



## ***Planning Board***

May 14, 2014 – 6:07 PM - **Minutes**

Brooklawn Park Senior Center Warming House, 1997 Acushnet Avenue

**\*\*View Agenda\*\***

**MEMBERS PRESENT:** Colleen Dawicki,  
Chairperson Janine DaSilva, Vice Chairperson  
Peter Cruz  
Arthur Glassman  
George Smith

**ALSO IN ATTENDANCE:**  
Jill Maclean, City Planner

Chairperson Dawicki called the meeting to order at 6:07 p.m.

A motion was made (PC) and seconded (AG) to approve the April minutes. Motion passed unopposed.

At Chairperson Dawicki's request, a motion was made (JD) and seconded (PC) to take Case #18-14 out of order. Motion passed unopposed.

### **Public Hearings:**

#### **CASE #18-14** – Sidewalk cafe permit

Ms. Maclean noted the applicant is located on Purchase Street and for the last three seasons have had outdoor tables in Wings Court, and they are again looking to do the same, as previously approved by the board. Ms. Maclean noted the season runs from May to October with a 10:00 pm closing.

Mr. Glassman confirmed that no changes were sought.

There being no further discussion, a motion was made (JD) and seconded (AG) to approve renewal of the sidewalk café permit.  
Motion passed unopposed.

At Chairperson Dawicki's request, a motion was made (JD) and seconded (PC) to take Case #7-14 out of order.  
Motion passed unopposed.

#### **CASE #7-14** – Proposed zoning change

Ms. Maclean noted that the motion made by city council was referred to the planning board and ordinance committee, both of which have a certain timeframe to act within. Per the solicitor's advice, the planning

board must take action this evening. She noted that the timeframe for the ordinance committee will have expired and the motion will die in committee. She noted the planning board must act this evening, but the motion will again visit the planning board and ordinance committee so that it can be heard by both in the appropriate timeframe.

Att. Peter Solino of 550 Locust Street, Fall River, addressed the board on behalf of Petitioner Antonio Almeida. Att. Solino confirmed Ms. Maclean's information and noted that the neighbors had concerns. Att. Solino stated the petitioner hopes to come back before the board with a plan amenable to both the petitioner and the neighbors.

Mr. Smith inquired as to whether the neighbors had been met with regarding issues, and suggested the applicant do so before their next appearance before the board. Applicant agreed.

Ms. Maclean by way of background stated the address was at one time under city ownership. The city sold the property. Existing garages on the lot were pre-existing non-conforming, or existing prior to zoning being enacted and as such an allowed use. The applicant did not continue the use and it lapsed and reverted to existing zoning, which is Residential B, and which results in the request to change to mixed use business. She noted the applicant had met with a neighborhood group along with Councilors Carney and Winterson. Councilor Winterson is attending a park board meeting, as this application will be heard again, but wanted his absence explained and his concerns noted, as both the neighbors and the council have yet to be provided plans.

Ms. Dawicki advised the applicant that when the board considers zoning changes, one of the standards the board must consider is evidence that the change is in accordance with a well-considered plan for public welfare.

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

There was no response to Ms. Dawicki's invitation to speak in favor.  
There was no response to Ms. Dawicki's invitation to be recorded in favor.

In response to Ms. Dawicki's invitation to speak in opposition, Erin Burke, representative of the Arnold Street Neighborhood Association and an abutter to the Ash Street property, addressed the board. She offered a petition from the neighborhood residents requesting the area stay residential. She noted the majority of the property is unroofed and will have high visibility and noise impact on surrounding neighbors. She stated the proposal is not compatible with the neighborhood and requests the area stay residential at this time.

A motion was made (JD) and seconded (AG) to receive the petition.

Ms. Yasmine Vincent from the Arnold Street Neighborhood Association addressed the board in opposition. She stated the matter would be discussed at their next meeting and was hopeful the petitioner would present documents at said meeting.

In response to Ms. Dawicki's further invitation to speak in opposition, Bernadette Coelho of 19 Emerson Street addressed the board. She stated both her colleagues and she would be prepared to speak further at any meeting in the future in the hope of finding a use for the property that is conducive to the neighborhood. Ms. Coelho noted that in her fifty years in the neighborhood, it is currently the most congested

it has ever been. She stated that in the evening you cannot find a parking spot.

