



## ***Planning Board***

June 11, 2014 – 6:05 PM - **Minutes**  
City Hall, 133 William Street, Room 314  
(Approved at July 9, 2014 Meeting)

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

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

**ALSO IN ATTENDANCE:**  
**Jane Medeiros-Freidman, City Solicitor's Office**

Chairperson Dawicki called the meeting to order at 6:05 p.m.

At Chairperson Dawicki's request, a motion was made (JD) and seconded (KD) to address the new business item out of order, namely that of Eastland Terrace Farms with regard to the status of the subdivision and the release of lots remaining under covenant.

Motion passed unopposed.

### **NEW BUSINESS:** - Eastland Terrace Farms

Ms. Medeiros informed the board that Eastland Terrace Farms had been pretty much completed but for some punch list items which Mr. Manny Silva will update for the board.

Att. Michaud, for the applicant, confirmed that Eastland Terrace has been completed for some time and is now moving to have a recommendation come from the planning board that the street be accepted. Petitioner represented they are in agreement with Mr. Silva on the items that need to be completed on the punch list, but was seeking guidance from the board on items such as sidewalks, which while on the punch list, neighbors have indicated they do not want. As well as their desire for less trees than called for.

They are also seeking the release of two parcels of land.

Mr. Silva of DPI informed the board that they have created a list of items to be completed. He noted DPI is not requiring the completion of sidewalks but corrections on existing deficiencies, as well as close off one driveway. There is a curb reset necessary, and under regulations each of

the twenty lots would need a tree. Under regulations, 10% of streetlights, or one light, must be donated to the city. Mr. Silva noted that as built plans must be submitted for the acceptance of the street, comprising a drainage and sewer plan, a water plan, and an electric plan, and an inspection must be done of manhole covers and basin hoods. Loam and seed has also been designated as an item for the driveway to be closed. The listed items totaling \$29,000.00, a figure Mr. Silva indicated he was comfortable with.

Ms. Duff confirmed that the stated amount included the planting of twenty trees.

Mr. Silva indicated that an amount was reached as a contingent, but the wish is to have the developer and not the city finish the project.

Mr. Glassman indicated that the project has been in development for 19 years, and wondered if a larger contingency fund would give the developer more of an incentive to complete the project.

Petitioner noted they had no issue with the punch list or contingency total set, and they were ready and able to complete the work. He noted the incentive is to have an accepted street that they are no longer responsible for. The petitioner represented that any amount not expended in actual tree planting would be donated to the city tree planting fund as a gesture of good faith.

Ms. Dawicki clarified that the \$6,000.00 listed for trees would be donated in lieu of planting should the residents of Eastland Terrace not want the trees submitted in the plan. The petitioner confirmed that and represented that their understanding was the residents do not want the trees, as many of them have already planted their own trees.

Mr. Cruz inquired as to which driveway was to be closed off. Mr. Silva indicated it would be the westerly one on the lot or the second one, and the westerly curb cut would be closed.

Mr. Glassman inquired of the timeline to complete the punch list, to which the petitioner indicated 60 days. Mr. Glassman was looking to see it completed no later than August 8, 2014.

Ms. Dawicki confirmed with Mr. Silva that should the petitioner fail to complete the work, the city could complete the work prior to winter weather assuming the plans are submitted. Ms. Dawicki requested an update on the completion at the July 2014 ZBA meeting.

Mr. Cruz confirmed that lacking a retention pond, the structure cleaning would include sewer manholes, drainage manholes and catch basins.

Ms. Duff again confirmed with Mr. Silva that DPI had not recommended installation of sidewalks on both sides, but merely corrections to existing sidewalks.

Ms. Dawicki wanted to address the street trees in light of the neighborhood design and goals, and hear from neighbors on their preference regarding potential planting planned.

Linda Huff of 31 Eastland Terrace addressed the board. She stated she lives next to the empty lot and expressed some of the neighbors she spoke who have sidewalks do not want a tree in front of their homes. She is concerned with uprooting in frost damaging the sidewalks. She suggested the money saved should be used to repair the rotted fence and pillars at the top of the development with vinyl fence, eliminating future

upkeep. She stated they have been waiting for the street to be accepted and has to call to get grass cut on the empty lot. She expressed gratitude that the board was making it move along after thirteen years.

