



# ***Planning Board***

May 13, 2015 – 6:05 PM - **Minutes**

New Bedford Free Main Public Library, 613 Pleasant Street

## **MEMBERS PRESENT:**

**Colleen Dawicki, Chairperson**

**Katherine Duff**

**Peter Cruz**

**Arthur Glassman**

*Also in attendance: City Planner Jill Maclean*

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

Ms. Dawicki asked board members for approval of the prior meeting minutes.

A motion was made (KD) and seconded (PC) to approve the April 2015 meeting minutes. Motion passed unopposed.

## **PUBLIC HEARINGS**

### **CASE #11-15 – Sidewalk Café Permit**

Ms. Maclean noted that she did not see anyone present for the applicant Cork, but noted that this is the same application approved by this board for several years and no changes are proposed.

A motion was made (KD) 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.

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

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

There being no questions from the board, a motion was made (KD) and seconded (AG) to approve the sidewalk café permit for Matterhorn RE, LLC; D/B/A Cork Wine and Tapas Bar, located at 90 Front Street, New Bedford, MA.

Motion passed 4-0

### **CASE #12-15 - Sidewalk Café Permit**

Jeremy Dias and Eddy Yedlin of 582 Walnut Street, Fall River, addressed the board as owners of Pier 37. Mr. Dias stated the proposed layout being presented for outdoor seating is for four two-person tables and one four-person table. They referred to a document submitted containing layout space measurements, table placement, and the 5' spacer required for pedestrian walking. Mr. Dias noted the orange figures on the map are 21" high planters to act as a barrier. In between each planter will be a rope like separator, per the liquor licensing board

requirements.

Mr. Yedlin stated the only thing different on the image before the board are the umbrellas per a vote by the historic committee.

In response to a question by Mr. Cruz, Ms. Maclean stated the sidewalk was bluestone closer to the building which becomes brick. She stated per requirements of the liquor licensing, seating must be closest to the building, which is still smooth surface brick.

Mr. Cruz confirmed with Ms. Maclean that there would be no ADA issues.

Ms. Duff went over travel paths with the applicant.

Ms. Dawicki confirmed with the applicant that the Historic Commission had reviewed the proposed plan.

A motion was made (KD) 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.

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

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

A motion was made (KD) and seconded (AG) to approve the sidewalk café permit for use by P37, LLC; D/B/A Pier 37 Restaurant, located at 37 Union Street, New Bedford, MA.

Motion passed 4-0.

### **OLD BUSINESS:**

#### CASE #38-14 – Site plan review

Ms. Dawicki stated that once again the board had received a request for continuance.

A motion was made (KD) and seconded (AG) to reopen Case #38-14. Motion passed unopposed.

Ms. Maclean stated the applicant had come into the office this day and stated his intention is to proceed with the application. He stated he would be working with a new local engineer who often works with the board. She stated the applicant had indicated he would likely appear at the July 8<sup>th</sup> planning board meeting. She stated the applicant may be seeking one more continuance to make sure all the draining and engineering and landscaping plans are in order. She stated the present request seeks a continuance to June 10<sup>th</sup>.

Ms. Dawicki then read into the record the e-mail received by Mr. Rudmund.

There being no further discussion, a motion was made (KD) and seconded (AG) to continue Case #38-14 to the June 10<sup>th</sup> New Bedford Planning Board meeting.

Motion passed 4-0

#### Case #5-15 – Site plan review

A motion was made (KD) and seconded (AG) to reopen Case #5-15. Motion passed unopposed.

Rich Rheume, engineer who prepared the plans, addressed the board. He stated at last month's hearing two curb cut entrances were proposed and the board expressed a desire to have only one curb cut to avoid interference with four metered parking spaces. He stated the board requested a handicap parking space and requested the applicant demonstrate auto turn movements. He stated the board had voted to allow less than 3" caliper for certain flowering trees. He stated the board had requested drainage calculations and recommended an 81X plan to combine the four separate lots. He stated the board also requested that bollards have plastic sleeves for aesthetics.

Mr. Rheume stated the plans were revised and now show a single curb cut, leaving two compact and two standard metered parking spaces. He stated the applicant now has 20 spaces, one of which is van accessible handicap space. He stated the plan was submitted per comments from DPI, which did not require plan changes but should be incorporated in this board's decision.

Mr. Rheume stated the drainage calculations were provided and show no increase in the peak grade of runoff for the full range of storms.

He stated the turning movements submitted show a vehicle can back up and exit from all the remote spaces.

Mr. Rheume stated the applicant will provide a six inch high granite curbing rather than bollards along the front. He stated the proposal is to have the sidewalk along the frontage fully reconstructed with grass ribbon strip and a concrete handicap ramp.

Mr. Rheume stated he believed the applicant has addressed all of the board's comments and are looking for concurrence.

Ms. Dawicki sought to confirm which version of the revised plan the board should direct themselves to. Mr. Rheume noted the revision date is 5/5/15. He stated after a revision submission of April 27<sup>th</sup>, they received comments on 4/29/15, and then provided a re-submission in response to the comments on 5/5/15.

Ms. Duff inquired as to the number of spaces shown. Mr. Rheume replied there were 18 spaces shown, one of which is a handicap space; 17 standard spaces and one handicap. He stated it is required that there be one handicap space per every twenty-five spaces; the first being van accessible as this one is.

Ms. Duff pointed out that though the revised plan indicates minimum number of spaces 20, it should read 18. Mr. Rheume confirmed, but noted that the minimum number of spaces is zero, as it is not a building.

