



Planning Board
 City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
 (508)979-1488
www.newbedford-ma.gov

Registry of Deeds Use Only:

2016 JUN 16 P 3:57
 CITY CLERK
 CITY CLERKS OFFICE
 NEW BEDFORD, MA

CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

**NOTICE OF MODIFICATION
 of SITE PLAN APPROVAL**

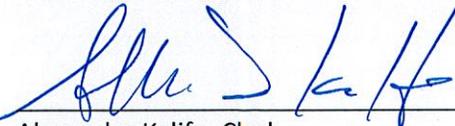
Case Numbers: 19-16				
Request Type: Modification of Case #18-15 Site Plan Approval				
Address: 139 Hathaway Road				
Zoning: Mixed Use Business and Industrial B				
Recorded Owner: S.B. Realty Limited Partnership				
Applicant: Paul Bishins, S.B. Realty Limited Partnership				
Applicant Address: 92 Kilburn Street, New Bedford, MA 02740				
Application Submittal Date		Public Hearing Date		Decision Date
May 13, 2016		June 8, 2016		June 16, 2016
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
101	Part 14, 16 & 17, Land Court Lot 11	79	461	14729

Application: Request by applicant for modification of the decision for Site Plan approval for Case #18-15 for new construction of a retail building, located at 139 Hathaway Road.

Action: GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on June 16, 2016. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

6/16/2016
 Date


 Alexander Kalife, Clerk
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

The applicant and owner, Paul Bishons of S.B. Realty Limited Partnership located at 92 Kilburn Street in New Bedford, submitted an application for **Modification for Site Plan Approval** for Case #18-16 through agent SITEC, Inc., for a property located at 139 Hathaway Road (Map 101, Part Lot 14, Lot 16 & 17, and

Land Court Lot 11) in the Mixed use Business and Industrial - B zoning districts. The decision for Site Plan and Special Permit for Parking Reduction approval was recorded concurrently as Case #18-15 with the office of the City Clerk on September 9, 2015. This decision was amended on October 29, 2015 after the 20 day appeal period expired in order to correct the Map (Plot) and Lot numbers.

The development plan had been revised because of a tenant lease agreement clause that controls the limits of new expansion. Therefore, the proposed freestanding retail building footprint was reduced from 7250 +/- SF to 7150 +/- SF.

The development project satisfies the parking requirements under Chapter 9 Comprehensive Zoning Section 3100 and parking was gained for the overall parcel; therefore no Modification for Special Permit for Parking Reduction was required.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown on a plan set for Proposed O'Reilly Auto Parts, 139 Hathaway Road (Assessors Map 101, Lot 14), New Bedford, MA dated April 17, 2015, as revised thru May 9, 2016, prepared for S.B. Realty Limited Partnership, by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 consisting of:

1. Cover Sheet
2. Site Layout (SL-1)
3. Locus Map (LM-1)
4. Site Grading & Utilities Plan (G&U-1)
5. Landscaping Plan (LP-1)
6. Lighting Plan Sheet (Light-1)
7. Demolition Plan (Demo-1)
8. Erosion/Sedimentation Control Plan (ESC-1)
9. Existing Conditions (EC-1)
10. Detail sheet (Det-1)
11. Modification to Approved Plan received by the Planning Office 05/13/2016

Other Documents and Supporting Material

Staff Comments with attachments:

1. Notice of Decision for Case 18-15
2. Minutes of Meeting Dated September 9, 2015
3. Letter from Applicant Requesting Modification to Site Plan Approval, as revised May 24, 2016
4. Project Description, as revised May 24, 2016
5. Staff Report Dated September 9, 2015
6. Comments from Ronald Labelle, Commissioner of Department of Public Infrastructure, dated 11/30/2015 and 08/27/2015
7. Modification to Approved Plan dated April 17, 2015 (sic)
8. Plan Set Revised thru 05/09/2016
9. Drainage Summary, revised 05/20/2016
10. Summary of TR-20 Analysis for Case 18-15
11. Applicant's Agent Presentation Binder consisting of the following:
 - A. Site Plan Review Application
 - B. Site Plan Review Application Checklist

C. Bristol County Registry of Deeds (S.D) Book 79, Page 461

D. Certified Abutters List

E. Lighting Specifications

F. Elevation, Sign Details and Floor Plan

G. Site Photos

H. Stormwater Management Report

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the evening of the discussion. Board Member Duff left the meeting at 6:55 p.m. because of a scheduling conflict, so did not vote on the application for modification. Constance Brawders (Staff Planner) was present during proceedings for the subject case review.