Mr. Glassman inquired of Ms. Medeiros Freidman whether the front is maintained by an association. Ms. Huff indicated there is no association.

Garet Mattos of 39 Eastland Terrace addressed the board. She indicated putting trees in front of homes might ruin the look that has been established and maintained, and would create pollen and ruin the clean neighborhood look.

Tony Almeida of 14 Eastland Terrace addressed the board. As a fifteen year resident, he agreed with Ms. Huff that the front be beautified. He stated he did not want a tree in front of his house. He stated the development is maintained and is one of the best in the city. He stated he already has a tree on the side, and is against any trees.

Neil Cronin of 53 Eastland Terrace addressed the board. He stated his sidewalk got heaved as a result of snow covering on the drains. He would like his sidewalk/driveway repaired, and does not feel any need for additional trees.

Deb Dixon expressed confusion on why she received notice. She stated she lives behind on Westview Street and abuts two house with an uncompleted foundation.

The petitioner indicated the two house she spoke of are not part of the subdivision.

Jenny Sanchez of 20 Eastland Terrace addressed the board. She stated she does not want a tree in front of her house. She agreed with Ms. Huff with regard to making the front look better.

Colleen Cronin of 53 Eastland Terrace addressed the board. She added to her father's statements about maintaining the cul-de-sac and that any tree addition would add to issue they already have from the snow and would create an additional mess to clean up and more potential sidewalk heaves. She also expressed agreement with Ms. Huff regarding the allocation of funds to replace items at the top of the street with something maintenance free, as opposed to giving the money back to the city.

Tom Hook of 31 Eastland Terrace addressed the board. He inquired as to any mailbox changes from the current general mailbox at the top of the street.

Ms. Friedman indicated that it not being a public way, but directed an inquiry to the post office once the street is accepted.

Mr. Hook agreed with previous speakers about beautifying the top of the street. He offered to donate the sign work in hopes of swaying a positive decision in that regard.

Ms. Duff indicated that any trees would be street trees and would be maintained by the city. She is concerned about not setting a negative precedent in light of city efforts to restore tree lined streets, in addition to environmental benefits.

Upon inquiry by Ms. Dawicki, Ms. Friedman indicated the uniqueness of this situation due to the length of the project and work already done by residents. While agreeing with the importance of trees, she did not believe

the tree issue on this project would set any city precedent.

Ms. DaSilva indicated a concern about using the tree money for signage, which is a private benefit and not the intended public benefit. This raised audience comments.

Upon inquiry from Ms. Dawicki, Mr. Michaud indicated that understanding their frustration, the petitioner was willing to work with neighbors to address their concerns by using the funds in that area.

In response to Mr. Glassman' inquiry, Att. Michaud indicated the property where the sign in question is located is owned by his client and is a parcel that is still part of the subdivision. Maintenance of that area, once the street is accepted, is still to be determined.

Ms. DaSilva indicated the sign, which is owned by the developer and not the city, should be taken care of by the developer.

Mr. Michaud again stressed that his client is looking to finish the project and move on, without an ongoing obligation to continue to maintain the property. He stated that maintenance would have to be resolved, and thought the possibility existed for an abutter to take title to that.

Mr. Glassman stressed that all issue should be resolved prior to any board sign off.

George Smith of 302 Gardner Street, New Bedford, and former Planning Board Chairman, addressed the board as an alternate board member not voting on the issue. Mr. Smith stated that 5-6 years ago the board asked when the sidewalks were to be put in. He stated the developer stated he would check with the neighbors and they did not want sidewalks at the time. He explained to those present that prior to any lot/home purchase by them, the plans had been submitted and had requirements to be fulfilled. He stated that though agreeing to comply, the developer dragged his feet, sold all the lots, and then convinced those who bought that they did not want sidewalks in front of their homes. He brought those people before the planning board, and the board required sidewalks anyway in an effort to get the street accepted several years ago.

He indicated the property owner has constantly dragged his feet. He indicated to residents appearing that the gateway is the owners' responsibility and residents should look to him and not the city to fix it. He indicated he would not accept any street until all items were in tip top shape, including the damaged sidewalk. He suggested the contractor should be made to fix the front of the property, having made the residents wait 15 years to get the street accepted.

