



Planning Board

December 9, 2015 – 6:05 PM – **Minutes**

New Bedford Free Main Public Library, 613 Pleasant Street

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

ABSENT: No members absent

STAFF: Constance Brawdgers, *Staff Planner*
Patrick Sullivan, *Director Housing, Planning & Community Development*

1. CALL TO ORDER

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

2. ROLL CALL

A formal roll call was conducted confirming members present as stated above.

3. MINUTES REVIEW AND APPROVAL

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

4. NEW BUSINESS

The 2016 Planning Board meeting schedule was raised for approval. A motion was made (KD) and seconded (AG) to approve the 2016 meeting schedule as presented.
Motion passed unopposed.

Upon Ms. Dawicki's request, a motion was made (KD) and seconded (AG) to take the agenda out of order.
Motion passed unopposed.

Case #31-15

Rezoning request by City Councilor Henry Bousquet for recommendation by the Planning Board for rezoning of 170 Reynolds Street from Residence C to Mixed Use Business. Request 170 Reynolds Street.

Ms. Dawicki stated that Counselor Bousquet had requested a continuance of the case. A motion was made (KD) and seconded (AG) to continue Case #31-15 to January Planning Board meeting.
Motion passed unopposed

Ms. Dawicki noted for those in attendance that the case will be addressed on January 13, 2016

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

Case #29-15/Case #30-15

414 Ashley Blvd Special Permit-Request by applicant for Special Permit for reduction of parking spaces, and Case 30-15: 414 Ashley Blvd Site Plan-Request by applicant for Site Plan approval for the expansion of an existing multifamily residential structure, located at 414 Ashley Blvd (Map 108, Lot 45), in the Mixed Use Business zoning district. Applicant: Jason Couto, Couto Construction, 23 High Hill Rd, Dartmouth, MA 02747

Ms. Dawicki noted that a continuance of the cases had been requested. A motion was made (KD) and seconded (AG) to continue Case #29-15 and Case #30-15 to the January Planning Board meeting. Motion passed unopposed

Again, Ms. Dawicki noted for those in attendance that the cases would be addressed on January 13, 2016.

OLD BUSINESS:

Whaler's Woods Estates: A request by applicant, Long Built Homes, Inc., for a reduction of cash surety. Applicant's agent: Atty. Lee Castignetti, Long Built Homes, New Bedford.

Att. Castignetti stated that in the early part of 2015 ten lots within the subdivision were still subject to the performance covenant which was serving as the surety for completion of construction on the infrastructure. He stated they substituted the covenant with a \$561,000.00 cash surety to get the lots released in order to get permits and build upon them, which they have done. He stated they had requested a \$378,000.00 reduction. The city's engineering department estimated the amount remaining should be \$220,000.00. Att. Castignetti stated this should warrant a reduction of \$341,000.00, which they are seeking, along with accrued interest.

Att. Castignetti in response to Ms. Dawicki, confirmed the applicant is comfortable with the DPI estimate.

Ms. Duff clarified that Att. Castignetti was asking for a modification. Att. Castignetti stated they would accept the DPI amount submitted, altering it to the \$341,000.00, which is acceptable to them.

Ms. Dawicki clarified that the applicant is seeking to reduce the cash surety to \$220,000.00.

There being no further discussion, a motion was made (KD) and seconded (AG) to reduce the cash surety of Long Built Homes by the amount of \$341,000.00, leaving \$220,000.00 to cover the remaining cost associated with the Whaler's Woods Estates.

Motion passed unopposed.

NEW BUSINESS (continued):

Case #26-15

Request by New Bedford City Councilor David Alves for recommendation by the Planning Board for the rezoning of a lot on Oakdale Street (Map 74, Lot 95) from Residence A to Residence B.

