Planning Board

August 12, 2015 – 6:00 PM –**Minutes**
New Bedford City Hall, 133 William Street, Room 314

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

ABSENT: No member absent

STAFF: Jill Maclean, City Planner
Constance Brawders, Staff Planner

IN ATTENDENCE: Kerry M. Winterson, Ward 5 Councilor, 560 Allen Street, New Bedford, MA 02740
Linda M. Morad, Councilor-at-Large, 4162 Acushnet Avenue New Bedford, MA 02745
Steve Martins, Ward 2 Councilor, New Bedford, MA 02740
Jon Pao, 11 Hickory Street, New Bedford, MA 02740
Eric Stotts, 214 Court Street, New Bedford, MA 02740
Audrey Brow, 214 Court Street, New Bedford, MA 02740
Jessica DeCosta, 608 S. Second Street, New Bedford, MA 02744
Maria Botelho, 604 S. Second Street, New Bedford, MA 02744
Thomas W. Harden, 11 Cushman Street, Middleboro, MA 02346
Atty. Edward Sylvia, 558 Pleasant Street, New Bedford, MA 02740
Lee Castignetti, Long Built Homes, Inc, New Bedford, MA
Steve Gioiosa, SITEC, Inc, 449 Faunce Corner Road, Dartmouth, MA
Lea Britto, 461 Union Street, New Bedford, MA 02740
Richard DeSouza, 468 Union Street, New Bedford, MA 02740
Nancy Andrade, 470 Union Street, New Bedford, MA 02740
Paul A. Santos, 75 James Street, New Bedford, MA 02740

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.

3. MINUTES REVIEW AND APPROVAL

Planning Board Member Duff moved to approve the July 8, 2015 Planning Board meeting minutes, seconded by Board Member Glassman; the motion carried with a vote of Five (5) to Zero (0).

Chair Dawicki expressed gratitude and recognized the outstanding work of City Planner Jill Maclean who has accepted a position in Juneau, AK.

** 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/

PUBLIC HEARING

Chairperson Dawicki invited the Board to consider taking the agenda out of order in consideration of the public audience's time. Board Member Duff 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).

Old Business - Item #8

****Whaler's Woods Estates**: Request by applicant, Long Built Homes, Inc., for signature on a revised document, as requested by Land Court, for release of Lots under Covenant as approved at the March 11, 2015 Planning Board meeting. Applicant's agent: Atty. Lee Castignetti, Jr., Long Built Homes, Inc., 158 Charles McCombs Boulevard., New Bedford, MA 02745.

Applicant's Agent, Lee Castignetti, Jr., approached the Board to request their signature on the Form F-1 Release of Lots from Performance Covenant, as revised in a format acceptable to the Massachusetts Land Court. Lot descriptions in the subsequent form are listed by City Assessor's lot number, in addition to the subdivision plan of land lot numbers, to clarify the preceding Form F-1 document that was prepared in March of 2015.

Approved 5 – 0; Motion by Board Member K. Duff, second by Board Member P. Cruz.

Old Business - Item #7

*** Case #35-14:** Request by applicant, Sid Wainer & Sons, Inc., for a one year extension of Site Plan approval for construction of a building expansion located at 2301 Purchase Street (Map 97, Lots 9, 151, 152, 153, 176 & 180) & installation of an off-street parking area at 2343 Purchase Street (Map 97, Lot 164) in the Mixed Use Business zoning district. Applicant's Agent: Thomas W. Hardman, PLS, Site Design & Engineering, LLC, 11 Cushman Street, Middleboro, MA 02346.

Applicant's Agent, Thomas Hardman, approached the Board to request an extension for conditional approval of Site Plan #35-14 granted on September 10, 2014. The petition to extend conditional approval from September 10, 2015 to September 10, 2016 before the Board was granted, with the Board reminding the applicant's agent that any significant modification of the site plan would require approval by the Planning Board in a public hearing.

Approved 5 – 0; Motion by Board Member K. Duff, second by Board Member A. Glassman.

