



Planning Board

September 9, 2015 – 6:00 PM – **Approved Minutes**
New Bedford City Hall, Room 314, 133 William Street

**NEW BEDFORD CITY HALL
ROOM 314
133 WILLIAM STREET
WEDNESDAY SEPTEMBER 9, 2015
6:00 P.M.**

MEETING MINUTES

- PRESENT:** Colleen Dawicki, Chairperson
Kathryn Duff
Arthur Glassman
Peter Cruz
Alexander Kalife
- ABSENT:** No member absent
- STAFF:** Jennifer Clarke, AICP, Deputy Director of Planning & Community Development and
Acting City Planner
Constance Brawders, Staff Planner
- IN ATTENDANCE:** Stuart Clark, Civil Tech, Inc., 124 Padelford Street, Berkley, MA
Heather Brito, 47 Charlotte Street, New Bedford, MA
Pat Sheridan, 1194 Old Plainville Road, New Bedford, MA
Carol Cesolini, 912 Ashley Boulevard, New Bedford, MA
Peter Cesolini, 912 Ashley Boulevard, New Bedford, MA
John Keegan, SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA
Raymond R. Yates, 1007 Monmouth Street, New Bedford, MA
Constance Yates, 1007 Monmouth Street, New Bedford, MA
Phyllis Coelho, 269 Maryland Street, New Bedford, MA
Hugh Rowlett, 9 Bayview Avenue, Fairhaven, MA
Eric Dubrulle, 30 Constitution Drive, Leominster, MA
Adam Gourmette, 8 Wallace Way, Berkley, MA
Pete Gomes, 254 Maryland Street, New Bedford, MA
Gary ?????, ????? ?????? Street
Beth Kilanowich, 220 Appleton Street, New Bedford, MA
Wayne Kilanowich, 220 Appleton Street, New Bedford, MA
Douglas Thomson, 8 Baker Street, Warren, RI
Nick Dufresne, Thompson Farland, 398 County Street, New Bedford, MA
Carol Duphily, 934 Ashley Boulevard, New Bedford, MA
Lynn Simonello, 151 Grinnell Street, New Bedford, MA
Atty. Christopher T. Saunders, Saunders & Saunders, LLP, 700 Pleasant Street, New Bedford, MA

1. CALL TO ORDER

Chair Dawicki called the meeting of the City of New Bedford Planning Board to order at 6:03 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 August 12, 2015 Planning Board meeting minutes, seconded by Board Member Glassman; the motion carried with a vote of Five (5) to Zero (0).

PUBLIC HEARING

4. Case #11-13: Cardinal Place Subdivision

Request to release Lots 1-7 from covenant restrictions as to sale, as specified in the Form D Covenant dated August 12, 2014 and recorded in Bristol County (S.D.) Registry of Deeds at Book 11155, Page 34 on August 25, 2014 by Richard Hopps, for a definitive plan of subdivision known as Cardinal Place in New Bedford, MA, dated April 22, 2013, as revised thru May 19, 2013, and prepared by Prime Engineering, P.O. Box 1088, 350 Bedford Road, Lakeville, MA 02347. Applicant: Hugh Rowlett, Petrel Properties, LLC, 302 Elm Street, South Dartmouth, MA 02748.

Chair Dawicki reminded the Board that on July 8, 2015 the applicant appeared before them pledging to provide a certified check in the amount of one hundred and eleven thousand dollars (\$111,000.00), meeting the cost estimate for completing the road and installation of municipal services by the City should the applicant fail to fulfill his obligations for construction and build-out of the subdivision. The request was unanimously approved by the Board. The City Treasurer received and deposited the check on July 30th.

The applicant is before the Planning Board at this meeting to request the release of lots one through seven from the covenant (Form D) pledging the land as surety, so lots may be sold and construction may proceed.

Board Member Duff moved the motion that the City may release lots one through seven from the Form D-Covenant, seconded by Board Member Glassman. Motion carried, Five (5) to Zero (0).

5. Case 21-15

Request by applicant, Heather Brito (47 Charlotte Street, New Bedford, MA 02740), for Site Plan Review for a change of use in business from a hair salon service to a health care consulting service, and Special Permit for reduction of parking spaces, located at 269 Maryland Street (Map 127C, Lot 81), in the Mixed Use Business zoning district. Applicant: Heather Brito, 47 Charlotte Street, New Bedford, MA 02740.