In response to Ms. Dawicki's invitation to be recorded in opposition were the following: Brian Pastori of 71 Chancery Street  
Eunice Ouestrai of 19 Emerson Street  
Charles Drayton of 25 Emerson Street

There being no further questions or comments, a motion was made (JD) and seconded (PC) to close the public hearing.  
Motion passed unopposed.

Mr. Glassman expressed confusion on how he could vote or recommend with no presentation on the application.

Mr. Cruz questioned whether this is an incident of spot zoning.

Ms. Maclean explained that where the property was business and creates the same zoning, it would not be spot zoning.

Ms. Dawicki noted the language on a well-considered plan would overruled a spot zoning concern, but the board would need to see such a plan and how it benefits the neighborhood and the city's economic development goals.

Ms. Maclean replied to Mr. Glassman that the property presently contains garages. She noted that should the board make a negative recommendation and the applicant returned with a plan that satisfied the board, the board would not be precluded from favorably approving it.

Mr. Smith confirmed he is not voting on this matter.

A motion was made (JD) and seconded (AG) that the Planning Board send a favorable recommendation to the City Council rezoning Plot 45, Lot 85, 175-177 Ash Street, from Residential B to Mixed Use Business.  
Motion failed 4-0

At Chairperson Dawicki's request, a motion was made (JD) and seconded (PC) to take Case #15-14 out of order.  
Motion passed unopposed.

#### **CASE NUMBER #15-14 – Special permit for reduction of minimum off-street parking**

Ernesto Pinheira addressed the board regarding the special permit requested for 123 Church Street, intended to operate as a church/worship center, currently operating at 430 County Street. He stated the growth of their congregation has necessitated them moving to a larger place.

Ms. Dawicki noted it appeared the applicant has 70 parking spaces on site and is required to have 138 spaces. She confirmed with the applicant that they are leasing the difference.

Ms. Maclean noted the property is the former Café Funchal and the needed spaces are being leased from Luzo.

The applicant noted the plan submitted outlined the 135 spaces, the red line being those spaces owned and the blue those spaces leased.

Sergio Maza, project architect, addressed the board. He noted the parking was previously used by Café Funchal, again leased from Luzo's. In response to a question by Mr. Cruz, Mr. Maza stated they had no objection to residents using the parking lot as it is really only needed by the applicant on Sundays. Mr. Maza stated he did not anticipate any church visitors parking on the street.

In response to a question by Mr. Glassman, the applicant stated they currently have some 400 members, including families with children, and therefore would not mean 400 cars.

Mr. Smith welcomed the applicant and questioned whether any function room rental was expected. The applicant stated it would be used entirely for church and ceremonial purposes, with no outside parties or alcohol.

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

In response to Ms. Dawicki's invitation to speak in favor, Dr. Benaza Obamajee of 245 Ash Street, New Bedford, addressed the board. From Africa, he stated he has been in New Bedford for 5 years and is also a pastor. He noted the great community work being done by Pastor Ernesto. He has seen people change, go back to school and get a job and live a good life. He is happy and thinks this is a good thing for New Bedford.

Stephanie Fajundo, a youth leader and church member for ten years, addressed the board. She noted the church has grown from 20 members. She stated she has learned so much and is working with youth to get them out of drugs and the streets. She feels it is tough for youth and asks the board to consider their church.

Bruce Wayne Duarte Sr. addressed the board. He stated though not a church member, he is friends with church members. He has attended the Spanish church several times and has had the service translated. He believes the applicant to be a positive role model for the community and is a man of God who will run a church as it should be run. He stated a lot has been done for the youth who attend this church, and has outgrown the current W-TEV building. He stated he has done a lot for the people here and has gotten people off drugs. He stated it will be positive for the community and our youth, and expressed 100% support.

In response to Mr. Smith, Mr. Duarte stated he chose to attend this meeting, instead of his New Bedford Idol meeting, because of how important he thinks this is.