Item #5

Case #30-14 (also known as Case #31-14) 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 a.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.

Applicant's agent, Steve Gioiosa, described the scope of plan, with the intent to amend hours of operation to create a viable site that would attract a quality tenant. Applicant Michael Panagakos was present for discussion.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member A. Glassman. Unanimously approved.

Speaking in favor of the project was City of New Bedford Councilor-at-Large, Linda M. Morad.

Speaking opposed were members of the constituency, Jessica Costa and Maria Botelho, who expressed their concern for excessive noise levels and waste management at the site, in a neighborhood of tenement homes, with any change in hours of operation.

Motion to suspend the public hearing was made by Board Member K.Duff; second by Board Member A. Glassman Unanimously approved.

Applicant's agent and applicant addressed the concerns raised by the public. The applicant and agent invited the constituency to contact Mr. Panagakos at his office with any issues of concern that may arise in the future with tenants. Duly noted in this hearing, the record shows that no drive thru permit was approved with site plan review on September 10. 2014.

Discussion ensued among Board members regarding the importance of maintaining consistency in considering approval of hours of business operation and illumination periods for exterior lighting with project proposals.

Motion was made by Board Member P. Cruz to close the public hearing; second by Board Member A. Glassman by a vote of Five (5) – Zero (0).

Board Member K. Duff motioned to grant the request to amend Site Plan Approval for Case #30-14 and 31-14, to extend hours of operation from 7:00 a.m. – 11:00 p.m. to 5:00 a.m. – 12:00 a.m.; for employee security, extend the hours of outdoor lighting from 7:00 a.m. – 11:00 p.m. to 5:00 a.m. – 12:30 a.m.; and to change hours of operation of signage illumination from 9:00 a.m. – 9:00 p.m. to the hours of business operation. Board Member A. Glassman; second. Vote to approve: Five (5) – Zero (0).

Approved 5 – 0; Motion by Board Member K. Duff, second by Board Member A. Glassman.

Item #6

Case #38-14: Request by applicant, Preferred Realty Services, LLC, for 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 (Map Plot 51, Lot 269), in the Mixed Use Business zoning district. Applicant: Preferred Realty Services, LLC, 386B Third Beach, Middletown, RI, 02842.

Applicant's agent, Steve Gioiosa, introduced the case submittal for new construction of a six unit, townhouse style dwelling, replacing a derelict structure, with 12 off-street parking spaces to accommodate residents. The proposal was first introduced to the Planning Board on October 8, 2014 and case continued thru this evening's meeting with notice to the public.

The development now before the Board meets the City of New Bedford ordinance as a by-right use. The evening's objective was to review the site plan for approval, and set conditions, or stipulations, taking into consideration comments from the Planning Board and constituency.

The site plan, landscaping, drainage, parking, lighting style and illumination, were discussed and addressed.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member P. Cruz. Motion was unanimously approved by a vote of Five (5) – Zero (0).

The Chair invited those to speak at the podium or be recorded in favor to make their opinion known. No one spoke or asked to be recorded in favor of the proposal.

The Chair invited those to speak in opposition to approach the podium. Speaking opposed:
Lea Britto expressed concern with poor drainage and flooding in the general area. Jon Pao stated poor drainage, encroachment of existing tree roots onto his business property at 10 Newton Street, abutting the east boundary of the site redevelopment, and litterfall from trees located on the redevelopment parcel, were a nuisance. Eric Stotts professed his desire to preserve and protect trees at the west property line of the redevelopment parcel, adjacent to his residential property. E. Stotts also asked if the developer would describe the plan for snow removal and storage, and further discuss lighting spillover onto adjacent parcels. Councilor-at-Large Linda M. Morad, City Councilor Kerry Winterson (Ward 5), and Paul Santos opined the residential structure would not fit into the neighborhood's context. Richard DeSouza spoke of his concern for increased traffic and impact on the neighborhood school enrollment. Nancy Andrade recapitulated the topics of snow storage, drainage, school enrollment, building mass, architectural style and embellishment. Ms. Andrade also asked that emergency contact information be posted on site. City Councilor Steven Martins (Ward 2) asked to be recorded in opposition to the project.