Att. Chris Saunders, Pleasant Street, New Bedford, on behalf of Rockdale West, LLC stated the property owner that owns the land affected is in favor of the zoning change proposed by Councilor Alves. He noted that historically, Rockdale West was built somewhere around 1972. He stated there was a fire to one of his client's

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duplexes and they would like to rebuild. He stated they are looking to build a modern facility. Att. Saunders stated that after an examination of the property, it came to light that one lot was Residence A. He stated they had appeared before the board previously and the matter was held and re-advertised. He stated they support Councilor Alves' recommendation and the staff recommendations. He stated the original lot was laid out in the previous owner's 1968 plan. He stated his clients acquired the property and had their plan approved in 1972. He stated both the staff and he understand there was a scrivener's error in the 70's, and the small lot in question should have been included for zoning purposes in the whole the master plan.

Att. Saunders stated this had been discussed with the city solicitor's office and Mr. Romanowicz; Mr. Romanowicz having given a favorable determination to rebuild. He stated they are grandfathered non-conforming use. He stated his client is looking to tie up all loose ends and make the zoning what it should have been when the development was originally planned. Att. Saunders stated that his client's predecessor in title had conveyed a 15' strip of land noted in the staff's recommendation, for consideration of \$600. He stated his contention was that that strip was the buffer zone between the development and area neighborhood. He stated there are neighbors opposed to the zoning change, and his client leases and rents to residents. Att. Saunders stated this was in place fifty years ago. He asked the board adopt the staff's recommendation and approve the zoning change. He invited questions.

Ms. Dawicki clarified the next steps to occur and that the planning board is being asked to offer a recommendation only, the matter then to be taken up by the city council.

Ms. Brawders stated there was no plan before them or presented, and they were simply being asked to recommend the zoning change to city council. She noted there was no site plan before the board at this time. She stated the planning board reviews zoning petitions and makes a recommendation to the city council committee on ordinances. She again stated this is merely a zoning change petition. She stated that until a formal application and submittals are presented, the planning staff has no additional comments or information to discuss. She stated the committee on ordinances will hold a hearing on 12/14/15 at 7:00 p.m. in the council chamber to discuss this proposed ordinance change, where public comments on the proposed change will be taken. In the event of a formal submission to the board, notice will be given to abutters.

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.

In response to Ms. Dawicki's invitation to speak in opposition, Att. Mark Deshaies, County Street, New Bedford, stated that they had been before the board in October where they presented what they perceived to be procedural deficiencies in the notice. He stated the board tabled it and the petition was withdrawn and then resubmitted. He stated he would this time like to speak to the issue of policy. He stated the board is being asked to make a recommendation to city council and is acting as policy makers, just like legislation goes through congress. He stated that while there are a myriad of ways this matter can progress, this board is setting policy this evening regarding the present state of zoning in the city of New Bedford and the future of zoning as well.

Att. Deshaies stated that the chairwoman stated at the previous meeting that she did not feel it was spot zoning, and he asked that they carefully look at that issue as they weigh the matter. He stated he had met with Ms. Brawders who showed him the plans on record, showing the conveyance of the 15' parcel to Dr. Silva and his

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wife. He stated remarkably this has somehow transformed into the buffer zone. He stated there is now a belief that when they did the zoning amendment in the 70's there was a scrivener's error. He stated this places reliance on the plans of record and some conjecture that there was a scrivener's error some forty-three years ago. Att. Deshaies stated he would submit that is not the case. He stated it is borne out by the very document on the city website. He displayed the same and stated that in looking at it, the arrow goes to the southerly boundary of the lot in question, and extending the sideline of Sherwood Street straight out in a southerly direction, it hits spot on the westerly boundary of the lot in question. He stated he did not think it was a scrivener's error, but that when rezoning the area from Residence A to Residence B, they clearly intended to keep a defined area as Residence A, specifically the extension of Sherwood Street to the east. He stated the city's own exhibits demonstrates they were drawing a line and the rest was going to stay residential; that only the minimum amount necessary for Rockdale West was given. He stated the property was laid out by Edward Livingston as a multitude of little lots and was rezoned in order to have multi-family dwellings there. Att. Deshaies again stated the plan demonstrates there was an intent to keep a large amount of the area to the east of Sherwood Street as residential.