Aloiud Chacon of Worcester, executive director of the ministry, addressed the board. He stated they have six churches in the New England area, with a goal to lift up the community, working with youth and the elderly and other ministries in the church. He sees the church as providing help and support to those in need in the community and is hopeful for the board's positive approval. He submitted approval letters to the board.

An unopposed motion was made (GS) and seconded (JD) to receive and place on file.

In response to Ms. Dawicki's further invitation to speak in favor, Franklin Tahera addressed the board. He

asked the board for the opportunity to bless other families in the community by opening this church, so others can be blessed as he has, and change the lives of others in the city.

Sharita Duarte, a 3 year church member, addressed the board. With family in Peru and Portugal, she stated she has seen many miracles. She stated the church is growing and seeking more space so they can see more and more people and more and more miracles. She recommends the church be bigger as there are many families they need to bless.

Elvin Chacon of Marlboro, MA, a former pastor of the church, addressed the board. He stated he sees New Bedford as a beautiful city with great character and a lot of potential and a bright future. He stated they are seeking to continue the youth ministry work that has been a blessing to the community, and bring in other New England area youth. He stated this will be an economic blessing to the area, as they rent hotel rooms.

Leala Teixeira, a church member and 20 year New Bedford resident, addressed the board. She stated the church has changed her life, as a young mother of three girls. She feels it is a positive expansion to bring in youth and grow in New Bedford.

There was no response to Ms. Dawicki's further invitation to speak or be recorded in favor.

There was no response to Ms. Dawicki's invitation to speak in opposition.

There was no response to Ms. Dawicki's invitation to be recorded in opposition.

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

Mr. Smith inquired as to any sign requests by the applicant to which Ms. Maclean stated there were none at this time. She noted there would be one wall mounted sign which will be internally signed off by staff, but no free standing sign.

Mr. Cruz expressed his pleasure that the neighborhood and now abandoned parking lot will be cleaned and the grass maintained.

Mr. Smith concurred that it would be a good thing for the city. He stated he found the presentation excellent and welcomed the people of the parish to the city.

A motion was made (JD) and seconded (GS) to approve the special permit for reduction in parking for Map 102, Lots 124, 163, 185, 85 and 95 to reduce parking from a required 138 spaces to 74 spaces, with a reduction of 64 spaces.

Motion passed 5-0

#### **CASE #4-14** – Continued public hearing on site plan review

Craig Horsefall, Thompson Farland Engineers, addressed the board with regard to a proposed airport hangar. He stated the revision that has occurred was basically sliding the building forward toward Downey Street to allow more maneuver room for the airplane, as recommended by the New Bedford Airport Commission. He confirmed the board had copies of the revised plan.

Ms. Maclean noted the applicant had filed a notice of intent, as portions of the project fall within the 100' buffer zone. The project was undergoing an engineering peer review with the Conservation Commission. Ms. Maclean noted any board approval should include a condition that the Conservation Commission decision

is part of this board's condition, along with the DPI comments presented at the last hearing.

There being no further board questions, Ms. Dawicki invited any public comment in favor. There being no response, Ms. Dawicki invited any public comment in opposition.

There being no response, a motion was made (JD) and seconded (AG) to close the public hearing.

Mr. Smith confirmed he is not voting on this matter.

In response to Mr. Glassman, Ms. Maclean noted the applicant had asked to continue for the pending Conservation hearing.

A motion was made (JD) and seconded (AG) to approve site plan review for Case #4-14 Assessor's Map 123, Lot 3 for 1518 Airport Road approving proposed new construction of a 120' x 110' airplane hangar and off street parking with the condition that the applicant incorporate any comments from the Conservation Commission and the Department of Public Infrastructure into their construction.

Motion passed 4-0

#### **CASE #17-14** – Petition for site plan review and special permit

Ben Gary, site plan consultants to the Mount Vernon Group, addressed the board. He noted the drawings had been supplied and he reviewed the same with the board. He stated the prepared site plan includes a 4 story addition, which is now the education center, with parking remaining at its current location. He noted the transformers and air conditioning units would be screened by evergreen plantings. The main entrance is on North Water Street, with a screened service court and entrance on Union Street.