Ms. Duff raised the taking away of the bollards. Mr. Rheume explained the applicant has provided a 6" high granite curb along the frontage, so the vehicles cannot go forward.

There was discussion on the location of the granite curbing and the remaining Cape Cod berm.

In response to an inquiry by Mr. Cruz, the applicant noted the easterly side would be Cape Cod berm. Mr. Rheume stated because of the abutter's concern about drainage, the applicant will have a six inch reveal. Mr. Cruz clarified the abutter was also concerned about any impact by a vehicle. Mr. Rheume stated the applicant would provide a 6" reveal curb and noted that on the other abutter's side the space over hang was more than adequate. Mr. Cruz suggested pre-cast curb or car stops on the westerly side as well.

Ms. Dawicki inquired about snow storage. Mr. Rheume indicated where snow could be accumulated for normal storms. He stated that for very large storms, comparable to the past winter, if all spaces are leased the snow would be loaded and hauled off site.

In response to Ms. Dawicki's inquiry about the size of the grass strip on the corner, Mr. Rheume indicated it was three foot wide, but indicated a nine foot width. On the northwest corner, Mr. Rheume indicated there was

four feet.

In response to Mr. Cruz's inquiry, Mr. Rheume stated that the City of New Bedford would lose two meters due to the curb cut. Mr. Rheume then discussed space size for compact versus non-compact and oversized vehicles.

Mr. Cruz noted the turn movements seem very tight. Mr. Rheume stated there are no problems with a normal sized vehicle. He stated the computer program used is for 20' vehicles, though most vehicles are 16'. He stated a lease for an F-150 would be put in a space other than the end spaces. Mr. Cruz asked whether spaces would be numbered. Mr. Rheume stated that, yes, they would assign specific vehicles to specific spots.

Mr. Cruz inquired about proposed signage. Mr. Rheume stated there would be one sign reading "commercial parking lot, trespassers will be towed", with a contact phone number, and the van accessible parking space sign.

In response to Ms. Dawicki, Mr. Rheume stated there would be no lighting for the sign, but indicated the location of LED lighting for the parking area. He stated timers will turn off lights at 8:00 pm at the latest.

Mr. Cruz stated he did not see where the applicant had used a storm ceptor. Mr. Rheume stated they had modeled flow to show impervious and pervious. He stated historic photos did not indicate a driveway. He stated under proposed conditions, 90% of the lot will be impervious. He stated that even though there was an increase in impervious area, the overall effect was negligible regarding peak flow.

Mr. Cruz asked if the applicant had modeled going into the city sanitary. Mr. Rheume stated they had modeled it going into the storm system, noting the pipe had plenty of capacity.

Ms. Duff thanked the applicant, noting that trees taken down were being replaced on the perimeter. She asked if the light green shown was grass. Mr. Rheume stated it would be grass or mulch. Ms. Duff noted that grass was high maintenance and stated she was a proponent of prairie grasses.

She suggested that ground cover, such as day lilies, around the sign will fill in so the sign does not stick out. Mr. Rheume was amenable to stone mulch with some areas for day lilies.

Ms. Dawicki inquired if the space between the parking spaces and sidewalk was merely curb. She stated the board has been encouraging some delineation so there is not a spillover from asphalt to sidewalk. She asked if the applicant intended to address that issue. Mr. Rheume stated the rendering sent to him of the space across from the Whaling Museum was fine. Further discussion indicated this would be done along the front of the property. Mr. Rheume noted there was existing fencing along the northern area, with the building defining the western property outline.

Ms. Dawicki directed board members to the sign. She assumed it was conforming to the sign ordinance. Ms. Duff confirmed with Mr. Rheume that the sign would only be printed on one side. He stated from the ground to the top of the sign is 9', with the wood painted sign itself being 3' high.

There was a discussion about additional signage or pavement marking, such as left turn only, visible to vehicles exiting. Ms. Maclean noted that cars outside the lot will be parked in one direction and will be an indication to those exiting the lot.

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

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

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

Mr. Cruz noted that KFC had a one way sign on the light pole across from the site drive. Ms. Duff stated she felt there was a difference, this being a private lot as opposed to a public business.

The board reviewed motion conditions.

A motion was made (KD) and seconded (AG) to accept the proposed revised site plan for Case #05-15 for a private commercial parking lot, located at 209-211 Kempton Street, New Bedford, MA, with the following conditions: that the applicant provide proof of an 81X plan showing that the lots have been merged; that the applicant has agreed to provide a low painted fence along Kempton Street; that the applicant revise the zoning summary table on the drawings to reflect 18 parking spaces being provided; that the applicant agrees to a westerly edge on the parking of either precast concrete or precast concrete car stop; that the LED parking lighting shut off no later than 8:00pm; that the applicant agree to use low maintenance groundcovers; and that the applicant agrees to DPI comments.

Motion passed 4-0

**NEW BUSINESS:**

**EASTLAND TERRACE/BISMARCK MEADOWS**

Ms. Maclean stated that the closing out of these subdivision projects is almost complete, with the roads soon to be accepted.

**FORM BASED ZONING**

Ms. Maclean stated this issue will be on a public charrette this summer. She stated once dates and locations are confirmed, board members will receive notifications and information.

**ZONING CHANGES**

Ms. Maclean informed the board that a number of zoning changes are being worked on, such as a sign ordinance, a storm water ordinance, and the sidewalk café ordinance.

There being no further business before the board, a motion was made (KD) and seconded (AG) to adjourn. Motion passed unopposed.

Ms. Dawicki announced that the next meeting is scheduled for Wednesday June 10, 2015.

Whereupon proceedings adjourned at 6:50 pm.