Ms. Dawicki confirmed with Mr. Silva that repair of the sidewalk was part of the punch list items to be addressed, and believed the driveway crack was included as well.

Mr. Glassman expressed that while wanting to approve this, he wanted to know what was going to be done about the front future maintenance. Mr. Cruz concurred and felt adequate information on that had not been provided.

Ms. Dawicki clarified that action tonight would result in the release of covenants on the lots and the holding of the cash surety should the city be required to complete the work.

Mr. Glassman suggested holding a greater cash surety until a better plan was presented. Ms. Duff agreed,

expressing similar concerns with the uncertainty of the sign and front area maintenance. All members agreed any repair money should be in addition to the \$6,000.00 promised to the city absent tree plantings.

Ms. Duff expressed that there is nothing that is maintenance free.

Mr. Michaud agreed and stated that his client is not seeking to avoid responsibility and all items will have to meet standards in the as built plans. He stated the front parcels are owned by his client and carries no obligation other than health and safety issues. He stated that as a measure of goodwill they are willing to sit with neighbors and explore ideas, but his client's ultimate intention of conveyance of that parcel. While admitting that the parcel does need clean up, he stated his client will clean it up but currently retains private ownership and can be sold for the building of a home upon it. He expressed his client is opposed to any ongoing obligation. He again stated the neighbors have made it clear they do not want sidewalks or an excessive number of trees planted. He reiterated they are seeking to resolve the matter and are willing to expend the monies suggested by Ms. Silva to bring the plan into compliance.

In response to a question by Ms. Freidman, Mr. Michaud demonstrated the lots still owned by his client. Ms. Friedman confirmed that Lots 18 and 19 are the subject of the release of covenants. He clarified that Lot 1, where a portion of the sign sits, had the necessary frontage when created and can be conveyed, perhaps to an abutter. He represented that there are no plans to have that lot just sit there.

Ms. Friedman expressed that the surety is to secure the work in the event the contractor fails to complete it. Only the applicant could agree to include an additional amount.

Ms. Dawicki inquired as to any work that could be guaranteed completed by the July meeting, as opposed to waiting until August to find out whether the city will have work to complete.

Ms. Glassman commented that that was his desire for an additional surety amount perhaps of \$5,000.00, as leverage to ensure prompt completion.

Ms. Friedman indicated again that any amount in addition to the estimated cost would need to be by agreement.

Mr. Michaud stated without the contractor present, he did not feel he could make promises based on someone else's schedule. He stated the work to be done, once started, should be completed fairly quickly. He assured Mr. Glassman that his client had no intent to walk out and do nothing till the next meeting.

In response to Ms. Dawicki, Mr. Michaud stated they would again appear on July 9, 2014 and provide an update, and assured they would at the very least have a work plan in place.

Mr. Silva stated the sidewalk work should be 2-3 days, the loom and seed 1 day, and structure cleaning at the same time. He estimated a week maximum.

Ms. Duff stated that like the sidewalks in a new urban development, she felt trees should be put in; that that decision is not up to the homeowner, but part of city requirements. She felt the city arborist should be consulted.

Ms. DaSilva suggested accepting the developers' tree fund donation for installation elsewhere in the city. Mr. Glassman agreed.

Ms. Dawicki suggested setting a deadline for work completion. Mr. Glassman was amenable to a July update with a firm August completion.

Ms. Duff saw no reason why a week's worth of work could not be completed by the July meeting, but stated that if an August completion is set it should include the as built plans as well.

Mr. Cruz stated he would expect more information and a plan for Lot 1 with the signage at the July meeting. He confirmed that the two lots to be released are being combined into one lot.

There being no further discussion, a motion was made (JD) and seconded (AG) to waive the requirement for the planting of street trees in accordance with New Bedford subdivision rules and regulations. Motion passed 4-0.

A motion was made (JD) and seconded (AG) that the planning board accept the owner's offer to donate \$6,000.00 in lieu of planting the required street trees in the city's public shade tree fund. Motion passed 4-0.

A motion was made (JD) and seconded (AG) to waive the requirement of the installation of sidewalks on the south side of the street in accordance with New Bedford subdivision rules and regulations as the plan approved by the board of survey did not require sidewalks on both sides of the street. Motion passed 4-0.

