to close public hearing.

Motion was made by AG to substitute case 28-13 for Hotel case #29-13. A.G made a motion to continue case #28-13

Condition for motion: Fire Department approval of any changes to fire suppression system, traffic comm., DPI comments striking #10, #6 staff review, straw bales, silt sacks, review flow, 1 shared “entrance”, 1 “exit” only, reverse parking spaces.

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Kathryn Duff – yes

Janine DaSilva – yes

Arthur Glassman – yes

Tally 5-0, with all in favor, **Motion passes 5 to 0**

9. **Case # 29-13:** Site Plan Review for a proposed Mixed Use project containing a Hotel, Restaurant and Residential Dwelling Units at 72 North Water Street (Plot 53, Lots 297 & 68), submitted by Thompson Farland, Inc., on behalf of the property owner, Candleworks Ventures, LLC.

Michael Kehoe, 126 Union St., N.B., opened proposal for hotel project, function facilities and condominiums, Candleworks building, restaurant on ground floor and office space above. Been to

Historic Commission and presented everything they needed to, and hope to get a permit. Need a committee to look at plans, still gathering information. Mr. Kehoe stated how the Hotel Commission needs a special permit. The permit they are seeking from this board and Zoning Board has to do with parking. They know parking is an issue and they plan to correct it. **Tim Love, Boston, Ma**, discussed how they are going to present the hotel and spoke about the features of the project, business strategy, landscaping, the building, etc. Mr. Love continued to state that the building has a series of fronts, facades of the building, service areas, kitchen, through lobby, service areas for function rooms, basic organization. **Mr. Christan Farland, TFL,N.B.**, spoke regarding the property, footage of property, subdivided, lots created. The site contains parking lot and the Candleworks building, which will be preserved, basin and city drain system, 22,660 sq ft. The site was designed to promote economic and cultural development, vehicle access (valet service), traffic engineer is present for any questions regarding traffic. Floor drains, which will promote infiltration, storm water, roof top runoff water and water being discharged to drain system. Dumpster area will be fully enclosed, etc. DPI was consulted. Special permit and parking will be discussed further. **Mr. Michael Bliar, Landscaping Co.**, spoke regarding the landscaping and the slopes, performing a corner park, possibility of replacing wall, low impact lighting, more relaxed lighting strategies, integrating water movement & sculpture. Opportunities to increase plant material, planetarium etc. They are proposing to have two fronts, a canopy for the building, 3 levels of guest rooms, basement and the low points were also discussed. AG suggested questions be turned over to the board. CD and a PC had no further questions. KD discussed the waterfront and route 18, and does not approve of the wall. Points were made regarding the site plan, traffic etc. JM, spoke regarding easement etc. PC spoke regarding the plans, pedestrian path of travel to the hotel, back of building (water Street) not being totally assessable, layout for the condos, storm drains being capped and not removed from city streets and new draining system regarding the overflowing stuff. Applicants may have to create a new structure to be able to handle new pipes coming into hotel. CD requested slides to route for vehicles to enter. Hotel discussed traffic pattern into hotel. PC requested from traffic engineer volumes of traffic being projected for hotel. CD questioned engineer regarding access for traffic on site plan.

Motion was made: KD/JD motion to open public hearing, **in favor, Derek Santos. Opposed, Claudia Mills.** In favor of Hotel, **Derek Santos, from EDC, Purchase Street**, spoke in favor of hotel, Contents of planning of project, development project, jobs, market study, and sites available. Demand for program necessary to make hotel successful, complex project

Opposed, Claudia Mills, abutter, 89 North Water Street, opposes the proposed building. Questions of developing, going parallel to highway and does not fit the historic gateway. Building is too high in photos that were shown “not a historic building”. KD/JD made motion to close public hearing and a discussion began between board members regarding the hotel. AG discusses the benefits to downtown New Bedford merchants and spoke regarding the function and use of the hotel. AG likes the idea as far as the business aspect. JD will discuss with historical commission. KD wants pedestrian access to be redone, create a buffer between sidewalks and widen opening with steps, rejects crossing with two way traffic. Layout needs to address the vehicular access and pedestrian activity.

Condition for motion: Written binding agreement for parking, left turn out only of the parking area, LEED certifiable project, not necessarily awarded, green roof, rain gardens for drainage, DPI comments, ZBA decisions cord, traffic comm., decision and cord and historic comm. Decision and cord. Vote to accept passes 5 to 0

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Kathryn Duff – yes

Janine DaSilva – yes
Arthur Glassman – yes
Tally 5-0, with all in favor, **Motion passes 5 to 0**

- 10. Case # 30-13:** Site Plan Review for a proposed new construction loading dock addition to an existing building at 86 Macarthur Drive (Plot 37, Lots 319), submitted by Macarthur Drive LLP.

Motion was made: KD/JD motion to open public hearing. Kenneth Ferreira, 46 Foster St., N.B., curb cut, AG, asked about DPI comments. Comments given to Ken Ferreira for review. Approval will be subject to DPI comments. No change to the entrance, discussed entrance to office bldg, which will not change address. JM, no reason to change address which could create a legal issue. PC, new catch basin vs. trench drains discussed. PC would like to see oil/water catch basin, parking spaces, curb cut being proposed, path of travel, wheelchair accessible. KD requested handicap accessible along with PC. CD, parking spaces discussed. KD made a suggestion to change parking spaces already existing. AG made a motion PC reworking the parking lot and placing 5 other spots without curb.

Condition for motion: CD/JD made motion under special conditions, DPI comments striking #7 address changes, catch basin with oil, make building ADA compliant, rotate parking spaces on north side of building, retrofit drainage at the northwest corner, revise parking in accordance with staff (review with engineer either PC or KD on planning board).

Roll Call Vote:
Colleen Dawicki – yes
Peter Cruz – yes
Kathryn Duff – yes
Janine DaSilva – yes
Arthur Glassman – yes
Tally 5-0, with all in favor, **Motion passes 5 to 0**

Continued Public Hearings:

- 11. Case # 11-13:** Preliminary Subdivision (Form B), Definitive Subdivision (Form C), and Site Plan Review namely for the Cardinal Place Residential Subdivision at Swallow St. Assessors Map 136A 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. **Case continued.**

New Business:

- 12.** Letter from Federal Emergency Management Agency (FEMA) regarding available Flood Risk Products. AG. Flood zones were discussed by JM.
- 13.** Letter from US Army Corps of Engineers, Final Environmental Impact Statement (FEIS): Proposed South Coast Rail Project, Massachusetts Department of Transportation. Chair, JM, Army corp., planning board and city need to issue their comments of the route. If board needs to put in a letter of support. JM will draft letter for board for review.

Old Business: None

Date of next meeting: November 13, 2013

Adjourn: JD/KD motion to adjourn the meeting at 10:24 p.m.

Respectfully submitted,
Cynthia Harris, Recording Secretary