

NEW BEDFORD PLANNING BOARD
New Bedford Public Library
613 Pleasant Street, New Bedford
Public Meeting Room - 3rd Floor
November 4, 2015

MEETING MINUTES

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

ABSENT: No members absent

STAFF: Jennifer Clarke, *Acting City Planner*
Constance Brawders, *Staff Planner*

1. CALL TO ORDER

Chairperson Dawicki called the meeting 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

A motion was made (KD) and seconded (AG) to approve the October 7, 2015 meeting minutes.
Motion passed unopposed.

Ms. Dawicki announced for all in attendance that anyone present with regard to the rezoning of Oakdale Street, the matter had been withdrawn.

OLD BUSINESS:

4. Eastland Terrace at Eastland Farms Definitive Subdivision: Pearl Donnenfeld (f/k/a Pearl Vasconcellos), trustee of the Eastland Farms Nominee Realty Trust, 759 Chief Justice Cushing Highway, Cohasset, MA 02025 has submitted to the City of New Bedford Planning Board request to release the final two lots from covenant restrictions as specified in the Partial Release of Covenant and recorded in Bristol County (S.D.) Registry of Deeds at Book 5607, Page 83 on July 18, 2002 by David Kennedy, Chairman, ex-officio, New Bedford Planning Board, for a definitive plan of Eastland Farms in New Bedford, MA prepared for John Maffei, dated June 22, 1996, prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 (formerly located at 13 Welby Road, New Bedford, MA 02745) and approved by the New Bedford Board of Survey on

August 29, 1996.

Att. Joe Michaud, 324 Union Street, addressed the board on behalf of Ms. Donnenfeld, the property's record owner. He stated the applicant is seeking to get the lots held released. He stated all the necessary work for finalization had been accomplished. He asked for the release so that the project could now go before city council for approval and acceptance.

Ms. Clark had no further information for the board than what had already been stated. She noted it had DPI approval.

Upon Ms. Dawicki's request, a motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.

In response to Ms. Dawicki's invitation to speak or be recorded in favor, Linda Hough of 31 Eastland Terrace requested clarification. She stated she believed it was discussed at the last meeting that the entrance was to be beautified, and nothing has been done. She stated the fence is now on the ground and does not look nice at all. She asked if the lots requested to be released are the ones facing Rockdale Avenue and on the other side of Eastland Terrace.

Ms. Clarke indicated affirmatively.

In response to Ms. Dawicki's further invitation to speak or be recorded in favor, Colleen Cronin, 53 Eastland Terrace, stated she was present on behalf of her parents Neil and Jeanne Cronin. She thanked Att. Michaud and the board for the second pour at the end of her driveway. She stated new cracks have developed since the second pour. She asked that the issue be revisited.

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

In response to Ms. Dawicki's further invitation to speak or be recorded in favor, Glen Chandler, 92 Westview Street, stated his question was if the two lots were going to remain residential and consistent with the rest of the neighborhood's zoning.

Ms. Clarke responded that zoning would be consistent and would be residential.

There was no response to Ms. Dawicki's further invitation to speak or be recorded in opposition.

Ms. Dawicki invited the applicant to address the concerns expressed with regard to entrance beautification and the cracks in the concrete.

Att. Michaud stated he was not aware that there was any further discrepancy with the cement pouring. He stated it had been inspected by the city and reported to have met the requirements. He stated if it is a significant issue, they would certainly take another look at it. He stated the project at this point had been ongoing for several years and the client had done everything on the city's list and expected that cracks will appear at some time. With regard to beautification efforts, he stated he was not aware of any requirement for continued beautification of the subdivision entrance. He stated issues regarding

the sign and the fence could be remedied by removal.

Mr. Glassman stated that in previous discussion the board was trying to determine if the fence area was a common area and who actually owned it and was responsible, and an answer was never arrived at. He stated an association would take care of any common area.

Ms. Clarke stated that any issues not remedied would go before the city council. She stated that in addition they could check with DPI to make sure the items were done prior to city council approval.

Mr. Glassman stated his memory was that there was discussion about taking the fence down so there would be no fence to maintain.

Att. Michaud stated that Lot 1 is currently owned by his client, but will be conveyed at some point. He stated he would imagine there would be no real entranceway, but that ongoing maintenance would not be his client's responsibility. He stated he did not see any right of way issue.

Att. Michaud responded to Ms. Dawicki's inquiry and affirmed that the applicant is amenable to addressing the fence issue by having it removed.