A motion was made (JD) and seconded (AG) to release the covenants on Lots 18 and 19, which must be combined into one lot to meet current zoning requirements, and accept the cash surety in the amount of \$29,000.00, requiring that all work be completed by August 8, 2014. If said work is not completed by that date, the board will take action to seize the funds and complete the work in order for the street to be accepted by the city. And that the applicant return to the planning board at the July 8<sup>th</sup> meeting to provide an update on the progress for the Lot 1, site entrance, and the work to be completed to have the street accepted. Motion passed 4-0.

#### **CASE #24-14** – Proposed zoning change

There was no response to the call of this case. Ms. Dawicki indicated this matter had come up before, at which time the petitioner expressed that he would meet with neighborhood residents and present a plan this evening.

Mr. Glassman indicated this vacant commercial building has deteriorated over the years, but he did not feel mixed use fits in with the character of the neighborhood.

Ms. Dawicki indicated absent any plan to the contrary, this petition is for the sole economic benefit of the owner.

Mr. Cruz agreed.

Upon Ms. Dawicki's invitation, 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 or be recorded in favor.

In response to Ms. Dawicki's invitation to speak or be recorded in opposition, Bill Lockwood addressed the board as an abutter to the abutter, and recommended it remain a Residential B Zone.

In response to Ms. Dawicki's invitation to speak in opposition, Donna Curry of Emerson Street, stated that while not against improving business, she feels the area is already heavily traveled with cars that can't get into their own street now. She does not feel it wise to change from residential as it is bad enough now, and worse in the winter season.

In response to Ms. Dawicki's invitation to speak in opposition, Denise Sirianos of 19 Emerson Street expressed that she was against the change, as it is already an extremely congested street and the addition of a business would affect the quality of life.

In response to Ms. Dawicki's invitation to speak in opposition, abutter Erin Burke of 38 Emerson Street, addressed the board on behalf of the surrounding residents. She stated the lot occupies the interior of their block and is woven into their neighborhood. As such, any activity will have a huge impact. At a meeting with Mr. Almeida in April, no plans were provided for the proposed auto body shop. A petition was circulated and introduced to the board, highlighting noise, parking, visual impact and other concerns. She expressed her opposition to the change and stated they would like to see a more thoughtful development.

A motion was made (JD) and seconded (PC) to receive the petition and place on file.  
Motion passed unopposed.

In response to Ms. Dawicki's invitation to speak in opposition, Bruce Oliveira of 119 Plymouth Street addressed the board as co-owner of an Emerson Street property. He wished to be recorded as opposed to the change.

In response to Ms. Dawicki's invitation to speak in opposition, Scott Betterncourt had little to add, but said few would be more affected than him living so close to the subject property. He is concerned with the noise and felt it would be a bad idea.

There being no further response to Ms. Dawicki's invitation to speak or be recorded in opposition, a motion was made (JD) and seconded (AG) to close the public hearing.  
Motion passed unopposed.

A motion was made (JD) and seconded (AG) that the planning board make a recommendation to the city council that the proposed zoning change submitted by Councilor Carney on behalf of Arnold Oliveira & Antonio Almeida, requesting that Assessor's Map Plot 45, Lot 85 (175-177 Ash Street), be rezoned from Residential B to Mixed Use Business District.

Mr. Cruz confirmed that this is a recommendation.

Motion failed 4-0.

#### **CASE #19-14** – Special permit

Project architect William Lockwood addressed the board. He stated the .17 acre site contains the former Denmark Pharmacy occupying some 75% of the site, the remainder is a paved parking area. He stated the petitioner wishes to develop the property into 2 commercial lease spaces on the first floor. The building has a residential dwelling space on the second floor which will be used as one residential rental unit. Mr. Lockwood

stated the unmarked parking lot has room for seven spaces, but eighteen are required. Petitioner is seeking relief.

Mr. Lockwood indicated the petitioner has a commitment on the lower westerly space for a barbershop, the smaller of the two commercial spaces.

Ms. Dawicki inquired as to whether Mr. Lockwood knew what generated the requirement for 18 spaces. She stated that again, the spaces needed is determined by the use, and the petitioner still does not know the use for the second commercial space.

Ms. Dawicki noted that the board could approve a special permit with regard to the dwelling and one of the commercial storefronts with a specified use, and then hear again from the applicant once the use had been determined.