Att. Deshaies stated there are only two buildings on the lot owned by Rockdale West. He stated that Att. Saunders opened the door and said there's something going on, because they want to build a modern structure. He stated they want to take this one isolated lot they own and want the board to change it for the economic benefit of a real estate developer. He stated there will still be eight units there, but they will increase the density of the buildings on the parcel by increasing to three buildings, not two.

Att. Deshaies stated there was a recent letter to the editor by Irene Schall who basically set forth what zoning is. She stated "zoning is a means of regulating uses and structures within a community's boundaries. Zoning is intended to be control of a community's present and future development, and exacts a price from and makes certain promises to its property owners and residents for that control." He stated, that's policy. He asked if the city policy will be that every time wants to take an isolated lot and basically say they may have been a scrivener's error forty-three years ago, let's change it. He stated they lived perfectly with it for forty-three some odd years, and now need a change.

Att. Deshaies stated the zoning by-law has a very clear provision in it if you suffer a casualty. You can rebuild within one year. Rockdale West LLC has come before the board, not re-build with the footprint, and extract from this board a policy recommendation to rezone one lot so that he will be able to build three buildings, albeit modern, in an area already surrounded by residential. He stated he submits that this is not good policy to just willy nilly entertain these little isolated changes. He suggested the board's recommendation should be that the property remain Residence A, again based on the city's own exhibit.

He stated he would like to submit a petition signed by residents in the Pamela, Oakdale, Sherwood and Rosanne Street area in opposition to this zoning change.

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

Att. Deshaies stated the board should approach zoning changes on isolated parcels cautiously and grudgingly, because the door is wide open.

In response to Ms. Dawicki's invitation to speak in opposition, Antonio Braz of Pamela Drive stated the board was previously informed that they had talked to the neighbors and the neighbors didn't care about what they

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were doing. He stated that was not true and that's why the board is seeing a petition, which is from a very, very close area of the proposed building. He stated the people are here for the purpose of defending their rights and properties, which Mr. Carney doesn't care for. He stated Mr. Carney thinks he's better than everybody because he has money. Mr. Braz stated changing the lot for the purpose of the city or the whole neighborhood, yes, that's right. Changing for the purpose of one person using that benefit is not right. He stated they have learned the building has asbestos, and they knew and left the asbestos exposed all over the neighborhood to just clean now. He stated these neighbors say again rebuild what you had there, not two matchboxes with garage doors facing our house. He stated any member of the board living across the street would not like that, and the neighbors don't like it either. He stated it's up to the board to see what the taxpayers and people of the neighborhood stand for. He stated Mr. Carney has made small extensions in the past, violating the first policy when building those buildings. He stated there was paperwork that if anything ever happened, they could only put a single family home, but it seems the paperwork disappeared. He stated it is a shame what's going on and he will fight until the last day against this project. He again raised the issue of asbestos in the air all these months and no one did anything. He stated he hopes the board will consider and look at what's going on.

In response to Ms. Dawicki's invitation to speak in opposition, Joseph S. Silva Jr. of Oakdale Street, an immediate abutter to Lot 95, stated it was interesting to him to hear about a scrivener error. He stated it was interesting for him to learn that he bought a piece of property as a buffer zone. He stated that was a blatant lie. He stated he bought a 15' piece of property before this even came to fruition. He stated it wasn't built or started. He stated since he father purchased the property he had attended every single city council or board meeting on that neighborhood for the last fifty years. He stated that at no time was there any public meeting about Rockdale West. He stated when he went to work in the morning there were woods next door, and when he came home it looked like a desert with mounds of wood chips. He stated that was the inception of the Rockdale Homeowners Association, which was all of the neighbors, people from Gardner Street to Rockdale Avenue to Tradewind Street. He stated they went to fight the proposal, which was already reality. He stated the matter went to the State SJC because of some of the wetlands crossing through Cherry Tree Lane and Hathaway Road and feeding Buttonwood Park. He stated while the Justice was on vacation they worked at Rockdale West to pour foundations twenty-four hours a day. He stated at three and four o'clock in the morning worker vehicles were parked with headlights on to see what they were doing, hoping the judge would not make them tear them down.