A female audience member inquired about the lampposts, which Att. Michaud stated would also be removed if in disrepair.

A motion was made (KD) and seconded (AG) to close the public hearing. Motion passed unopposed.

Ms. Duff stated the crack appeared to be a shrinkage crack, which can occur when the concrete is drying. She stated it did not appear to be a structural crack.

Ms. Clarke stated she would make DPI aware of the situation so they can issue a response in advance of the city council meeting.

After brief discussion between board members, a motion was made (KD) and seconded (AG) to release the final two lots from Eastland Terrace at Eastland Farms Definitive Subdivision with the following stipulation: that the owner of Lot 1 agree to clean up the existing fence and flanking post with clean up at the entrance to the subdivision. Also that DPI be made aware of the crack in the newly poured cement at the drive and sidewalk of Lot 15.

Ms. Dawicki noted that Mr. Kalife would be able to notarize this evening's decision and as such will abstain from the vote.

ROLL CALL VOTE:

A. Kalife – Abstained

K. Duff - Yes

P. Cruz – Yes

C. Dawicki – Yes

A. Glassman - Yes

Motion passes 4-0

PUBLIC HEARINGS

5. CASE #24-15 - Request by the 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 the Residence B zoning district.

Ms. Dawicki stated that it had been requested by New Bedford City Council that the application be withdrawn without prejudice.

A motion was made (KD) and seconded (AG) to reopen Case #24-15. Motion passed unopposed.

Upon the request of Ms. Dawicki, a motion was made (KD) and seconded (AG) to withdraw the application without prejudice. Motion passed unopposed.

NEW BUSINESS

6. CASE #25-15 - Request by applicant, Raw Seafoods, Inc., for Site Plan Review for a proposed 92,000 +/- SF warehouse/freezer building with associated parking, and rail spur, located at Samuel Barnet Boulevard (Map 133, Lot 63) in the Industrial C zoning district. Applicant's agent: Field Engineering Co., Inc., P.O. Box 1178, 11D Industrial Drive, Mattapoisett, MA 02739

Rich Riccio of Field Engineering stated they were seeking site plan approval related to a proposed building located on one of the remaining vacant lots within the New Bedford Industrial Park. He stated the lot is adjacent to the existing rail line running through the park. He stated this will be a cold storage freezer facility.

Scott Hutchins stated he had been in business since 1998 with three buildings in New Bedford until 2005, when they outgrew facilities. He stated they moved to a 50,000 s.f. facility in Fall River, where they do their manufacturing and processing. He stated they are excited about the opportunity to return to New Bedford, being born and raised in the city.

Mr. Riccio stated the site abuts Samuel Barnet Boulevard. He stated the first phase is a 92,000 s.f. building with one entrance driveway off Samuel Barnet Boulevard. He stated there are thirty-six parking spaces behind the building and eight loading docks, as well as a drive-in door. He stated there is a dumpster/compactor located to the rear of the building.

Mr. Riccio stated the rail spur is an integral part of the project. He stated the company currently receives a lot of its seafood from the west coast via rail to a Taunton facility where it is offloaded and trucked to the Fall River site. He stated that being able to bring that service at the proposed location will eliminate a lot of truck traffic and provide an opportunity to store their product in their own building, rather than renting freezer space in different locations as they do currently.

Mr. Riccio stated the storm water management will be handled on-site with a substantial infiltration basin located in the front of the building, with a smaller wet basin to the rear. He stated roof and

driveway runoff will be directed to a structure with an overflow into the swale, dumping into a culvert under the road. Parking will go to a wet basin which will overflow to a trunk line and also tie into a culvert. He stated DPI had no issues with the proposed connection. He stated the storm water design is under review from the Conservation Commission consultant.

Mr. Riccio stated there is no proposed freestanding lighting on site. He stated all lighting will be wall packs on the building with some proposed low level ground lighting in the landscaped areas. He stated street lighting will illuminate the entrance. He stated after discussion with the planning staff, he submitted a revised plan showing snow storage areas and stockpiling areas for Phase 1 Construction.

Mr. Riccio rail spur will require crossing of a perennial stream designed to Army Corp stream crossing standards with permanent wetland alterations offset with the replication area show to the north of the project.

Mr. Riccio stated they had submitted both elevation and floor plan views of the building. He then reviewed the same for the board, explaining the entrance location, et cetera. He stated the applicant is proposing a white roof to reduce any heat island impact.