Mr. Lockwood inquired as to stipulating a category of use for the second storefront to move along the decision, but Ms. Dawicki explained that the categories are vague and could be include both a church and a restaurant which would have a huge impact. As such, they would want another appearance before the board for approval of reduction on the second storefront.

Mr. Lockwood expressed concern about being boxed in and again was looking to agree on an area or category of use.

Ms. Dawicki consulted with Ms. Friedman as they attempted to locate the language which required 18 spaces.

Mr. Lockwood confirmed for Ms. Dawicki that Unit A was the westerly unit, the site of the proposed barbershop, and proposed the square footage of that unit would be a little less than 1/3 of the overall sf or some 1,100 sf.

Mr. Lockwood confirmed for Mr. Smith that the upstairs would contain a single dwelling unit. Ms. DaSilva indicated that would require two of the parking spaces.

In response to an inquiry by Mr. Smith, the petitioner indicated he was an electrician that would use the additional first floor space for personal storage and not a business.

Ms. Dawicki indicated that with the dwelling unit and barbershop six spaces are required.

Mr. Cruz again stated that one of the seven spots should be an accessible spot, to which the petitioner agreed to make the most westerly space a van accessible space. Mr. Cruz reminded Mr. Lockwood that he cannot utilize the sidewalk as part of the accessible space.

Mr. Glassman stated that the location of the site will likely be neighborhood use and walk-in traffic. Not a destination spot. Barring any detriment to the neighborhood and being pro- business, he was comfortable with the parking reduction.

Mr. Smith agreed that the project was a good idea, but on behalf of the neighbors wanted to know what would go in the additional commercial space.

Mr. Lockwood again stated to the board that there is also on-street parking on three sides of the building.

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

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

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

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

There was a brief discussion on the motion contents, to include only a single second floor dwelling and the westerly storefront as a barbershop.

A motion was made (JD) and seconded (AG) that the planning board approve the special permit for Minimum Off-Street Parking reduction for a retail use at 501-509 Kempton Street, (Map Plot 57, Lots 147 & 310) with a reduction in parking from the required number to seven, and that the seven spots include one handicap accessible van spot in the most westerly position, and that the applicant return to the planning board to discuss parking waiver for the middle commercial storefront at a later time; said reduction being for the dwelling and the most western commercial unit, which is to be a barbershop.

Motion passed 5-0.

#### **CASE #21-14** – Site plan review and special permit

Rich Rheame of Prime Engineering addressed the board on behalf of the petitioner. He oriented the site for the board, explaining the existing lot has 7, 516 sf. He represented to the board that test pits had disclosed low levels of contamination and a limited removal was done, with future plans to cap. Proposed parking with a van accessible space closest to the entrance. Petitioner explained that one space was eliminated to add greenery, resulting in the request for reduction from 15 to 14. Petitioner noted the abundance of off-street parking on Kempton Street. He noted a grass ribbon strip will be added per the city's request.

He noted that drainage would come to an installed rain garden, and into a storm water receptor/treatment prior to connecting to the storm system. The back area will also go into storm water treatment prior to going into the storm drain.

He stated utilities are gas service and sewer are existing. He noted for the board the erosion control plan which will have crushed stone.

He then went over the proposed interior and exterior building, and parking.

In response to an inquiry by Mr. Glassman, the petitioner stated they anticipate twelve tenants, expected to be attorneys, which under the zoning code per square footage requires fifteen spaces.

Mr. Glassman inquired if there was existing street parking, which the petitioner indicated there was.

Mr. Smith confirmed that crushed stone will be used during the construction.

Ms. Dawicki suggested the board raise questions in categories, dealing with traffic, parking and circulation initially.

Mr. Cruz indicated he had concerns about circulation on the two spots shown on the west side of the property, which would require backing out of the spot so near to Kempton Street. He also inquired if the building could be moved over to the property line. The petitioner indicated many building rotations were examined. He also noted a dumpster would also be present.

The petitioner confirmed for Ms. Dawicki that spots will be assigned and the people parking in the parallel spots will not be visitors but tenants and their employees, and welcomed such a condition of approval.

