



Planning Board

July 8th, 2015 – 6:00 PM – **Minutes**

New Bedford Free Main Public Library, 613 Pleasant Street

**NEW BEDFORD FREE PUBLIC (MAIN) LIBRARY
PUBLIC MEETING ROOM, 3rd FLOOR
613 PLEASANT STREET**

WEDNESDAY JULY 8, 2015

6:00 P.M.

SUMMARIZED MEETING MINUTES

PRESENT: Colleen Dawicki, Chairperson
Kathryn Duff
Arthur Glassman
Peter Cruz
Alexander Khalife

ABSENT: No member absent

STAFF: Jill Maclean, City Planner

IN ATTENDANCE: David Silveira, 220 Shaw Street, New Bedford, MA
Vincent Perez, 113 Eugenia Street, New Bedford, MA
Hugh Rowlett, 9 Bayview Avenue, Fairhaven, MA

1. CALL TO ORDER

Chairperson Dawicki called the meeting of the City of New Bedford Planning Board to order at 6:06 p.m.

2. ROLL CALL

A formal roll call was conducted confirming members present as stated above. Chairperson Dawicki welcomed and introduced real estate Attorney Alexander Khalife as the newest member of the Planning Board.

3. MINUTES REVIEW AND APPROVAL

Planning Board Member Duff moved to approve the June 10, 2015 Planning Board meeting minutes, seconded by Board Member Glassman, the motion carried with a vote of Four (4) to Zero (0), Board Member Khalife abstaining.

PUBLIC HEARING

Chairperson Dawicki invited the Board to consider taking the agenda out of order in consideration of the public audience's time, as two applicants had requested a continuance. Board Member Cruz moved to accept the agenda be considered out of order, seconded by Board Member Glassman, the motion carried unanimously with a vote of Five (5) to Zero (0).

** Note: These are summary action minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:*

<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>

Item #6

Case #30-14: Request by applicant, Panagakos Development, to amend the Site Plan Review approval granted on September 10, 2014 to: Extend hours of operation of 7:00 a.m.-11:00 p.m. to 5:00 a.m.-12:00 a.m.; Extend outdoor lighting hours of operation to 12:30 p.m. for employee security; and Extend sign illumination for additional business hours of operation at 177 Cove Street (Map 20, Lot 346), in the Mixed Use Business zoning district. Applicant's Agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

Chairperson Dawicki noted for the record, that a letter of request to continue this case hearing to the August 12, 2015 meeting of the Planning Board, had been received from Michael Panagakos of Panagakos Development on July 6, 2015 at the Planning Division office.

Chair Dawicki asked for a motion to open the Public Hearing. Board Member Duff moved to open the hearing, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

Chair Dawicki then asked for a motion to continue the case to the August 12, 2015 meeting of the City of New Bedford Planning Board. Board Member Duff moved to continue the hearing, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

Item #7

Case #38-14: Site Plan Review for proposed New Construction of a Multi-Unit Residential Building (6 Two-Bedroom Units) at the property known as 475 Union Street, New Bedford, MA, 02740, Map Plot 51 Lot 269, in a Mixed Use Business zoned district. Proponent: Preferred Realty Services, LLC, 386B Third Beach, Middletown, RI, 02842.

Chairperson Dawicki noted for the record, that a letter requesting the continuance of this case hearing to the August 12, 2015 meeting of the Planning Board, had been received from applicant Edward Redmond of Preferred Realty Services LLC on June 22, 2015 at the Planning Division office. The applicant stated due to the level of detail, requirements, and work involved in generating revised plan set from a new design engineer was taking more time than had been anticipated. Motion was made by Board Member Duff to receive the letter of request for continuance into the record, seconded by Board Member Glassman, and unanimously approved Five (5) to Zero (0).

After due consideration of the applicant's request by the Planning Board, motion to continue the case to the August 12, 2015 meeting of the Planning Board was made by Board Member Duff to grant the request for continuance, seconded by Board Member Glassman, and unanimously approved Five (5) to Zero (0).

The Board then continued with the agenda items in order of presentation.

Item #4

Case #15-15: Request by Applicants Natalie Araujo, Trustee of Shaw Realty Trust, and Amandio Araujo, for consideration of a Repetitive Petition application, for an accessory structure exceeding maximum height requirements, located at 220-222 Shaw Street (Map 110, Lot 471), in the Residential C zoning district. Applicants Agent: Thompson Farland, 398 County Street, New Bedford, MA 02740.
Board Member Duff recused herself from the meeting.

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City Planner Jill Maclean provided an overview, synopsis of events, and enabling legislation to describe the case before the Board. The Planning Board's objective this evening was to find that the applicant had presented revised plans showing a significant change from the original plan submittal.

On March 27, 2014 the applicant had been denied approval of request for variance from lot relief coverage, side yard setback, and height of an accessory structure under Zoning Board of Appeals case #4121. The project was then redesigned to meet zoning requirements and received a building permit to construct an accessory structure to shelter the applicant's car collection.

As built, the structure exceeded the maximum height standards of eighteen (18) feet according to City code, as documented by City of New Bedford Building Commissioner Danny Romanowicz. The applicant then returned to the ZBA requesting a variance for height approval on May 28, 2015. The application was deemed a repetitive petition, as less than two years had lapsed since the application was first submitted for consideration, and subsequently denied for exceeding maximum height allowance. The ZBA has now sent the application to the Planning Board for the purpose of finding if there was a substantial change from the original plan submittal. If the Planning Board were to acknowledge in finding a substantial, or significant, change between the designs of this accessory structure, the ZBA could again hear the applicant's request for variance from height code violation.