Applicant's agent Steve Gioiosa, P.E., of SITEC, Inc., highlighted approved plan site improvements for the Board, which included site traffic circulation, parking plan improvements, pedestrian access to the site, landscaping, and drainage and storm water mitigation. Also in attendance was owner Paul Bishons, who was accompanied by legal counsel, Philip Beauregard. Mr. Gioiosa described proposed and associated minor changes to the building footprint, which resulted due to a tenant lease agreement clause that controls the limits of new expansion. Therefore, the proposed freestanding retail building footprint was reduced from 7250+/- SF to 7120 SF. The project complies with the current zoning ordinance.

A brief discussion occurred between agent and Board members for clarification of available parking spaces, which met with satisfactory conclusion by the Board. Chairman Dawicki noted for the record the Department of Inspectional Services provided written comment stating the modification satisfied the requirement for one (1) loading space and thirty-six (36) spaces, two (2) of which were serve as handicap parking under this use. None of the parking spaces are assigned to respective tenants.

Chair Dawicki requested a motion from the Board to open the public hearing; motion moved by Board Member K. Duff, with second by Board Member A. Glassman by vote of five (5)-zero (0).

No one spoke in favor or asked to be recorded in favor of the project submittal.

Speaking in opposition to the project for site tenant Price Rite Supermarket Company were Atty. David Lavenburg and David Bachman Manager of Real Estate.

Dialogue ensued between the opponents, board, and applicant's agent regarding the parking plan as proposed, parking of tractor trailers at the west property line, delivery truck maneuvering, construction and design of the east side load dock, site line distance at the ingress/egress, and grade/slope changes at the parcel.

Discussion concluded with an offer by applicant's agent to accommodate the request by Price Rite to reduce the five (5) or six (6) parking spaces at the east side of the supermarket building for delivery of produce, if the Planning Board were so moved to accept the offer. Chairman Dawicki reminded the opponents that the meeting of the Planning Board was not the venue by which to resolve their differences under their lessor/lessee agreement.

With no other comments received, motion was made by Board Member P. Cruz, with second by Board Member A. Glassman to close the hearing. Motion carried four (4) to zero (0).

4) DECISION

Chair Dawicki asked for a motion to grant the modified Site Plan approval. Board Member Glassman moved to approve Site Plan Modification for **Case #19-16**, with conditions for modification of the decision for Site Plan approval for Case #18-15 for new construction of a retail building, located at 139 Hathaway Road (Map 101, Part Lot 14, 16 & 17 and Land Court Lot 11), in the Mixed Use Business and Industrial B zoning districts as follows:

1. Applicant agrees to accommodate Price Rite Supermarket Company by eliminating parking spaces at the east side loading dock. [Twenty-one (21) parking spaces are shown on Plan Sheet S-L 1, up to six (6) will be removed.]
2. Applicant will update construction notes to plan sheets as recommended by staff, specifically:
Construction/Site Layout Plan (Plan Sheet SL-1)
 - Any work and material within the City right-of-way shall conform to the City of New Bedford requirements.**Erosion/Sedimentation Control Plan (Plan Sheet ESC-1)**
 - All BMP erosion control measures shall be in place prior to demolition or any site work. *(BMP has been omitted from note 5.)*
 - Erosion Control BMPs shall conform to US EPA, NPDES, MA DEP and Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas. *(Suburban is omitted.)*
3. The applicant will honor all of the Department of Public Infrastructure's recommendations in memos dated August 27, 2015 and November 30, 2015 (Attachment 1).
4. Recommendations made in the staff report shall be honored by the applicant.
5. As stipulated by the decision dated September 9, 2015, applicant shall have a handicap accessible ramp, or curb cut, installed at the pedestrian safety crosswalk.
6. The applicant shall provide handicap parking area signage and pavement markings, and show on revised plans, handicap parking spaces which will serve the business under the stipulations set forth by 521 CMR 23:00 Parking and Passenger Loading Zones.
7. As stipulated by the decision dated September 9, 2015, the landscaping shall provide trees true to Landscape Plan of 2-2.5 inch caliper diameter at the three-foot rise, or from the top of the burlap and ball.
8. As stipulated by the decision dated September 9, 2015, the roof sheathing material shall be a Cool Roof of EPDM or PVC, in light or white color.
9. As stipulated by the decision dated September 9, 2015, 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.

10. As stipulated by the decision dated September 9, 2015, signage may be illuminated no later than one hour after closing time, but no later than 9:00 p.m.
11. As stipulated by the decision dated September 9, 2015, days of operation shall be six days per week, from Monday thru Saturday.
12. As stipulated by the decision dated September 9, 2015, 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.
13. The applicant will submit final plan revisions to the Planning Division in the following formats:
One (1) -11" x 17" Plan Set
One (1) CD or USB with Plan Set in PDF format
14. The applicant will provide a copy of the decision to the Planning Division certifying no appeal has been made to the Office of the City Clerk.
15. The rights authorized by the granted Site Plan Approval must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date they were granted or they will lapse.