Mr. Silva stated in looking at the maps the board will see the five lots. He stated the lot next door to him is Residence A and has been that for at least forty-five or more years. He stated the other lots are B and there are two four-plex homes on those lots, completely separated from the rest of the development. He stated as a result of their legal battle at the time their consolation was if anything catastrophic happened to those two four-plexes in Oakdale Street, they could not be replaced. Nobody can seem to find that. He stated to hear about a scrivener's error determined by people who weren't around at the time. He stated it is clear to look at the city's own map with a distinct line showing a cutoff of Residence A and B. He stated he tried to buy more than this so-called buffer zone and Att. Livingston refused when there was nothing there. He asked the board to look at it and do the right thing for the City of New Bedford and the people sitting in the room, something which has not been done since the inception of this whole project. He stated he is vehemently opposed to changing this from Residence A to B.

In response to Ms. Dawicki's invitation to speak in opposition, Emmitt Gordon of Pamela Drive, where he had been for over forty years stated he can't understand why they are here. He stated for forty-seven years before the fire, it was fine to live with Rockdale West with buildings the way there were. All of sudden there is a big

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fight. He stated in all the meetings years ago there was supposed to be no expansion of Rockdale West or Bayberry, but now the papers are lost. He stated it is a shame, and that when he first moved onto the street it was a dirt road. He stated he didn't realize the people living in Rockdale West, who did not pass by his house. He stated once the street was paved, he had to put a fence up because of the traffic. He stated as a longtime resident of the area he is totally opposed to see an expansion on this little piece of property, and it will be detrimental to the people living in the area.

In response to Ms. Dawicki's invitation to speak in opposition, Jean Athaide of Pamela Drive stated that Rockdale West has become an annex to the housing at U-Mass Dartmouth. She stated it is filled with U-Mass Dartmouth students, and has the many problems that exist with off-campus housing. She stated there were already problems with the building that burned, with parties and litter. She asked why the quality of her life should be diminished so that Mr. Carney can become richer.

In response to Ms. Dawicki's invitation to speak in opposition, Barbara Silva of Oakdale Street stated she is also vehemently opposed. She stated she has lived there for over forty-seven years and it has been a hassle. She stated they have worked hard and stayed in the City of New Bedford. She stated she had been on the Planning Board and Department of Public Health. She stated they have supported New Bedford all their lives. She stated they want to support their neighborhood. She agreed with the previous speaker that a lot of things have gone on in the area that are not good, like horses attached to porches, 4-5 dogs barking at one time, and needles in the street. She stated they kept their property meticulous and those who don't even rake their own leaves are not being part of the neighborhood community.

In response to Ms. Dawicki's invitation to speak in opposition, John Brizida of Pamela Drive stated he lives directly behind the building in question. He stated it is a shame. He stated there is garbage all over the place. He cleans it up and they leave it all over the parking lot and never pick it up. He stated the people party till 2:00 and 3:00 o'clock in the morning and nobody gets arrested. He asked what will happen with sixteen apartments. He stated he does not want that.

In response to Ms. Dawicki's invitation to speak or be recorded in opposition, Maria Pine of Pamela Drive stated she has lived there for thirty-two years and it is a shame to the neighborhood to do more than what is there now. She expressed concern about the value of reselling her property. She stated she is not opposed to them rebuilding but asked they no overdo it.