Chair Dawicki explained that the Board would be considering two applications requiring two separate votes: 1. Site Plan Review, and 2. Special Permit for Parking Reduction. The applicant is scheduled to appear before the Zoning Board of Appeals on September 17, 2015 to request a Special Permit for a change of business use from a hair salon to a psychotherapy medical office.

Stuart Clark, PE, Civil Tech, Inc., and Heather Brito, licensed mental health counselor and certified PTSD counselor, described the proposal. Their representation of the petition indicated that no exterior modifications are to be made to the structure. The residential component will be eliminated and would be replaced with a medical office which would, under the proposal, constitute the entirety of the structure. The primary entrance would be located at 904 Ashley Avenue. The applicant seeks to utilize three on-street parking spaces along Maryland Street, and create one on-site ADA compliant parking space, to serve the client base.

Hours of operation were proposed as 9:00 a.m. to 9:00 p.m. Monday thru Thursday and Friday operating hours between 8:00 a.m. - 5:00 p.m. Clients would be seen on weekends between the hours of 8:00 a.m. and 2:00 p.m. No additional signage is proposed, as the applicant will adapt the current Ashley Boulevard awning sign to meet the proposed business' needs. The applicant proposes to add one additional counselor and anticipates a patient load as being one patient each counselor per hour, with 15 minutes between appointments. The applicant indicated she currently turns away 8-30 people per week.

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).

No member of the public spoke or requested to be recorded in favor of the case.

Speaking in opposition were Pete Gomes, Carol Cesolini, Wayne Kilanowich, Pat Sheridan, Beth Kilanowich, and Constance Yates, each of whom cited concerns around parking and traffic safety and business hours of operation. Several speaking in opposition expressed concern with the possibility of client service arrangements with the Stanly Street Addition Center [STAR]. Peter Cesolini asked to be recorded in opposition. Ward 1 Counselor James Oliveira and Counselor at Large Linda M. Morad asked the Planning Board to consider tabling the item until the ZBA has had an opportunity to consider the change of use from the current and proposed business use.

The public hearing was suspended and the applicant was invited back to the podium to offer further clarification. After duly considering the information presented, the Board concluded their findings by requesting the following documentation from the applicant in preparation of case continuance to October 7:

- Verification as to the availability of a handicap space that would be properly signed.
- Evidence that shared parking spaces with neighboring businesses has been secured.
- A plan for pedestrian crossing safety at Ashley Boulevard.

Chair Dawicki then asked for a motion to continue the case to the October 7, 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).

6. Case #18-15: O'Reilly Auto Parts

Request by applicant, S. B. Realty Limited Partnership (100 North Street, New Bedford, MA 02740), for Site Plan Review for new construction of a 7250 SF retail building, and a Special Permit for reduction of parking spaces, located at 139 Hathaway Road (Map 104, Lot 14), in the Mixed Use Business/Industrial B zoning districts. Applicant's agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

John Keegan of SITEC, Inc., presented the case for new construction of O'Reilly Auto Parts within an existing parking lot shared with other businesses and described the existing conditions and improvements to the site. Discussion ensued regarding on-site traffic circulation, parking and traffic circulation that conflicts with McDonald's fast food restaurant also located within the same site, delineation and number of parking spaces dedicated to the new business use, number of handicap parking spaces, pedestrian road crossing safety, need for traffic study, materials to be used for the roof, hours of operation, signage and a process for proper disposal of waste oil that the business will receive from its customer base.

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).

No member of the public body spoke or requested to be recorded in favor nor in opposition to the case. Questions regarding the proposed parking plan which complicates the fast food restaurant's drive-thru pathway were directed to the Board by Lynn Simonello, who identified herself as owner of the adjoining 159 Hathaway Road McDonald's franchise. The information was taken under advisement, with the Board stipulating the applicant rework the site plan with planning staff to find a shared parking solution between parties.

Having no further questions from the Board, the motion was moved to close the public hearing by Board Member Duff, seconded by Board Member Glassman. Motion carried unanimously Five (5) to Zero (0).