He stated the landscaping plan shows trees along the drive way as well as the back parking area with a planting schedule, which will be fine-tuned with input from the staff moving forward. He stated he had a copy of staff comments and the applicant takes no exception to any of the recommended conditions. He stated the applicant's intent would be to submit one final set of plans addressing any additional concerns. He then invited questions.

Ms. Dawicki welcomed the applicant back to New Bedford.

Ms. Duff asked the applicant to speak to their strategy on the site development relative to the wetlands and ecological challenges on the site.

Mr. Riccio stated the approximately ten acres is surrounded by an extensive wetland system. He stated the steam was originally channelized along the rail spur. He stated the applicant is proposing to meet all Wetlands Protection Act requirements. He stated the building is situated on the lot as dictated by the angles needed to turn the rail spur into the facility while respecting the Conservation Commission's 25' no touch. He stated the applicant is trying to retain as much vegetation as possible on the site. He stated there are approximately 22,000 s.f that now don't need to be touched for construction, due to site plan modifications.

Mr. Riccio noted that Phase 2 of the project is planned for a year or two out. He noted the storm water design was done to include Phase 2. He stated a wildlife habitat evaluation had been conducted and with the wetland replication and size of the site itself, it would result in no habitat impacts. It is offset with replication and the retention of as much of the buffer zone as possible.

Ms. Duff inquired as to how much of the road would impede the buffer zone. Mr. Riccio explained there is one portion within the 25', and they are proposing a retaining wall to minimize any buffer impact. The hatched area is outside the 20' no touch they will leave alone as mitigation. Ms. Duff

stated you're expanding the no activity zone as a trade-off for violating the 25' activity zone, to which the applicant responded affirmatively. Ms. Duff confirmed that the additional wetlands replication is as a result of crossing the perennial stream; again, the applicant responded affirmatively.

Ms. Duff asked if the contours on the wetlands replication area would be altered. The applicant stated they will dig to establish the hydrology needed to make a connection to the wetland itself, using a pit and mound topography, and they will make an effort to maintain some existing trees, along with the plantings shown. Ms. Duff asked if when crossing the perennial stream there are any protections done to prevent any contamination of the stream. The applicant responded there would be erosion control. He stated there was no work being done in the stream itself. He stated they would have concrete headwalls on either side of the stream while installing the 40' span across it. There will be an environmental monitor on-site at all times during working in the wetlands and construction of the replication area. He stated they could also use silt fence along the stream before it gets to the culvert.

Ms. Duff stated her reading of the environmental report detected some volatile organic compounds from the test pits. Mr. Riccio stated he had not gotten into the report's preparation, but there was nothing significant found that he was aware of, just remnants of previous impacts in the park. Ms. Duff stated there was a recommendation for follow on testing, indicating something caused a pause. Mr. Riccio stated he expected that was part of their due diligence. Ms. Duff stated the board too is charged with public safety, and any detection of volatile organic compounds in the soil likewise raise concerns.

Ms. Dawicki sought to have the board address parking and traffic circulation.

Mr. Cruz felt it was straightforward. He asked if any workers were expected to show up on bikes. Mr. Riccio stated they anticipate 15-20 employees offloading the train and trucks, with operating hours of 7:00 – 5:00 at this storage facility.

Mr. Cruz noted that the board has in past recommended putting in some type of bike rack. Ms. Duff concurred that the board encourages people riding bikes to work.

Ms. Duff expressed a concern that there was enough light on the building for after hours with three rows of parking. She did note that providing the low level lighting in walkways and the back planting areas would somewhat alleviate her concern.

Ms. Dawicki then sought to have the board address any landscaping issues.

Ms. Duff stated she had read the list of wetland plants which she found straightforward, along with a general list of trees and shrubbery. Mr. Riccio stated he had revised the sheet to show lighting along with a cut sheet of the wall pack lighting. He stated they would be willing to work with planning moving forward if they had any suggestions. He described the grass types. He noted they would be working with the city on Phase II to dress up the front of the building and any additional landscaping.

Mr. Riccio noted there was no free standing sign at this time, and expects they would put an identification sign on the building. He stated if the need for a monument or free standing sign arises, they would file in the future.

Ms. Duff expressed that a site like this requires carving out an ecologically sensitive area, being surrounded by wetlands. She felt the best approach was to disturb the least amount of the area as possible. She stated she felt the applicant had done a good job in light of the size of the building they are looking to put on the site. She felt due diligence would have to be given to protect these ecologically sensitive areas. Mr. Riccio stated that had also been discussed at the Conservation Commission.

Mr. Riccio stated that the wetland alteration is 60% more than required to assure a good replication area. Conditions will require monitoring during construction and on-going monitoring for two years prior to the granting of a certificate of compliance.