He noted the harpoon fencing will be brought around at Captain Paul Cuffy Park to unify the properties. He stated the plantings are designed to screen parking and utilities.

Dennis Daly of Mount Vernon Group Architects addressed the board with regard to the proposed creation of the in-fill building to fill a missing tooth on North Water Street, tying the Sun Dial Building to the rest of the block and recognizing the important street edge defining the neighborhood character. He noted the service court will have a wall and gate further maintaining the street edge.

Mr. Daly reviewed their efforts to address the three different characters of the 19<sup>th</sup> century surrounding buildings incorporated into their proposal, with attention to the Rose Alley waterfront view. The material changing from stone to brick, for a more residential look on Union Street, then moving to the Johnny Cake Hill façade which is set back and is stone front.

In response to an inquiry by Ms. Dawicki, Mr. Daly explained that parking will remain where it is, but with screening as well as its access moved to a higher elevation up the street.

Ms. Maclean informed the board that the plans had historical commission approval, which would have more purview than the planning board that still has site plan and parking input.

Mr. Cruz confirmed that the historical commission would also deal with the lighting styles. Ms. Maclean welcomed any concerns. Ms. DaSilva, in answer to Mr. Smith, stated that the National Park sits on the Historical Commission.

Craig Horsefall of Thompson Farland Engineers addressed the board with regard to the utility connections, to include sewer, drainage and gas. He stated as much roof collection as possible was designed and noted the limited storm water management is within the gravel parking area. He reported geotechnical engineers had found ledge, thereby limiting the amount of soil to be dealt with. He explained that a series of roof leaders will collect downspouts and direct it to a set of twenty underground 4x4 concrete storage chambers which are 4' deep. The overflow will occur into a drain manhole and head south to Union Street, tying into an existing 42" drain line. He noted a catch basin in the service area for runoff which will also tie into the proposed drain line. Sewer will tie into the Union Street line, as will water. Gas will also be tied into on Union Street.

Chairperson Dawicki suggested the board address traffic and parking questions and concerns first.

In response to Mr. Smith, Mr. Horsefall stated they did agree with all DPI recommendations. The applicant also answered that parking has not been reduced and is 6-8 for staff. Ms. Dawicki clarified that the application states 4, of the 62 required based on the addition's square footage.

Mr. Smith expressed his reassurance that the historic commission had already examined the project and had no issues with parking. He felt it was the city's responsibility to find parking for visiting tourists.

Ms. DaSilva noted to Mr. Smith that landscaping was not presented to the Historical Commission, and Ms. Maclean noted that site plan landscaping is within the board's purview.

The applicant provided an overview of the landscaping for the board, explaining that the plan included 3 foot white rhododendrons, Baltic ivy for the steep slopes, 3 foot ewes, 4 foot rose colored rhododendrons, and juniper ground cover, along with grass. He stated no street trees will be disturbed in the construction.

Moving to storm water and drainage issues, Mr. Cruz inquired as to where the ledge was located. The applicant noted the ledge is below the chambers and drops away. Mr. Cruz inquired as to the whether the 1' freeboard was adequate for a hundred year storm. The applicant noted the freeboard was a cushion to set the chambers upon and the overflow was matched to existing conditions. Mr. Cruz inquired as to recharge with ledge. Applicant noted that there are no chambers in existence on the site currently, and that there is a perforated foundation drain around the entire new building.

Mr. Smith inquired as to any outside lighting on the buildings or parking lot lighting. The applicant explained that soft lighting is proposed in the Johnny Cake Hill area parking under the canopy. On the Union Street side, the closed off work court will be illuminated. Soffit lighting is proposed on the North Water Street entry and some wall washers. George Henry briefly addressed the board with regard to lighting.

Ms. Dawicki inquired as to street furniture such as benches and trash barrels in Cuffy Park. The applicant noted that had not yet been determined.

Mr. Cruz was concerned that lighting had not been looked at by the Historical Commission. Ms. Maclean suggested that a condition that the applicant work with staff be included. Ms. DaSilva concurred.