Mr. Cruz suggested centered the turn cut onto the driveway. The petitioner indicated a DPI condition was set that the applicant must get a curb cut permit from the traffic commission. He then presented to the board a revised set of plans incorporating all DPI comments. He also noted that once the present buildings are taken down, the 211 Kempton Street number will be taken away.

Ms. Dawicki noted that potential installation of meters would further address Mr. Cruz's concerns.

A motion was made (AG) and seconded (JD) to accept the revised plans.

Questions regarding landscaping and lighting were then addressed by the board.

Mr. Smith inquired as to neighbor buffering in the property rear, to which the petitioner stated there were additional plantings along that area along with a retaining wall. Petitioner noted there was also a proposed planting strip along the Danny's Auto Body side. Petitioner also confirmed for Mr. Smith that they would be replacing the entire sidewalk and a grass strip.

Mr. Cruz confirmed that the petitioner is removing one existing tree and planting four.

Ms. DaSilva inquired as to any dumpster fencing, to which the petitioner stated that due to its proposed location at the back of the alley no enclosure was planned.

With regard to lighting in the parking lot, petitioner stated a light would be added in addition to building lighting, as shown on the architectural view. In the front will be the illumination from the sign and above the door, and he suggested that front light scones on the east side could be a condition of approval.

Ms. DaSilva expressed lighting concerns with regard to creating a historical feel to the building. Again, the petitioner welcomed that condition.

In response to an inquiry from Mr. Smith regarding building color, the petitioner indicated the current proposal calls for earth tones. Ms. DaSilva proposed gray and the petitioner welcomed a consult with Ms. DaSilva on colors and lights.

The petitioner assured Mr. Cruz the parking lot light was backsheilded and night friendly to eliminate neighbor disturbance.

The board next addressed storm water and drainage.

Mr. Cruz had no issues with the proposals. The petitioner stated that limited leeching is wise in an already contaminated area.

Mr. Cruz confirmed that the erosion control plan would not stockpile dirty material. Petitioner indicated that soil had been taken off-site. Petitioner indicated that no straw bales would be used due to room limitation, and felt a silt fence was adequate for the short timeframe of the site work.

Ms. Dawicki suggested consulting with Ms. DaSilva on the building sign as well.

Mr. Cruz inquired if the applicant would be willing to put a sign cover on the accessible van sign as opposed to painting. Applicant agreed.

There being no further board questions, 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 or be recorded in favor of the application.

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

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

Motion passed unopposed.

A motion was made (JD) and seconded (AG) that the planning board approve the special permit for a reduction of the minimum off-street parking for property on Kempton Street, known as Plot 58, Lots 425 & 426, in a Mixed Use Business zoned district, with a reduction in parking from 15 required spots to 14 spaces with a reduction of one space.

Motion passed 5-0

A motion was made (JD) and seconded (AG) that the planning board approve the site plan review for proposed new construction of a two-story, 2800 SF Office Building for property located on Kempton Street, known as Plot 58, Lots 425 & 426, in a Mixed Use Business zoned district with the conditions that the applicant incorporate all the DPI comments; that the applicant use a bollard cover for the accessible parking spot; and that the applicant work with staff and New Bedford Historical Commission staff to discuss color, building lighting, building signage and other aesthetics.

Motion passed 4-0.

#### **CASE #22-14** – Site plan review and special permit

Rich Rheume of Prime Engineering addressed the board on behalf of the applicant Mr. DaSilva, who now has five parking spaces for three apartment. He stated that the applicant will be converting an existing garage into an apartment for himself. This fourth apartment will result in the need for eight parking spaces under the city requirements. The applicant will provide five parking spaces southward and two northward. The applicant is seeking a special permit reducing required parking from eight to seven.

Mr. Rheume stated that land for an additional parking space exists but would require removing current landscaping containing mature trees and bushes.

In response to an inquiry by Mr. Glassman, Mr. Rheume indicated the area was not entirely residential.

In response to an inquiry by Mr. Smith, the petitioner stated lighting would come from a light pack on the

house.

In response to an inquiry by Mr. Cruz, the petitioner confirmed that currently a garage, the change will require a vapor barrier and insulation with a buildup of the floor. He stated the only exterior change will be matching siding to replace the double garage doors.

Mr. Glassman confirmed with Mr. Cruz and the petitioner that a barrier is necessary when a driveway is removed for an apartment. The petitioner noted that a pedestrian door and bay window already exist on the current garage.