In response to Ms. Dawicki's invitation to speak in opposition, Marie Barnes of Pamela Drive, a direct abutter, stated she was very concerned about additional students moving in if this took effect. She stated another concern is seeing people with hazmat suits go in and come out with taped up cartons of hazardous material. She stated the building has been open for almost a year and that what was in there, besides the vermin, might affect the neighbors living so close.

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

Ms. Dawicki asked for input on the scrivener's error.

Mr. Brawders stated a scrivener's error is any mistake. She stated in doing the research for this matter, they

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found a subdivision plan and the earlier subdivisions created. She stated in due diligence they look at deeds recorded at the Registry of Deeds, and could not find any documentation as far as the issue raised that in the event of destruction there could be no further enlargement of the apartment complex.

Ms. Dawicki noted that they had received information from Councilor Bousquet who had made a motion before city council, which she read into the record, stating the residents object to the project.

Ms. Dawicki reiterated the important criteria of spot zoning, which could result in a challenge. She stated that contrary to Att. Deshaies representation, she had taken no opinion as of yet.

Mr. Glassman noted that although buildings and potential buildings have been talked about, that is not what the board is looking at. He stated what is before the board is zoning.

Ms. Duff concurred that this was not a site plan review, but merely a recommendation being sought. She stated it is a zoning change within what are both residential zones adjacent to each other. She stated she understood the scrivener's error, and though it may sound trite, there was clearly an error when the development was parceled out. She noted there is no accounting for Lot 95. She stated it is not as if it is misclassified, rather there is no accounting for it, it not being noted on the development. She stated the land is noted, but not the number. She stated it is clearly an error, as it did not disappear, but did not provide the designation of Lot 95 when marking the development. She stated it was the first time she had ever seen such a mistake in her time on the board.

Ms. Dawicki stated the error may be a matter of opinion, and felt the board was wise taking into account all the factors.

Mr. Glassman raised his concerns about the criteria of spot zoning.

Ms. Dawicki noted the onerous was on the petitioner to demonstrate the economic or broad benefit to the neighborhood, which she did not hear.

Mr. Cruz stated giving a positive recommendation seems to him almost one sided with one person getting more of a benefit than the neighborhood, who appear to be a tight knit bunch of people. He felt the current status of the property affects the quality of life today.

Mr. Glassman noted that no one else spoke in favor.

Ms. Duff reiterated that there was definitely an error as there is a lot not accounted for, which did not disappear. She stated Lot 95 and 54 are not noted, which is clearly a mistake. She also agreed with Mr. Glassman that no one had come out to speak in favor of it. She stated she sympathized with the neighbors' concerns surrounding maintenance and management of the development, which she felt was not the board's jurisdiction but did paint the culture and environment the neighbors are facing.

Ms. Duff stated though an isolated parcel, she did not believe the actual isolation of the parcel qualifies it as spot zoning. It's residence, a very small parcel adjacent to a large Residence B area.

Mr. Glassman agreed it was not spot zoning, but felt the benefit was to one person.

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Ms. Dawicki noted that spot zoning is not the only consideration.

Mr. Cruz agreed that he did not think it was spot zoning, but was benefiting one person rather than the whole community.

Ms. Duff stated it is presently a non-confirming use as Residential A and they are allowed to rebuild as a non-confirming use, but she wondered if the neighbors had tools to their benefit if a non-confirming use versus a conforming use being built.

Ms. Dawicki noted that an element of consideration for her is that this could have been avoided had the applicant built within the amount of time available.

Ms. Brawders confirmed the fire was over a year ago.

Ms. Duff wondered why it was grandfathered a non-confirming use. Ms. Dawicki felt it would be more useful to consider past situations for zoning changes, for instance mixed use business then zoned residential, but benefiting the community by maintaining the use designation of the structure.

She recalled single parcel petitions where there was an obvious benefit to the owner and not the community usually one of the biggest factors the board has focused on.