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

In response to Ms. Dawicki invitation to speak in favor, Jeff Pontiff of EJ Pontiff Real Estate, 13 Hamilton Street, addressed the board. He noted how close he is to the Whaling Museum, and concurred

with Mr. Smith on the positive addition this project would be to downtown development. He felt any traffic hindrance was a small price to pay for what the project would bring to our downtown. He encouraged the board to support the reduction in parking and site plan overall.

There was no response to Ms. Dawicki's further invitation to speak in favor. There was no response to Ms. Dawicki's invitation to be recorded in favor. There was no response to Ms. Dawicki's invitation to speak in opposition.

There was no response to Ms. Dawicki's invitation to be recorded in opposition.

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

Mr. Smith confirmed with Ms. Maclean that he can only vote on the special permit.

Ms. Dawicki noted that the applicant had agreed to conditions from DPI, and suggested incorporating the condition that staff approve the lighting plan in conjunction with Ms. DaSilva.

A motion was made (JD) and seconded (AG) to approve site plan review for Case #17-14, for a proposed 4 story addition to the existing New Bedford Whaling Museum located at 18 Johnny Cake Hill, Plot 53 Lot 161, with the conditions that the applicant incorporate comments from DPI and also any New Bedford Historical Commission conditions related to the development. Motion passed 4-0.

A motion was made (JD) and seconded (GS) that the planning board approve the special permit for the reduction in the minimum off-street parking requirement for the proposed 4 story addition

to the existing New Bedford Whaling Museum located at 18 Johnny Cake Hill, Plot 53, Lot 161, with a reduction of parking from 62 required spots to 4, a reduction of 58 spots.

Motion passed 5-0.

#### **CASE #16-14** – Petition for special permit

Craig Horsefall of Thompson Farland Engineers, 398 County Street, addressed the board on behalf of Applicant John Barboza, who is looking to have an in-home business on his property. Mr. Horsefall noted the applicant had appeared before the zoning board for the license. He stated they are requesting a reduction in the required number of parking spaces to three, calculated to be six.

In response to an inquiry by Mr. Smith, Mr. Horsefall explained the applicant has three spaces now in the on-site garage accessed off of Maxfield Street.

Mr. Smith inquired if clients would park in the garage. Applicant John Barboza stated that two of the three garages in the two family home were used by himself and his mother. He stated his clients will arrive one at a time by appointment only, lasting up to four hours between each client. He stated his clients usually park on Summer Street or both sides of Maxfield Street, as there is an abundance of parking.

Mr. Barboza confirmed to Mr. Smith that at maximum clients could be three or four a week. He explained that a first time client appointment lasts two hours, and a repeat client appointment lasts a half hour. He explained that he does not do group sessions at that location, and for the most part works with one person.

In response to a question by Mr. Smith, Ms. Maclean confirmed that the home occupation requirement for

minimum off-street parking means garage or driveway, and that the applicant technically has the garage.

Mr. Glassman confirmed that the business would be located in the house not the garage.

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

There was no response to Ms. Dawicki's further invitation to speak in favor.

There was no response to Ms. Dawicki's invitation to be recorded in favor.

There was no response to Ms. Dawicki's invitation to speak in opposition.

There was no response to Ms. Dawicki's invitation to be recorded in opposition.

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

Mr. Cruz confirmed there was no issue for the board with regard to accessible spots.

A motion was made (JD) and seconded (GS) to approve the special permit for a reduction of the minimum off street parking requirement for a home occupation at the property known as 135 Summer Street, Plot 58, Lot 137 with a reduction in parking from six spaces to three, a reduction of 3 spaces. Motion passed 5-0.

#### **CASE #19-14** – Special permit

At Ms. Dawicki's request, a motion was made (JD) and seconded (GS) to recess.

(Board recessed briefly at 7:35pm and resumed at 7:45pm)

Ms. Maclean, after consultation with the applicant, explained the applicant's option to present to the board, and if comfortable with the course of proceedings could have the board take action, allowing the abutters present to speak. If not, he could continue the matter to a future date.

At Ms. Dawicki's request, motion was made (JD) and seconded (PC) to resume after recess. Aramis Arias of

480 Kempton Street, New Bedford, MA, addressed the board. He explained the property has a mixed use with one apartment above, and two commercial downstairs. He stated they have seven off-street parking, with the building being on a city block allowing for three sides of non-off-street parking.

