



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

November 26, 2013

Ms. Rita Arruda, City Clerk
133 William Street
New Bedford, MA 02740

RE: Site Plan Review & Special Permit Official Decision, Case # 36-13,
104-106 Co-Op Wharf & ES Macarthur Drive (Plot 53, Lots 252, 255)

CITY CLERKS OFFICE
NEW BEDFORD, MA
2013 NOV 27 A 11: 28
CITY CLERK

Dear Ms. Arruda,

Please be advised that the New Bedford Planning Board held a public hearing on November 13, 2013 to discuss an application for Site Plan Review for a proposed Restaurant and Special Permit Review for proposed reduction of the minimum off-street parking requirement at 104-106 Co-Op Wharf & ES Macarthur Drive (Plot 53, Lots 252, 255). The applicant requests a reduction of the required amount of off-street parking spaces (from 41 spaces to 30 off-street parking spaces) for a restaurant use ("The Black Whale") to occupy an existing building and newly constructed deck area. Plans were stamped by City Clerk on October 18, 2013, submitted by Albert J. Santos, 86 MacArthur Drive, New Bedford, MA, 02740.

Board Members Arthur Glassman, Janine Da Silva, Kathryn Duff, Peter Cruz and Colleen Dawicki were present on the evening of the public hearing.

City of New Bedford Staff Jill Maclean, Kreg Espinola and Patrick Day were present during proceedings for the subject case review.

Mr. Kenneth R. Ferreira (Kenneth R. Ferreira Engineering, 46 Foster St, New Bedford, MA 02740) presented information on the proposed project on behalf of the applicant. Mr. Ferreira detailed the proposed site work and improvements proposed by the applicant prior to occupation of the existing structure. Additionally, Attorney Walter Faria (286 Union Street, New Bedford, MA, 02740) provided further detail on the applicant's permit obtained from HDC allowing access to 30 off-street parking spaces at the adjacent parcel and further description of the anticipated demand for parking created by the restaurant. Louis Da Silva, introduced as the manager of the proposed restaurant, also provided information on the proposal, specifically regarding the applicant's intent to install all new clapboard and cedar shingles on the existing building, with a natural color.

Chairman Glassman then called for a motion to open the public hearing. A motion was made by J. Da Silva, seconded by C. Dawicki, to open the public hearing. Chairman Glassman then invited

to the podium anyone wishing to speak in favor of the application. Derek Santos and Jeff Pontiff spoke in favor of the proposal. Christian Farland and Councilman Henry Bousquet were recorded in support of the petition.

Chairman Glassman then invited to the podium anyone wishing to speak in opposition of the petition. No persons in attendance wished to speak or be recorded in opposition to the petition. On a motion by J. Da Silva, seconded by K. Duff, the public hearing was closed.

After due deliberation and consideration of all testimony, the Planning Board considered a motion by J. Da Silva, seconded by K. Duff, to approve the Site Plan Review for a Restaurant, with conditions:

1. That the applicant submit a landscaping plan, to include additional plantings, for approval by City Planner;
2. That the applicant coordinate with Department of Public Infrastructure (DPI) to have 2 accessible van parking spaces (with 1 accessibility aisle) striped on the site;
3. That the applicant coordinate with DPI to replace all sidewalk from the extent of the applicant's property thru the extent of the city property to Macarthur Drive with brick sidewalk, with curb-cut crosswalk, if deemed allowable by DPI (*11/27/13 Note - following the public hearing, DPI confirmed that this work is allowable, and must be completed subject to their standards & specifications);
4. That the applicant coordinate with freight operator Mass Coastal Railroad, and submit a plan set for review and comment, with all received comments submitted to Planning Staff for filing;
5. That the applicant submit all proposed signage to Mass Coastal Railroad for review and comment;
6. That all DPI Comments, as detailed in their memorandum to Planning Board dated November 12, 2013 be accepted / completed by the applicant;
7. That all Conservation Commission comments, as detailed in their memorandum to Planning Board dated November 13, 2013 be accepted / completed by the applicant;
8. That the applicant abide by any agreements and comments reached with the Harbor Development Commission must be maintained by the applicant and remain in good-standing;
9. That landscaping be installed to screen transformers located between the deck and the building labeled "Harbor Master's Office" on submitted plans, to the greatest extent practicable;
10. That a trash receptacle area be provided on-site, and be screened with landscaping;
11. That lattice work and landscaping be installed to screen all 3 sides of the deck;
12. That the applicant ensure that decorative down lights be installed, not flood type lighting;
13. That signage shall be submitted to Planning Staff for review and approval.

This motion carried 5-0.

After due deliberation and consideration of all testimony, the Planning Board considered a motion by J. Da Silva, seconded by K. Duff, to approve the Special Permit for reduction of the minimum off-street parking requirement from 41 spaces to 30 spaces, with a condition:

1. That the granting of this Special Permit is dependent on the applicant's license with HBC for access to 30 off-street parking remaining in good standing; and that the applicant's license with the City remain in good standing for the adjacent property.

This motion carried 5-0.

Sincerely,



Jill Maclean, City Planner
Agent for the Planning Board

Cc: Danny Romanowicz, Commissioner DIS
Kenneth R. Ferreira, Kenneth R. Ferreira Engineering
Albert J. Santos, Applicant
Ronald Labelle, Commissioner DPI
Scott Downing, Executive Secretary, Traffic Commission
Bruce Duarte, Jr., Ward Four Councilor