Board Member Duff made the motion to approve the Special Permit Application for **Case #18-15** for a reduction in parking by 36 spaces, seconded by Board Member Glassman.

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

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

Chair Dawicki then asked for a motion to grant Site Plan approval for **Case #18-15**, with conditions, for new construction of a 7250 SF retail building, located at 139 Hathaway Road (Map 104, Lot 14), in the Mixed Use Business/Industrial B zoning districts.

Board Member Duff made a motion to approve the Site Plan Application for **Case #18-15**, with the following conditions, seconded by Board Member Glassman:

- Applicant agrees to work with planning staff in the revision of plans and recommendations set forth under conditions of approval.
- Applicant agrees to follow DPI recommendations to install a pedestrian crossing signal.
- Applicant agrees have a traffic study performed and to abide by any stipulations noted in the traffic study regarding pedestrian safety measures for improvement.
- Applicant agrees to have a handicap accessible ramp, or curb cut, installed at the pedestrian safety crosswalk.
- The application for Special Permit and revised Site Plan must accurately reflect the number of parking spaces that will serve the new business.
- The applicant shall provide handicap parking area signage and pavement markings, and show on revised plans, three handicap parking spaces which will serve the business.
- The landscaping shall provide trees true to Landscape Plan of 2-2.5 inch caliper diameter at the three-foot rise, or top of burlap and ball.
- The roof sheathing material shall be a Cool Roof of EPDM or PVC, in light or white color.
- Hours of operation shall be corrected for agreement and consistency between applications for Site Plan approval and Special Permit, and no earlier than 8:00 a.m. and no later than 8:00 p.m.
- Signage may be illuminated no later than one hour after closing time, or no later than 9:00 p.m.
- Days of operation shall be six days per week, from Monday thru Saturday.
- The applicant shall work with the abutter, McDonald's fast food restaurant, and planning staff to resolve access, parking, and egress issues.
- All inconsistencies and typographical errors are to be corrected on plan sheets and applications.
- The applicant shall clarify the party responsible for operation and maintenance associated with the storage of oil materials and provide documentation for the Planning division case file folder.

Note: These are 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/>

Motion carried unanimously Five (5) to Zero (0).

7. Case #19-15: McDonald's USA

Request by applicant, McDonald's USA, LLC (Cedar-Kings, 44 South Bayles Avenue, Port Washington, NY 11050), for Site Plan Review for new construction of a 4600+/- SF fast-food restaurant, and a Special Permit for the reduction of parking spaces, located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts. Applicant's agent: Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772.

Eric Dubrulle of Bohler Engineering, Adam Gourmette, Area Construction Manager, and Lynn Simonello, Director of Operations for McDonald's described the proposed demolition of the existing fast food restaurant and subsequent reconstruction project that would include improvements to landscaping, drainage and storm water treatment with recharge going through a swale, lighting, and a parking reduction from 50 spaces to 40 spaces to Board members.

Illustrative plans were presented for consideration, with a motion for acceptance made by Board Member P. Cruz and seconded by Board Member A. Glassman.

It was noted that the applicant is expected to appear before the Zoning Board of Appeals to petition for a Variance for side and rear yard setbacks of the trash enclosure in deference to the adjacent wetlands and a Special Permit Application for a Fast Food Restaurant with Drive-thru.

Discussion ensued between applicant and Board members for further clarification of the case submittal. Chair Dawicki requested a motion from the Board to open the public hearing. No one spoke in favor, nor against, the project submittal.

With no other comments received, motion was made by Board Member K. Duff, with second by Board Member A. Glassman to close the hearing. Motion carried Five (5) to Zero (0).

Board Member Duff made the motion to approve the Special Permit Application for **Case #19-15** for a reduction in parking from 56 spaces to 40 spaces, seconded by Board Member Glassman.

A roll call vote was taken and resulted in the unanimous approval of the motion in a vote of Five (5) to Zero (0).

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

Chair Dawicki then asked for a motion to grant Site Plan approval for **Case #19-15**, with conditions, for new construction of a 4600+/- SF fast-food restaurant, located at 1080 Kings Highway (Map 125, Lot 29), in the Planned Business and Industrial - A zoning districts.