Mr. Dawicki confirmed that the spaces are not currently occupied. The applicant stated his intention is to open a barber shop in one downstairs bay and is unsure of what will go in the other.

Mr. Glassman confirmed that the building is still boarded up, as shown in the photos submitted. The applicant viewed the photos briefly.

Mr. Cruz asked if the seven off-street spaces were clearly marked out, to which the applicant indicated they were not currently but are planned to be.

In response to Mr. Smith, the applicant confirmed that his intention is to turn the downstairs into two business storefronts, with one residential upstairs.

Mr. Cruz suggested an accessible van spot and noted no present accessible markings. Mr. Smith clarified that should have both a sign and ground marking.

Ms. Dawicki noted off-street parking was empty on the application submitted and inquired as to spaces existing versus those required. The applicant stated the architect told him he has seven spaces, but he was unaware how many are required.

Ms. Maclean noted that parking requirements can go by either use or square footage.

In answer to Mr. Smith, the applicant stated he was not putting a restaurant on the property.

Mr. Smith confirmed that the applicant's reason for being before the board was the reduction in parking, and the only addition planned was that there was originally one business, which is now planned to be two.

Mr. Cruz inquired if the plans indicated the creation of a third bay for storage. The applicant confirmed the same and indicated it would likely be for his use.

In response to an inquiry by Mr. Cruz, the applicant indicated the doors would be updated to accessible doors and stated one is already present. Mr. Cruz stated they were not clearly noted on the plan, but he would like to see both accessible entry and exit doors.

In response to an inquiry by Mr. Smith, the applicant stated the sidewalks surrounding the property were in good shape.

Mr. Cruz inquired about the ramp and stairs. The applicant stated there was a step up from one room to another, which required the ramp.

Ms. Dawicki inquired of Ms. Maclean whether the depicted planned renovations trigger site plan review. Ms. Maclean noted they were interior renovations, but noted comment from the Board of Health.

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

In response to Ms. Dawicki's invitation to speak in favor, George Denmark, former owner of the property, addressed the board. He stated he had run a pharmacy at the location for many years. He expressed his wishes for the applicant's success. He stated the neighborhood needs services and the planned use will not cause more congestion than what was there before. He stated his last tenant before the building's sale had twenty-six people working in offices on the second floor, which is now planned to be apartments. He expressed there was a lot more congestion previously from the office workers than from those using the business on the first floor. He believes the city will come out ahead and the services to the neighborhood will be a benefit. He also noted the center door on Kempton Street is accessible.

There was no response to Ms. Dawicki's further invitation to speak in favor.

There was no response to Ms. Dawicki's invitation to be recorded in favor.

There was no response to Ms. Dawicki's invitation to speak in opposition.

There was no response to Ms. Dawicki's invitation to be recorded in opposition.

Ms. Dawicki kept the public hearing open and inquired as to options for the board to be given additional information on uses. Ms. Maclean explained that as the businesses in the area presently have adequate parking, the next business would trigger the special permit for a reduction on parking just by being the last one in. She noted the board could consider the reduction for the one residential unit and one storefront, and have the owner apply separately once the other storefront use has been determined.

Discussion was had by Mr. Smith and Ms. Maclean to clarify that the applicant is planning one apartment upstairs and two business storefronts downstairs.

Mr. Cruz noted the structural engineer listed it as residential second and third floor.

Mr. Smith expressed concern that should the applicant receive a reduction now, he may not be granted another. Ms. Maclean noted that because of the seven spaces present, it would always come back to the planning board.

Mr. Smith noted that no one had spoken in opposition.

Ms. Dawicki inquired whether the board had an option to restrict use; such as if they gave both storefronts approval in the offices category versus a category that might introduce more congestion to the neighborhood. She stated that while it is desirable to see this property occupied and supporting the neighborhood, she expressed a concern that the storefronts could later be used as something other than what was anticipated by the board and without affording neighbor input. She suggested the board examine the use parking page, and again noted the offices category.

