

CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD
 City Hall, Room 303
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CITY CLERKS OFFICE
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 CITY CLERK

NOTICE OF DECISION


Case Number: 33-17	
Request Type: Site Plan Approval	
Address: 209 Theodore Rice Blvd.	
Zoning: Mixed Use Business (MUB) Zoning District	
Recorded Owners: Cornish Partners, LLC	
Applicant: South Coast Development, LLC	
Applicant Address: 280 Ayer Road Harvard, MA 01451	
Application Submittal Date	Public Hearing Date
September 15, 2017	October 18, 2017
Decision Date	
October 18, 2017	
Assessor's Plot Number	Lot Number(s)
136	322
Book Number	Page Number
7612	348
Certificate Number	

Application: Request by applicant for **Site Plan Approval** for new construction of a convenience store/gas station with drive-thru at 209 Theodore Rice Boulevard (Map 136, Lot 322) on a 4.9+/- acre site in the Mixed Use Business (MUB) zoning district.

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 November 1, 2017. 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

11/1/17
 Date


 Colleen Dawicki, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

SITEC, Inc (49 Faunce Corner Road, Dartmouth, MA 02747) submitted concurrent applications under Chapter 9 Comprehensive Zoning §5400 Site Plan Review for 4500± SF convenience store/gas station with drive-thru and Site Plan Approval for a Ground Sign on a 4.9± acre site located at 209 Theodore Rice Boulevard (Map 136, Lot 322) in the Mixed Use Business (MUB) zoning district on behalf of the applicant, South Coast Development, LLC.

The applicant is the potential buyer who proposes the development of the site with a new convenience store with drive-thru and gas station. This project also includes a proposal for a new ground sign. The site, previously zoned as Industrial C (IC) was rezoned to Mixed Use Business (MUB) in September of 2013.

The use of this business is permitted by-right under the city ordinance in the MUB zoning district. As a means of advertising the proposed business, a Site Plan approval for a Ground Sign was also requested; the Site Plan Approval for the Ground Sign is discussed under the notice of Decision for Case #34-17.

This proposal is consistent with the master plan's goal [of establishing a sound foundation for future growth that builds upon its coastal location, preserves its historic legacy, and expands cultural and workforce opportunities] as it restores blighted property, improves the neighborhood, and attracts emerging businesses and commercial enterprise.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal is shown as the Proposed Convenience Store/Gas Station, 209 Theodore Rice Boulevard, New Bedford, Massachusetts dated August 15, 2017, prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, consisting of twelve (12) sheets:

- ☒ Cover Sheet
- ☒ Site Layout (Sheet 1 of 12)
- ☒ Locus Map (Sheet 2 of 12)
- ☒ Site Grading (Sheet 3 of 12)
- ☒ Landscaping Plan (Sheet 4 of 12)
- ☒ Site Utilities (Sheet 5 of 12)
- ☒ Site Lighting (Sheet 6 of 12)
- ☒ Existing conditions (Sheet 7 of 12)
- ☒ Demolition Plan (Sheet 8 of 12)
- ☒ Erosion Control Plan (Sheet 9 or 12)
- ☒ Wetland Delineation (Sheet 10 of 12)
- ☒ Detail Sheet #1 (Sheet 11 of 12)
- ☒ Detail Sheet #2 (Sheet 12 of 12)

New England Farms at 209 Theodore Rice Boulevard, New Bedford, MA, dated 08/02/2017, prepared by South Coast Development, LLC, Comprehensive Design-Build Service, 280 Ayer Road Harvard, MA 01451, consisting of three (3) sheets:

- ☒ Exterior Elevations—Front Elevations (Sheet A1.1)
- ☒ Canopy Elevations—Canopy Elevation and Canopy Side Elevation (Sheet A1.2)

New England Farms at 209 Theodore Rice Boulevard, New Bedford, MA, dated 08/02/2017, prepared by South Coast Development, LLC, Vreeland Design Associates, 166 River Road, Leyden, MA 01337, consisting of one (1) sheet:

- ⌘ Floor Plan (Sheet A1.1)