Motion seconded by Board Member Cruz. Motion carried unanimously four (4) to zero (0).

Board Member Kalife – Yes
Chair Person Dawicki - Yes

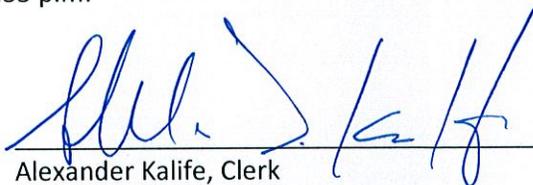
Board Member Glassman – Yes

Board Member Cruz – Yes

Board Member Duff – Left at 6:55 p.m.

Filed with the City Clerk on:

6/16/2016
Date



Alexander Kalife, Clerk

City of New Bedford Planning Board



CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

Department of Public Infrastructure
Ronald H. Labelle
Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Energy

November 30, 2015

Ms. Jennifer Clarke, Deputy Director
Dept. of Planning, Housing & Community Development
City of New Bedford
133 Williams St., Room 303
New Bedford, MA 02740

SUBJECT: Proposed O'Reilly Auto Parts
North Side Hathaway Rd. (Assessor's Map 101 Lot 14)
Mid-Block Pedestrian Signal

Dear Ms. Clarke:

The Department of Public Infrastructure reviewed and approved the site plan for the above project as submitted, with twelve conditions attached. One of those conditions (#6 on our Site Plan Review memorandum dated August 27, 2015) calls for the installation of a mid-block pedestrian signal to allow pedestrian traffic to cross Hathaway Road to address the problematic pedestrian crossing conditions at this location.

In response to our request, Mr. John Keegan from SITEC performed pedestrian counts at the location, and reported that the pedestrian counts do not trigger any of the Warrants for a pedestrian signal. The results of the Traffic Warrant performed for the installation of a mid-block crossing indicated that it did not meet the 100 pedestrians crossing for any 4 hour period of a normal day. However, after SITEC's evaluation of the pedestrian crossing conditions at the site, they concluded that if the mid-block crossing was updated and advanced signage was installed, it would increase the crosswalk's visibility and prompt motorists to slow down, rendering the crossing safer. Therefore, in light of the information in the report submitted by SITEC, the Department of Public Infrastructure has agreed to allow the installation of an updated mid-block crossing with advanced signage in lieu of the originally requested mid-block pedestrian signal.

If you should have any questions, please feel free to contact Manuel Silva, Supervising Civil Engineer, at 508-979-1550.

Sincerely,

Ronald H. Labelle
Commissioner

Cc: Manuel H. Silva, Supervising Civil Engineer



CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

Department of Public Infrastructure

Ronald H. Labelle
Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

TO: City of New Bedford Planning Board
FROM: Ronald H. Labelle, Commissioner, D.P.I.
DATE: August 27, 2015
RE: Proposed O'Reilley Auto Parts- Site Plan
Hathaway Road
Plot 101 Lot 14

PLANNING

AUG 27 2015

DEPARTMENT

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

1. Driveway permits are subject to Traffic Commission approval.
2. Permits for sidewalk, driveways, drainage, sewer and water must be obtained from the Department of Public Infrastructure Engineering Division.
3. Driveways to be built in accordance with City of New Bedford regulations and with 4 foot transitions curb on both sides.
4. Developer to replace sidewalk in between both driveways on Hathaway Road, with a cement ribbon sidewalk. Developer to plant 5 trees within the new grass ribbon area.
5. Drainage design must comply with Phase II, Mass Department storm water management standards.
6. A mid block pedestrian signal installed to allow pedestrian traffic to cross Hathaway Road.
7. Developer to check condition of existing sewer service and lift station. Also, does the existing lift station have the capacity for the additional flow for the proposed building.
8. Develop to check condition of existing water service. Water trace to be installed on proposed water service.
9. All utilities to be installed in accordance with City of New Bedford standards.
10. The Department of Public Infrastructure requires a final set of approved plans to be submitted, that reflects all revisions made prior to the start of construction.

11. Developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start on construction.
12. Upon completion, Engineer must submit "As Built Drawings" in CADD format prior to the certificate of occupancy being issued.

/ct

Cc: Department of Inspectional Services
Environmental Stewardship
Sitec
S.B. Realty Limited Partnership