Ms. Maclean was uncertain what category a barber shop would fall into, and in light of the board's uncertainty on some issues, she suggested the matter be continued to June for better definition from the building commissioner on allowed category uses and to avoid making an incorrect decision that could force the applicant to reapply.

Ms. Dawicki concurred and felt input from the building commissioner would be helpful. Mr. Glassman stated that while eager to see something happen on the property, he was concerned about making a decision without knowing exactly what was going into the space.

Ms. DaSilva also felt it would be beneficial to hear from the architect.

At Ms. Dawicki's request, a motion was made (JD) and seconded (AG) to continue Case #19-14 to June 11<sup>th</sup>. Motion passed 5-0.

#### **CASE #20-14** – Site plan review

Derek Yates addressed the board with regard to two 5' x 10' interior lighted signs on a two post free standing sign, which would be double-sided.

Ms. Dawicki inquired as to any other sign images other than those in the packet. The applicant stated that was it.

Mr. Glassman inquired if this would replace the one small sign now present. The applicant indicated the 4' x 4' sign was coming down.

Mr. Smith inquired of Ms. Maclean whether the height was proper. The applicant corrected himself and confirmed that from the ground up was 240". He stated there are piers so that the cars do not hit them, along with a twelve inch footing.

Mr. Cruz confirmed with the applicant that the sign was 20' 8".

Mr. Smith indicated he thought the maximum was 15'. Mr. Cruz inquired of any maximum square footage of the sign which could be lit, the current signs being a combined total of 100 square feet.

In response to an inquiry by Mr. Cruz on whether the lights would be on timers to shut off at night, the applicant stated the power source is on light posts in front of the building. He stated he believes there is a timer on the light box, but indicated he would put in a night time sensor if needed.

Ms. Dawicki stated that past practice has been to allow lighting during business hours to a half hour after closing.

Ms. DaSilva confirmed the signs would be internally lit.

Ms. Maclean noted the board could approve and have the staff ensure the proper height was there, and if not it would require a variance. Applicant thought the maximum was 22 feet.

Mr. Cruz confirmed the applicant had proper distance to the property line.

Mr. Cruz again raised the issue of any requirement on the illuminated square footage of the sign and stated he felt 100 sf was excessive. The applicant stated he is within the industrial zone and there are larger signs there, such as the Christian Fellowship sign.

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

There was no response to Ms. Dawicki's invitation to speak in favor.

There was no response to Ms. Dawicki's invitation to be recorded in favor. There was no response to Ms. Dawicki's invitation to speak in opposition.

There was no response to Ms. Dawicki's invitation to be recorded in opposition.

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

In response to an inquiry by Mr. Cruz, the applicant confirmed that officer hours are 9-5.

After condition discussion, a motion was made (JD) and seconded (AG) that the site plan review for a proposed ground sign for an existing auto body business at 843 Church Street, Plot 130F, Lot 18 in an Industrial A zoned district be approved with the condition that the applicant work with planning board staff to make sure that the sign meets all the requirements of the zoning code and that the hours that the sign be lit be limited to a half an hour after the close of business. Motion passed 4-0.

With regard to new business, Mr. Glassman stated that he and Ms. Dawicki had previously discussed outdoor seating coming before the board each year with the same conditions. He suggested in those instances where

there were no changes, perhaps staff could approve it without the matter coming before the board, saving both time for the applicant and the board.

Ms. Maclean noted that the ordinance states a public hearing is required. She stated that planning staff is working with solicitors where in a previously approved permit, and in the event that there are no incidents or reports against an applicant, an applicant could apply for staff review only. A first time approval would require a public hearing. The matter would then need to be sent to city council, then referred to planning board and ordinance committee to go through the process, and then back to city council for approval.

In response to an inquiry from Ms. Dawicki, Ms. Maclean informed the board that a rough draft had been completed on the sign ordinance. After internal review, the Chair and one other member would be brought in for review, and then it would be submitted to city council perhaps by August or September, as solicitors must format the language to fit the code. It will then go through the board referral process. It is the hope that the final product will replace the existing code entirely.

There being no further business, a motion was made (JD) and seconded (AG) to adjourn.

Meeting was adjourned at 8:17 pm.

The next meeting is scheduled for June 11, 2014.