Other Documents and Supporting Materials

A Staff Report dated October 10, 2017 was provided for the October 18, 2017 Planning Board meeting as was the following material:

- ⌘ Project Narrative
- ⌘ Site Plan Review Application
- ⌘ Site Plan Review Application Checklist
- ⌘ DPI Memorandum Dated 10.16.17
- ⌘ Certified Abutters List
- ⌘ Photos
- ⌘ Bristol County (S.D) Registry of Deeds Book 7612, Page 348
- ⌘ Lighting Specifications
- ⌘ Sign Detail
- ⌘ Building/Canopy Rendering
- ⌘ Stormwater Management Report dated September 14, 2017
- ⌘ Construction Erosion and Sediment Control Plan dated September 14, 2017

3) DISCUSSION

Board Chair Colleen Dawicki and Board Members Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the evening of the discussion. There was no city staff present during the proceedings.

Steve Gioiosa, P.E., of SITEC, Inc., introduced both the applicant and petitioner and described the proposal for the proposed convenience store/gas station. His presentation included the presentation of a proposed site plan which required approval in addition to a proposed ground sign. [See Notice of Decision for Case #34-17 for information concerning the Site Plan Approval for the Ground Sign].

His presentation included an overall discussion around site context, neighboring areas and existing site conditions. Mr. Gioiosa detailed environmental considerations including existing and proposed property grading and drainage as well as the presence of wetlands and wetland buffer zone. In his presentation he noted curb cuts proposed as part of the development had already been approved by the Traffic Commission and described in detail the 27 parking spaces proposed, access aisle, visibility and both vehicular and pedestrian circulation within the site including a mention as to the potential for a drive-up window with stacking.

Discussion as to a number of details pertinent to the proposed site plan presented by Mr. Gioiosa included a screened dumpster pad to include plantings per the staff report, the proposed snow storage areas, landscaping with buffering preservation and details around grading and drainage. It was noted that a separate permit was currently before the Conservation Commission.

Mr. Gioiosa then discussed the pylon sign, explaining details as to the sign and benefits such as visibility. He noted the applicant will also need relief from the Zoning Board of Appeals with regard to the sign.

In response to a question regarding a pedestrian crosswalk between adjacent buildings such as the Registry and MA Lottery building, Mr. Gioiosa indicated the applicant would be amendable to providing a designated crosswalk with signage. Chair Dawicki questioned the applicant's agent as to a traffic study but Mr. Gioiosa stated that no traffic study had been conducted though the Traffic Commission had already favorably reviewed the plans.

Additional discussion between the applicant's agent and the board continued that included questions about lighting time limits, canopy roofing and hours of operation.

With no further board questions, Chair Dawicki asked for a motion to open the public hearing which was moved by Ms. Duff and seconded by Mr. Glassman. The motion carried unanimously five (5) to zero (0).

Derek Santos of the New Bedford Economic Development Council (NBEDC) noted the NBEDC serves as the managing entity for the Greater New Bedford Industrial Foundation. After review by the GNBIF's Executive Committee, he reported the Executive Committee as being very supportive of the project. One suggestion by the committee was to ask the applicant to extend the brick material along the Theodore Rice walkway. Secondly, the committee asked for a few more trees to better screen the canopy from a neighboring business. He stated there was no problem with the sign, but asked the height be kept consistent with other signage within the Business Park.

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

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

A motion was made by Ms. Duff, seconded by Mr. Glassman to close the public hearing. Motion carried unanimously five (5) to zero (0).

In response to a question from the Chair, Mr. Gioiosa agreed to the walkway and additional tree requests and agreed to relocate stopping signage.