Mr. Cruz inquired as to protection from the house getting hit by someone backing up. Mr. Rheume indicated the petitioner could provide a two foot raised landscape area along the building, making parking spaces 18 feet instead of 20, providing a 22 foot aisle. He indicated there was currently four feet to the fence. In response to Mr. Cruz's concern, the petitioner agreed to install concrete car stops and re-stripe.

Mr. Rheume indicated that while the space is van accessible in size, they would like to be excused from having to install a handicap sign at this time, as they presently have no handicap tenants.

Mr. Rheume in response to Mr. Smith stated the fence will be re-located to separate the parking area from the garden area.

In response to an inquiry by Ms. Dawicki, the petitioner indicated that all areas would be asphalt, DPI not requiring any grass strip, but requiring four foot transition curbs. Petitioner offered revised plans.

A motion was made (PC) and seconded (JD) to accept revised plans.

Ms. Dawicki indicated that Ms. Duff had submitted a comment that she would like to see street trees. The petitioner indicated that the parcel is well landscaped and has an existing trees and shrubbery.

Mr. Cruz clarified that only five of the spots would be reduced to the 18 feet.

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

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

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

The board discussed conditions.

A motion was made (JD) and seconded (GS) to approve the special permit for reduction of the minimum off-street parking requirement at the property known as 800 Belleville Avenue, Plot 116, Lots 52 & 55, in a Residential B zoned district, with the required spots being eight and the requested spots be seven, with a reduction of one parking spot.

Motion passed 5-0

A motion was made (JD) and seconded (AG) to approve site plan review proposed new construction of a seven space off-street parking area with the conditions that the applicant incorporate all DPI comments, that the five spots on the south side of the building be decreased from nineteen feet to eighteen feet, that the applicant construct or incorporate a raised landscape strip facing those five spots, and that the applicant install seven concrete car stops in all the parking spaces.

Motion passed 4-0

## **CASE #23-14** – Site plan review

Rich Richio of Field Engineering addressed the board with regard to redevelopment of a portion of the Polaroid Facility in the business park. He provided the board with revised plans as a result of a conservation consultant review.

A motion was made (PC) and seconded (JD) to accept the revised plans.

Mr. Richio displayed an aerial photo of the site, showing the 2008-2009 facility indicating that only the northern portion of the facility is being addressed by this application. He indicated that a lot of demolition has occurred since that time.

Mr. Richio then displayed the redevelopment plans of NWD with a stocking facility currently on Blackmere Street which requires more space. They are proposing the construction of 16 loading docks on the southerly face of the building, there being five existing docks. They are proposing a gravel parking area on the westerly side for trailer storage. The applicant is proposing the construction of 16 additional automotive spaces for employee parking along the building face, with no change to remaining parking on the site.

Mr. Richio stated the applicant is proposing installation of a fueling facility on-site, which shows in more detail on the revised plans as a result of the conservation consultation comments.

He indicated the location of a bio retention pond subsurface. The project will result in a reduction of impervious areas, and meet storm water requirement on the new impervious areas. He explained that the paved areas will flow into vegetative bio retention areas, and the loading dock area will flow through a storm ceptor manhole to a sub-surface recharge system. Currently it flows in a drainage ditch along the access road.

He stated that water, sewer and utilities will remain as they are with some sewer connection improvements.

Mr. Richio displayed the plan for the development of the northern half and also showed the proposed flow of traffic to the loading docks, using the Braley Road entrance.

Mr. Cruz inquired as to the conservation comments and Mr. Richio indicated they in essence wanted more detail because it was initially shown in the buffer zone. Mr. Richio explained the above ground double walled fuel storage tank will sit on a concrete pad. The tank has a secondary containment and leak detection. Trucks will fuel atop a concrete pad with v notches on the perimeter, which will hold 15 gallons of storage in the notches. The pumps do not lock and require the fueler's presence, and applicant could install an arrestor on the single proposed fuel pump that will release only a limited number of gallons of fuel before requiring a reset. He noted that they has been a re-submission to the conservation commission for a close out on the conditions.