Ms. Brawders stated that under Section 2460, catastrophe, any non-confirming structure may be reconstructed after a fire, explosion or other catastrophe provided that such reconstruction is completed within 12 months after such catastrophe, and provided that the building as reconstructed shall be only as great in volume or area as the original non-confirming structure unless a larger area is authorized by special permit from the Board of Appeals. Such reconstruction may be extended by the Board of Appeals for good cause.

Ms. Duff noted the comments by the neighborhood clearly indicated they feel this would have a negative impact on the community, especially in light of their also having formed an Association to deal with what they deemed a negative impact on their neighborhood. She felt it was not a positive impact to the neighborhood, and noted the comments that it may even be a negative impact in reselling.

There being no further board discussion, a motion was made (KD) and seconded to approve the request for a Zoning change on Case 26-15.

Roll call vote was as follows:

A. Kalife – No C. Dawicki - No
P. Cruz – No A. Glassman – No
K. Duff – No

Ms. Dawicki stated the recommendation to city council will be not to rezone the lot.

A male audience member thanked the board for doing a great job. He stated “you did the right thing”.

Ms. Dawicki again announced the continuance of Case #31-15

6. Case #27-15/28-15

Hatch Street Studios Special Permit - Request by applicant for Special Permit for reduction of parking

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spaces, and Case 28-15: Hatch Street Studios Site Plan-Request by applicant for Site Plan approval for the expansion of commercial studio space for artists, designers, and small businesses, located at 88-90 Hatch Street (Map 111, Lot 148), in the Industrial B zoning district. Applicant: Jeff Glassman, Darnit Landing, LLC, 686 Belleville Ave, New Bedford, MA 02745. Special

Armando Pereira of Comprehensive Design Build Services addressed the board. He stated he had just submitted a revised set of drawings, namely a typo 1 in 30 scale, corrected to 1 in 20.

A motion was made (PC) and seconded (KD) to accept.
Motion passed unopposed.

Mr. Pereira stated this project is in the four-story building that is part of Nashawena Mill Complex, built around 1920. He stated the project work will be on the second floor to add twenty artist studios, which already exists on the third and fourth floors. He noted a two-story building containing offices and a map digitizing company. He stated the former production mill had a much greater noise level than what is proposed and will not impact the area. He stated this benefits the neighborhood with less noise and less people coming in. He stated there are eighty-eight existing parking spots which, at 8'x18', are not conforming spots. He noted the green space around the parking on the left side of the lot. He noted a ledge outcropping that goes under the building. He explained the small area of the first floor is due to that portion of the building being built over ledge. He noted the planned green space on the building's north side, facing Hatch Street, as well as the east side ledge outcropping containing trees.

Mr. Pereira stated they are looking to keep the non-conforming spaces and to add three handicap spaces near the loading dock area which accesses an elevator. He stated they are not really taking asphalt out and explained the planned green spaces and plantings. He noted they had requested waivers on the site plan review, such as drainage calculations, as they are not touching utilities or ripping out asphalt.

Mr. Pereira stated they are looking for relief of seventy-nine additional parking spots. He noted if the applicant is not granted the three spots designated as handicap spots from the parking commission, the applicant would have to move the spaces to the northeast corner of the lot. He stated the site has three light fixtures and noted the board had been provided a night view to the board. He also noted the location of a small non-lit existing sign.

Mr. Pereira stated they are keeping everything as is, except for the introduction of the handicap spots. He invited questions.

In response to Ms. Dawicki, Mr. Pereira stated the handicap spots are reflected on C1.2.

Ms. Duff inquired as to the height of the freight elevator landing. Mr. Pereira explained they will be putting in a handicap ramp of some 24'. Mr. Pereira stated there were existing dumpsters on the easterly side of this loading area which will remain at that location.

In response to Mr. Cruz, Mr. Pereira stated they would need to apply for a variance, due to the elevator being a freight elevator, as the project progresses through the steps they will obtain the required variances and approvals.