Finding no other remarks in opposition to the proposal, motion to suspend the public hearing was made by Board Member K. Duff, with second by A. Glassman, for a vote Five (5) – Zero (0).

Chair Dawicki responded with assurance that the City of New Bedford School Department reviewed the case submittal and provided written response in regard to the project's impact on the schools. The department recorded No Comment on this redevelopment project.

Applicant's agent Steve Gioiosa, Project Engineer for SITEC, Inc., summarized the net benefits of the new, improved drainage system, noting that excess rain and ground water between Court and Union will remain onsite. It is not permissible for surface water, roof run-off, and parking lot drainage to be combined with a sewer system.

Mr. Gioiosa explained that the trees in proximity to the Newton Street business at the west lot line are to be removed, resolving the problem brought to the attention of the Board by Mr. Pao. The existing structure foundation wall will remain in place at the east boundary, preserving and protecting the trees along the property line shared with Mr. Stotts.

The Planning Board, applicant's agent and applicant further discussed the proposal and agreed to the following:

- Lighting spillage will be controlled.
- Decorative sconces will adorn the upper level by doorways.
- A snow removal plan will be described and conveyed as a Note on the final revision of the Site Plan as a condition for site plan approval.
- Shutters will accentuate the windows; however, no awnings would be attached.
- The HVAC system will be imbedded in the Mansard roof and insulated to mitigate noise.
- Emergency contact information signage, of a tasteful design, size and scale will be added to the building, and discussed and reviewed with planning staff prior to selection and installation.
- A revised drainage plan is to be submitted for review and comment to by Planning Board Member P. Cruz, the City of New Bedford Department of Public Infrastructure, and planning staff.

Chair Dawicki opened the suspended hearing to the floor, inviting additional questions and comments. L. Brita again delivered her concerns regarding drainage. E. Stotts and N. Andrade reminded the Board of the importance of a snow removal plan.

Seeing no further comments, Board Member K. Duff moved the motion to close the public hearing; second by Board Member A. Glassman. By a vote o f Five (5) – Zero (0) the hearing was closed.

Board Member K. Duff motioned to grant Site Plan approval for Case #38-14 for new construction of a multi-unit residential building (6 two-bedroom units) at the property known as 475 Union Street (Map Plot 51, Lot 269), in the Mixed Use Business zoning district with the following conditions:

1. Subject to final approval by the City of New Bedford Department of Public Infrastructure, Traffic Commission, and Zoning Board of Appeals.
2. Revise and resubmit the drainage plan for review and comment to Planning Board Member P. Cruz, the City of New Bedford Department of Public Infrastructure, and planning staff.
3. A snow removal plan will be described and conveyed as a Note on the final revision of the Site Plan.
4. The existing trees along the east property line shall be preserved and protected.
5. Emergency contact information signage will be added to the building, after discussion and review with planning staff prior to selection and installation.

The motion received a second by Board Member A. Glassman and case unanimously approved Five (5) – Zero (0).
Approved 5 – 0; Motion by Board Member K. Duff, second by Board Member A. Glassman.

Item #4
Case #17-15: Request by applicant**,** Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), for Site Plan Review and New Ground Sign Permit, for a change of use from a retail to commercial business development, located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business /Residence C zoning district. Applicant's agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

This case had been previously heard as Case #13-15, but because of technical oversight in abutter notification, the applicant requested in writing that conditional approval be rescinded. The Planning Board granted the applicant's petition at their meeting on July 8, 2015.

Applicant's agent, Steve Gioiosa, addressed the Board. The applicant seeks to redevelop 1771 Acushnet Avenue, site of the former 4,500 +/- SF Sullivan Brothers Clothing Store, and adjacent office and garage of approximately 1600 +/- SF, by constructing two commercial structures, on two combined parcel lots, one lot of which is located partially within the Residence C zoning district.