David Silveira of South Coast Architecture (34 Slocum Drive, Dartmouth, MA) represented the applicants, Natalia and Amandio Araujo. Design drawings were revised with the intent to meet height restrictions of eighteen feet, as stipulated by municipal code. There were two errors in construction due to oversight: 1. at the foundation wall, and 2. at the roof line, thereby creating a structure of nineteen feet, as built.

Motion was made to open the public hearing by Board Member Cruz, seconded by Board Member Glassman. No member of the public body spoke or requested to be recorded in favor or opposition to the case.

The public hearing was suspended, and then having no further questions from the Board, the motion was moved to close the public hearing by Board Member Cruz, seconded by Board Member Glassman.

Board Member Cruz made the motion to grant the repetitive petition for **Case #15-15** by Applicants Natalia F. Araujo, Trustee of Shaw Realty Trust, and Amandio Araujo, with a finding by the Planning Board that the revised plan is a significant change from the original plan submittal that had been heard by the Zoning Board of Appeals.

A roll call vote was taken and approved Four (4) to Zero (0) with Board Member Duff recused.

Board Member Khalife – Yes Board Member Glassman – Yes Board Member Cruz – Yes
Chair Person Dawicki - Yes

Board Member Duff returned to the Planning Board.

Item #5

Case #16-15: Request by applicant/owner for a Special Permit for reduction in parking and loading for a fast food restaurant, located at 391 Bolton Street (Map 23, Lot 32) in the Mixed Use Business zoning district. Applicant: Perez Development LLC, c/o Vincent Perez, 113 Eugenia Street, Apt. 2, New Bedford, MA 02745.

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Applicant Vincent Perez of Perez Development, LLC, presented his case submittal to the Board, describing his eight-seat, fast food restaurant having a menu serving pizza and burritos, with parking availability for four, reserving a handicap spot with access to the premises, and additional parking at the street for patrons. The applicant anticipates 70% of food orders will be delivery, in support of his request to reduce the required number of parking spaces from 25 to four.

Questions posed by members of the Board regarding the dumpster, parking, and signage were satisfactorily answered by the applicant. Board members urged the applicant to reconfigure the parking plan to create a tandem parking arrangement along the Swift Street abutting property fence line and permit employees to park in tandem for safety reasons, further reducing the number to three parking places, then relocate the dumpster to the approximate center line of the parking lot adjacent to the fence running perpendicular to Bolton Street.

Motion was made to open the public hearing by Board Member Duff, seconded by Board Member Cruz. No member of the public body spoke or requested to be recorded in favor or opposition to the case. The motion was moved to close the public hearing by Board Member Cruz, seconded by Board Member Glassman.

Board Member Duff made the motion to approve the Special Permit Application for **Case #16-15** for a reduction in parking from 25 spaces to three spaces, which includes one handicap accessible space, for the proposed Pizzaritos, located at 391 Bolton Street, seconded by Board Member Cruz.

A roll call vote was taken and unanimously approved Five (5) to Zero (0).

Board Member Khalife – Yes	Board Member Glassman – Yes	Board Member Cruz – Yes
Board Member Duff – Yes	Chair Person Dawicki - Yes	

Item #8

Case #13-15: Request by applicant, Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), for the Planning Board to Rescind the Decision for Site Plan Review and New Ground Sign Permit dated June 19, 2015 due to improper notification of abutters, for a project located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business /Residence C zoning district. Applicant's agent: Sitec, Inc., 508-998-2125.

Board Member Duff moved the motion to 1. Rescind the decision for approval by the Planning Board dated June 19, 2015, and 2. Waive the application fee for case submittal to the August 12, 2015 meeting of the Planning Board, seconded by Board Member Glassman. Motion carried, Five (5) to Zero (0).

The fee for legal advertisement of the case is to be paid by the applicant.

Old Business

Case #11-13-Request by applicant to release Performance Bond 7553, signed, sealed and dated August 13, 2014, as Surety pledged by Petrel Properties, LLC and United Casualty and Surety Insurance Company, 120 Hancock Street, Quincy, MA 02169 to the City of New Bedford, MA for the full and just sum of four hundred thousand dollars (\$400,000.00) for the Definitive Subdivision Plan for Cardinal Place dated April 22, 2013 and revised March 17, 2014, (Map 136A, Lot 353 and Map 138, Lots 376, 377, 379 and 380). Applicant(s): Richard Hopps and Hugh Rowlett, Petrel Properties, LLC, 302 Elm Street, Dartmouth, MA 02748.

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The applicant pledges to provide a certified check in the amount of one hundred and eleven thousand dollars (\$111,000.00), meeting the cost estimate provided by the City of New Bedford Department of Public Infrastructure for the completion of the infrastructure should the applicant fail to fulfill his obligations for construction and build out of the subdivision. Excluded from the cost estimation for completion were utility providers: Nstar Gas, Nstar Electric, Verizon and Comcast.

Board Member Duff moved the motion that the City may release Bond No. 7533 and post cash surety of one hundred and eleven thousand dollars (\$111,000) in place of the bond being released, seconded by Board Member Cruz. Motion carried, Five (5) to Zero (0).

New Business

City Planner Maclean and Board Member Duff provided an overview of the Form Based Code schedule and Charrette in the interest of gathering public input for proposed zoning change. Public outreach will be held between July 21 – July 27 in the Acushnet Avenue International Marketplace at 190 Ashley Boulevard, Goulart Square at St. Martin’s Church at 136 Rivet Street, and in the Downtown District at the Bristol Building at 768 Purchase Street.

A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.

Adjourn

With no further business to discuss, motion to adjourn was made by Board Member Duff, seconded by Board Member Glassman. Motion carried, five (5) to Zero (0) at 6:57 p.m.

Date of Next Meeting: August 12, 2015

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