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Jeff Glassman of Kings Road, Sharon, stated the freight elevator is a newer model but is not automatic and will need a handicap assist. Mr. Cruz noted that ADA compliant does not just mean someone in a wheelchair and inquired as to the absence of curb cuts. Mr. Pereira stated that would develop once they had approval and had the room to do it.

Jeff Glassman stated the ramp to be used by trucks would be at another location, and he displayed the same.

In continuation of addressing parking and traffic circulation, Mr. Cruz inquired as to why the applicant did not want to restripe the parking. Mr. Pereira stated by city zoning of 10'x20' the number of spaces would be reduced to eighty-four and require even more relief. He stated if in the future it has to be repaved, they would go to city compliance at that point. He also noted it is newly striped.

Mr. Pereira addressed snow storage and stated snow would be pushed to the fencing in the northerly side, which would result in a loss of some parking as well.

Jeff Glassman interjected that the building tenants are artists with various hours. He stated the parking reduction does not hurt the applicant, as the artists come in early morning or late night and are not usually there during the day. As such, the reduction is not expected to affect the daily goings on at the building.

Ms. Duff suggested dumping the snow in the ledge outcropping.

Moving to landscaping, Ms. Duff noted the addition of evergreens on the north side. She suggested shade tolerant hydrangeas would be more colorful and not contribute to an aggressive root system so close to the building. In response to Ms. Duff, Mr. Pereira confirmed they are not adding trees on the east side. He stated their focus is on the entrance. Mr. Pereira noted the areas of green grass and explained the unknown and potential problems of additional planting in the ledge area.

Mr. Pereira stated he focused on taking away from the monotony of asphalt and masonry at eye level.

Ms. Dawicki noted concerns about the debris, et cetera, affecting the existing landscaping.

Ms. Brawdgers stated that Mr. Pereira had described it as being overgrown, but it appears more of a scrub rather than a viable landscape design.

Mr. Pereira stated with the rock outcrops present it is simply natural growth. He stated to go in and try to manicure it, with the ledge outcropping, it's hard to say if you can get anything to grow as part of design. He stated it's a hidden gem and he would prefer not to touch it at this point.

Ms. Duff stated Ms. Brawdgers is suggesting you just clean it up, not ruin it. Ms. Duff also suggested that screened dumpsters usually can't be seen from the street, especially with parking along the street. She suggested plants along the north face to bring some vibrancy to it.

In discussing lighting, Ms. Dawicki asked to have the lighting pointed out on the plan. Jeff Glassman interjected that all the lights had been changed and upgraded the lights to efficient LED lights.

Ms. Duff stated that the ramp area and back end of the parking area would definitely need lighting.

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Mr. Pereira indicated the location of the lights. He again mentioned he had submitted a night lighting photo to the board.

Ms. Dawicki discussed the waivers sought, such as drainage, demolition, et cetera.

Mr. Glassman commented that the applicant is not changing what is existing.

In response to Mr. Cruz, Mr. Pereira confirmed that the only excavation will be for the ramp and the new landscaping. Mr. Cruz suggested the use of silk sacks.

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 in favor.

In response to Ms. Dawicki's invitation, Ed Caron of Hatch Street, stated he had public safety concerns more than opposition. He stated that within the past few years Hatch Street had become a dangerous place to live. He stated cars are constantly going up and down the street. He stated they are constantly picking up trash and rubbish. Mr. Caron stated there are trucks loading in the main parking lot, and when they leave they come over onto his sidewalk, which is now cracked. He stated they have come within a foot of his new porch. He stated he had forty years in public safety, and a ladder truck would not be able to make it into the parking lot. He would like to see the public safety aspect looked into before making any changes to the area.

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.

Ms. Dawicki asked the applicant address the concerns stated, especially regarding fire apparatus.