Ms. Dawicki then sought to have the board address storm water and drainage issues, asking the applicant to first address snow storage and removal.

Mr. Riccio displayed their erosion controls plan and snow management, and indicated where the snow storage areas were, noting that snow stockpiled on the site will flow through the storm water management system. There will obviously be no snow dumped into the wetlands and none in the street right of way. He stated that while they believe there are enough areas, should the snow storage areas become insufficient, the applicants will truck it offsite or something like that.

Ms. Duff and Mr. Riccio discussed the delineation of the wetlands. Mr. Riccio noted it had been a valid delineation for a number of years, and the applicant would reset wetlands flags on the site prior to construction, in addition to surveying work limits prior to construction.

In response to an inquiry by Mr. Cruz, Mr. Riccio stated the drainage easement has been with the city since 1966 when they channelized the stream. Mr. Cruz asked if the applicant would file for an easement to build the bridge over the drainage easement. Mr. Riccio stated he would not, but stated they would work with the city, but the bridge would not impact the drainage channels. Mr. Cruz inquired about any easement needed for maintenance. He noted their project would also likely improve the N-Star access as well.

Mr. Riccio, in answer to Mr. Cruz, stated a crossing would be provided near the rail spur. He stated this rail spur is a benefit to the park. Mr. Cruz confirmed that the applicant had coordinated with Mass Coastal, and the applicant responded in the affirmative and referenced grant money that would be used in connection with the rail spur access development. Mr. Riccio stated that had an impact on where the building would sit.

Mr. Cruz noted that he had reviewed the applicant's report and felt it was great as usual. He stated his main concern was like that of Ms. Duff, and he felt the report addressed it.

Ms. Dawicki thanked the applicant for selecting the type of roof they did.

Ms. Duff again raised that there was a Phase II subsurface recommendation to further evaluate the risk in the report. She asked the applicant to address the same. Mr. Riccio stated that a Phase II subsurface

study was submitted per commission by the Industrial Foundation. He stated they had since done test pits on-site as well.

Ms. Duff read the recommendation into the record for clarification. She stated the findings were in the legal range, but the paragraph was alarming to her. Mr. Riccio stated they are building up and will be abiding by any vapor barrier requirements, and assured Ms. Duff that they will not be cutting into anything subsurface.

A motion was made (KD) and seconded (PC) to open the public hearing.
Motion passed unopposed.

In response to Ms. Dawicki's invitation to speak or be recorded in favor of the application, Derrick Santos, New Bedford Economic Development Council, which provides staff for the Industrial Foundation, stated they had been working with the applicants on behalf of the Industrial Foundation. He noted he was asked by the executive committee of the Foundation to appear this evening and express their support of the project and their excitement for the project. He stated the proposed industrial building in the industrial park is a project that will bring to fruition the use of the rail spur. He thanked the staff at the planning department. He welcomed any questions.

There was no response to Ms. Dawicki's further invitation to speak or be recorded in favor
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 noted that technical planning staff comments had been received and suggested having the applicant incorporate the comments in a final submission, along with DPI comments and Conservation Commission findings and conditions. She suggested they applicant should work with the planning staff on landscaping and lighting plans.

There being no further board discussion, a motion was made (KD) and seconded (AG) to approve site plan review for Case #25-15, Raw Seafoods, Inc., development to be installed in the Industrial Park (Map 133, Lot 63) with the following conditions: that the applicant honor the comments from the planning staff; that the applicant honor the comments from DPI; and that the applicant honor any Conservation Commission evolving concerns and/or comments; and that the applicant work with the planning staff on the final lighting and landscaping plan.

Motion passes unopposed (5-0)

Ms. Clark provided an update on environmental notifications that were received regarding Fish Island and a brief description of the work being done to expand the number of slips. She noted a second one concerning 25 Wright Street, there being no risk found to the general public.

Ms. Clarke informed the board of a notice from FEMA for mapping of flood hazards to be held on 11/17/15 at 9:30 am at the Dartmouth Town Hall. She noted that Ron LaBelle will attend on behalf of

the city.

Ms. Clarke stated a notice had been received regarding a Freetown public hearing with regard to the large development at Innovation Way and into Fall River, which she believed may be the Amazon project.

A motion was made (KD) and seconded (AG) to adjourn.

Motion passed unopposed.

7. AJOURNED at 7:09 p.m.

NEXT MEETING WEDNESDAY, DECEMBER 9, 2015