The redevelopment project before the Planning Board describes two new buildings, one having 1,680+/- SF and second consisting of 600 +/- SF, thereby downgrading the intensity of use and reducing impervious surface area. A landscaping plan and improved drainage plan are provided for the site redevelopment. Zoning dimensional requirements have been met; however the applicant seeks a Special Permit from the Zoning Board of Appeals for a 1. Non-conforming use and structure and 2. Commercial parking in a residential zone.

The applicant proposes to relocate one on-street handicap parking space, serving a multifamily dwelling unit adjacent to the redevelopment easterly at Belleville Road, so a new curb cut may be created to facilitate parking and pedestrian circulation at the site, with new sidewalks reconstructed along Acushnet Avenue and Belleville Road. Landscaping will soften the hard surface area and provide a greenscape oasis. Lighting will be directed internal to the site. Preferable hours of operation to attract a quality tenant are 5:00 a.m. to 12 a.m.

The Planning Board, applicant's agent and applicant further discussed the proposal and agreed to the following:

- Because of the narrow green ribbon between the sidewalk and street, it may be advantageous to plant the City's required street trees inside the property line.
- Low maintenance grass may be considered for use at the street green ribbon.
- For safety reasons, 5 a.m. – 12:30 a.m. were considered as tolerable lighting hours of operation.
- One drainage system will serve the entire site development.
- Building height of the larger building is 28 feet; the smaller building height is 21 feet. These dimensions are to be shown on the elevation plans.
- The new ground sign will be set six feet from the layout onto the property along Acushnet Avenue. There is no waiver or variance request for signage.
- Signage may be located on the dormer projections at the buildings' roof line.
- The site location is a combined parcel under one ownership.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member P. Cruz. Motion was unanimously approved by a vote of Five (5) – Zero (0).

The Chair invited those to speak at the podium or be recorded in favor to make their opinion known. Read into the record was a letter of support for this proposal signed by Councilor-at-Large Linda M. Morad and City Councilor Steven Martins (Ward 2).

The Chair invited those to speak at the podium or be recorded as opposed to make their opinion known. Atty. Edward Sylvia, representing Jose Araujo, of Madeira Avenue Realty, and owner of 12-22 Glenn Street (Map 108, Lot 269), an 18 unit residential dwelling abutting the proposal, asked the Board to consider hours of operation be limited to 7:00 a.m. – 10:00 p.m. for any business entity occupying the building sited nearest his client's dwelling.

Seeing no further comments, Board Member K. Duff moved the motion to close the public hearing; second by Board Member A. Glassman. By a vote o f Five (5) – Zero (0) the hearing was closed.

Board Member K. Duff motioned to grant approval for Site Plan Review and New Ground Sign for Case #17-15 for a change of use from a retail to commercial business development, located at 1771 Acushnet Avenue (Map 108, Lot 43) in the Mixed Use Business /Residence C zoning district with the following conditions:

1. Work in agreement for the planting location of trees with the Department of Public Infrastructure to satisfy the City of New Bedford street tree requirements.
2. Use deep root and low maintenance grass at the site perimeters.
3. Subject to final approval by the City of New Bedford Department of Public Infrastructure and Traffic Commission.
4. Approved hours of business operation are 5:00 a.m. - 12:00 a.m.
5. Approved exterior lighting hours are 5:00 a.m. – 12:30 a.m.

The motion receive a second by Board Member A. Glassman and unanimously approved Five (5) – Zero (0).

Approved 5 – 0; Motion by Board Member K. Duff, second by Board Member A. Glassman.

New Business

City Planner Maclean and Board Member Duff provided a status report on the Form Based Code planning initiative. Projected draft format of the plan will be provided to Planning, Housing and Community Development staff and working group before the close of this calendar year with presentation to City Council anticipated early in 2016.

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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 8:45 p.m.

Date of Next Meeting: September 9, 2015

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