Mr. Pereira stated he did not believe any street congestion was due to the Hatch Street tenants, but a manufacturing building nearby. He acknowledged the area traffic was condensed from 7:00 am to 3:30 pm, during the manufacturing hours.

Mr. Pereira stated the recent re-striping had widened the area for better access for safety purposes.

Ms. Dawicki reviewed the concerns raised. She stated that many errors and inconsistencies had been noted by planning staff in the submission, and asked the applicant address and correct those for final submittal.

Mr. Cruz mentioned the lighting for the accessible ramp and the ADA acceptance for the elevator.

Jeff Glassman noted, with regard to trucks unloading, that there is a first floor sheet metal tenant in a small space. He stated he receives deliveries once a week, and the plan allows for movement. He stated he will look into it.

Ms. Dawicki suggested having three separate votes. One for requested waivers, one for parking reduction special permit, and the third to approve site plan.

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

After board discussion of the issues and desired conditions, a motion was made (KD) and seconded (PC) to approve the request for reduction of parking for Case 27-15, 90 Hatch Street.

ROLL CALL VOTE AS FOLLOWS:

A. Kalife – Yes K. Duff – Yes
P. Cruz – Yes C. Dawicki - Yes
A. Glassman - Yes

A motion was made (KD) and seconded (PC) to grant the waivers as requested by the applicant and attached hereto for Case #28-15.

Motion passed unopposed.

A motion was made (KD) and seconded (AG) to approve site plan approval for Case #28-15, 88-90 Hatch Street, with the following conditions and that the applicant can work with planning staff to make certain these requirements are met. First, that all planning staff comments are addressed relative to the actual application and the coordination of the drawings and the scaling, et cetera; that the applicant confer with the fire department regarding requirements for a fire truck accessing the parking area, and that the applicant submit a plan approved by the fire department showing such access for life safety or fire trucks to enter the area; that the applicant when installing the handicap ramp on the north side of the property make certain they install appropriate lighting for the handicap ramp; that the applicant when installing said landscaping along the handicap ramp not allow any discharge into city catch basins within the distance and that they use silk sacs on said catch basins; the applicant can work with planning staff on lighting of these areas; that the applicant agree to screen the dumpster area with a wood and/or composite fencing approved by planning staff; and that the applicant notify the planning staff when they have received ADA acceptance on the use of the elevator as well as the approval of the on-street handicap parking spots; in the event that does not happen, the applicant is to work with planning staff to make certain to ensure designated handicap parking spots within the existing parking area.

Motion passed unopposed.

7. ELECTION OF OFFICERS

Ms. Dawicki noted that planning staff received a slate of nomination from Mr. Glassman. Mr. Glassman expressed the board had done well the past year. He made a motion to have Colleen Dawicki as chair, Kathryn Duff as vice chair, and Alex Kalife as clerk. The motion was seconded and passed unopposed.

8. AREA MEETINGS

Ms. Brawdgers noted all the hearings in her report have passed. She stated on 11/13/15 site plan approval for a one million SF warehouse, Amazon, Fall River/Freetown was approved. 11/24/15 Town of Freetown public hearing for site development plans for Massachusetts Medical Cannabis Center were approved by the planning board. 12/1/15 Town of Dartmouth DBA public hearing for a request by AH, LLC for a variance. No further information found online. Concurrently we received a notice to abutters under the Massachusetts Wetlands Protection Act from the Town of Dartmouth for work proposed at 270 Samuel Barnett Boulevard for the construction of an 81,000 SF building and associated parking, loading, et cetera within the 100' buffer zone. 12/8/15 Town of Fairhaven public hearing for special permit to operate Executive Doggie Daycare and

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amendments to the zoning bylaw to add definitions and allow the planning board to accept surety for special permits.

9. ADJOURNMENT

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

Meeting adjourned at 7:58 pm.

NEXT MEETING
Wednesday, January 13, 2016

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