Board Member Duff made a motion to approve the Site Plan Application for **Case #19-15**, with the following conditions, seconded by Board Member Glassman:

- Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
- Applicant agrees to propose a Landscape Plan to planning staff and work together with staff in creating an acceptable landscape design.
- The applicant will agree with the recommendations of DPI and take into accommodation all of DPI's suggested recommendations.

- The hours of operation are to be documented as 5:00 a.m. to 12 midnight.
- The illuminated signs shall be turned off no later than one hour after closing.
- The applicant agrees, if possible, to pull in the flared drain ends, away from the City of New Bedford easement for an existing 36 inch sewer drain.
- The applicant agrees to any additional erosion control measures stipulated by the City of New Bedford Conservation Commission.
- Application and plans are to be corrected for inconsistencies, which includes the correction of the Title Box which reads New Bedford as located in Providence County.

Motion carried unanimously Five (5) to Zero (0).

8. Case #20-15: Thomson Antique World

Request by applicant, Thomson Antique World (8 Baker Street, Warren, RI 02885), for Site Plan Review for use of a weekend flea market in the existing parking lot, located at 19 Hathaway Road (Map 101, Lot 8), in the Industrial - B zoning district. Applicant's agent: Thompson Farland, Inc., 398 County Street, New Bedford, MA 02740.

Board member K. Duff recused herself from the case consideration, citing that her office has a current project with project engineer's Thomson Farland.

Attorney Christopher Saunders stepped to the podium and stated he was retained the previous day to now represent the applicant's submittal. Available to respond to engineering questions was Nick Dufresne of Thompson Farland. Also present was Douglas Thomson of Thomson Antique World.

Attorney Saunders described this project as a "unique proposal for an outdoor antique marketplace." Points addressed were: 1. Saturday and Sunday hours of operation (8:00 a.m.-3:00 p.m.), with vendors arriving on a first come-first serve basis beginning at 7:00 a.m. for set up of their sales area, and breakdown of market place between 3:00 and 5:00 p.m.; 2. Vehicle entrance and exit to and from the parking lot, with vendors using the southwestern driveway, closer to Shawmut Avenue, with circulation path to follow along the side and rear perimeter of the site; 3. Striping of the lot, to delineate parking spaces for vendors and customers, which are to include handicap accessible parking areas; 4. The description of the portable mesh barrier that will separate the sales area from parking area; 5. Waiver request for Site Plan regulations for a drainage report/plan, landscape plan, and lighting plan; 6. Administrative appeal to the Building Inspector's stipulation for Site Plan Approval for this business proposal; 6. Hours of operation that overlap with Klein Greenhouse business operations; and 7. Maintenance of vegetation at each entrance/exit at Hathaway Road for site line visibility.

With no further questions or concerns, the Chair asked for a motion. Board Member Cruz made the motion to approve the Site Plan Application for **Case #20-15**, for use of a weekend flea market in the existing parking lot, located at 19 Hathaway Road (Map 101, Lot 8), in the Industrial - B zoning district, with the following conditions for approval, seconded by Board Member Glassman:

- Applicant agrees to provide and delineate adequate handicap accessible parking, to serve both the Market and Klein Greenhouse businesses.
- The applicant agrees to maintain vegetation at each entrance/exit at Hathaway Road to ensure site line visibility for safety reasons.
- The Planning Board accepts the applicant's verbal request to waive the Site Plan submittal and technical requirements for landscape plan, drainage report/plan, and lighting plan.

Motion carried unanimously Four (4) to Zero (0).

Board member K. Duff returned to the meeting.

Continued Public Hearings: No Continued Cases Presented

Old Business:

Point of Information for the Board: Chapter 91 Notification for Nordic Fisheries signed as received by Planning Staff.

New Business:

9. Under MA General Law, Chapter 41, section 81P, the Planning Board will designate Patrick Sullivan, Director of the Department of Planning, Housing & Community Development and/or Jennifer Clarke, AICP, Deputy Director of Planning & Community Development, as agents to determine whether or not a plan requires approval.

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

Adjourned at 9:10 p.m. Motion by Board Member A. Glassman, second by Board Member P. Cruz

Date of Next Meeting: October 7, 2015