Mr. Cruz expressed concern that the notches are geared for a small spill or overflow and there is nothing to address a large spill if the fuel makes it out. He expressed a desire to see a containment area for the whole fueling itself, i.e. a curbed off area with a drainage system and oil/water separator as a line of safety, as each truck holds 300 gallons of fuel. Applicant indicated they could expand the pad and grade it to discharge to an oil/water separator.

Mr. Glassman inquired as to federal regulation regarding a fueling facility. Applicant explained that secondary tank containment is required. He also assured Mr. Cruz there was a suppression system proposed. Applicant offered to submit the cut sheets.

Mr. Cruz complimented the applicant on their concept and use of bio swales, and the applicant's intention to get the building up and running. The applicant agreed that the improvement to this portion of the site is expected to attract other tenants as well.

In response to an inquiry by Ms. Dawicki, Mr. Richio went over proposed renovations to the currently gutted building. He explained it will basically be warehouse and dry storage space, with an office space wing, as submitted.

Mr. Cruz inquired as to the location of employee parking spaces, as the number of spaces is governed by the number of loading docks. Applicant displayed the location of the proposed sixteen spaces in one area, and another four spaces elsewhere, and then the approximately 300 remaining spaces on-site.

Eric DeCosta of Judson Drive Fairhaven addressed the board to explain that the equipment does not remain at the facility all of the time, with some equipment in Pennsylvania and drivers who do mid-week runs. He explained that all operations will be moved to this site.

In response to an inquiry by Ms. DaSilva, Mr. Richio stated no changes to the roof are planned at this time. He stated the roof is currently white.

Mr. Cruz inquired as to any shrub/landscaping plan. Mr. Richio directed him to the plan for the bio retention areas. He stated that some plantings would be done in the bio retention areas to supplement treatment and dress up the areas, containing a few trees and a wildflower mix. He stated that though not yet developed into a plan, they expect to dress up the front area as well.

In response to Mr. Cruz, the applicant stated there is a main sign at the head of the site which will remain and be recovered, but no signage is planned for the entrances. Mr. DeCosta stated he expects to have building signs for the employee entrance, shipping/receiving, and one way signs around the site.

In response to an inquiry by Ms. DaSilva, Mr. DeCosta indicated there is existing parking lot lighting they will try to reuse and upgrade after consultation with N-Star.

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

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

In response to Ms. Dawicki's invitation to speak or be recorded in opposition, Donna Poyant of 39 Woodridge Road, a Phillips Road abutter, addressed the board with a question. She expressed concern that her mailing indicated an effect on the 100 foot buffer behind her home. She stated she would rather see trees than parking lots and buildings. She was also concerned about truck traffic on Phillips Road. She expressed that if the trees are not going to be affected, she and her father will be happy, and expressed she had no opposition to what she saw proposed this evening.

Dan DaCosta of 55 Woodridge Road addressed the board. He inquired as to any expected smell with the storage of fish in the trailers. Eric DeCosta did not know if there would be substantial odor, but explained that no fish is stored in the building and there are no carts of fish like in the old days. The refrigerated trucks bring the fish to the facility where it is separated for shipping to other locations.

In response to Dan DaCosta, Eric DeCosta stated the fuel is diesel, the new tank storing 9,000 gallons. Eric DeCosta explained that above-ground tanks are not fiberglass. He stated the tanks that were previously on the site have been removed.

There was no response to Ms. Dawicki's further invitation to speak on the application.

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

The board discussed conditions.

Mr. Cruz requested that the redesigned plans for the fuel loading area be forwarded to the planning board staff. Mr. Glassman agreed, having spill safety concerns as well. Mr. Cruz advised the applicant when redesigning the plans to consider any future additional pumps.

A motion was made (JD) and seconded (AG) that the planning board approve site plan review for a proposed renovation of an approximately 92,400 SF of existing building and additional site work, including installation of 16 additional loading docks, at the property known as 100 Duchaine Boulevard, New Bedford, MA, 02745, Plot 133, Lot 15 in an Industrial C zoned district with the following conditions: that the applicant include all DPI comments; that the applicant abide by conservation commission decisions along with the inclusion of their conditions; and that the applicant submit cut sheets and revised plans for the proposed fueling station and the storm water separation system to be reviewed by planning board staff and Peter Cruz.

Motion passes 4-0.

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

Meeting was adjourned at 9:00 pm.

The next meeting is scheduled for July 9, 2014.