4) DECISION

Board Member Kathryn Duff made the motion, seconded by Mr. Glassman, to approve the applicant's request for Site Plan Approval for case #33-17 with conditions based on the application and materials presented and received by this Board as prepared and submitted by SITEC, Inc. with the following conditions:

- That the applicant agree to extend the brick used at the bus stop area on proposed sidewalk from the bus stop to the Theodore Rice Blvd. curb cut;
- That the applicant agree to add two additional trees on the west side of the curb cut coming in off of Theodore Rice Blvd for screening to the adjacent neighbor;
- That the applicant agree to strip a crosswalk across Theodore Rice Blvd to the buildings across the way, specifically the lottery building, and the applicant designate the same with pedestrian crossing signage;

- That the applicant agree to all lighted signs to be turned on no earlier than one hour before opening and turned off no later than one hour after closing, assuming hours of operation are 5:00 a.m. to midnight;
- That the applicant agree to continue the wood guardrail being used at the entrance off Braley Road, continuing the same to the intersection at Theodore Rice Blvd.;
- That the applicant agree to have SITEC inspect the manhole, 36" pipe and existing drainage system the applicant is tying into along Theodore Rice Blvd. for sediment, debris and working condition, and to correct any discovered problems;
- That the applicant agree to relocated the "stop ahead" sign along Braley Road which will be displaced as a result of the new curb cut;
- That the application is pending approval from the Conservation Commission;
- That the applicant's PVC fencing around the trash receptacle is accepted;
- That the applicant provides evidence of approval from the Traffic commission for all work associated with the curb cuts as presented, and provide evidence of such approval for planning division files once such action has been taken;
- That the applicant plans and specs for review and approval by the planning board or city planner for any additional ground signs, i.e., directional signs;
- That all site distances at both site entrances shall be verified as acceptable by the Traffic Commission, and so noted on the plans;
- That the plant list be revised to indicate all trees within the plant list, including red maples and sycamore as being no less than 3" caliper, 36" above grade, and that the city planner approve a revised landscape plan;
- That the building elevation drawings will be provided, and shall include lighting locations and specs as to lighting type, and lighting information relative to the gas station canopy shall also be provided and approved by a member of the planning board prior to the beginning of building construction;
- That the applicant shows any exterior mechanical duct work and/or utility boxes on the final plan set;
- That the gas station canopy structure shall utilize and install white color roofing material. As so noted, it is a metal panel;
- That the project shall be undertaken according to the plans submitted with the application, with adherence to all notes on plans as reviewed by the planning board on this date, as modified by the conditions of this decision;
- That the project shall be undertaken in a manner consistent with the memorandum from the Department of Public Infrastructure received and placed on file, and that the Planning Board incorporates the DPI memo dated 10/16/17 as part of these conditions;
- That the applicant shall submit final plan revisions to the Planning Division in the following format: One 11x17 plan set and one CD or USB of plan set in PDF format, and shall ensure that these same plans are properly submitted to the Department of Inspectional Services;
- That the applicant shall provide a copy of the Notice of Decision certifying no appeal has been

brought forward bearing the certification of the New Bedford City Clerk for the Planning Division case file folder;

- The applicant shall present any proposed modification from the approved plans for consideration to the city planner for determination as to whether the modified plan must return before this board for further review;
- 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 date granted or they will lapse.

The Planning Board finds this request to be in accordance with City of New Bedford Code of Ordinances Chapter 9 §5400 Site Plan Review. As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Chair Dawicki -- Yes
Board Member Glassman -- Yes

Board Member Kalife-Yes
Vice Chair Duff - Yes

Board Member Cruz -- Yes

Filed with the City Clerk on:

11/1/17
Date



Colleen Dawicki, Chair
City of New Bedford Planning Board



Department of Public Infrastructure

Manuel H. Silva
Acting Commissioner

CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

TO: City of New Bedford Planning Board

FROM: Manuel H. Silva, Acting Commissioner, D.P.I. *MHS*

DATE: October 16, 2017

RE: Proposed Convenience Store/ Gas Station – Site Plan
Theodore Rice Boulevard
Plot 136 L 322

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. Driveways to be built in accordance with City of New Bedford regulations and with 4 foot transition curb on both sides (no guard rail on South side of driveway at Braley Road)
3. Developer to install granite curb within the limits of the project on Theodore Rice Blvd and continue Northerly to the driveway on Braley Road. A 5 foot wide cement concrete ribbon sidewalk must be built within this area including a wheelchair ramp at the Northwest corner of the intersection.
4. Permits for sidewalk, driveways, water, sewer and storm drain must be obtained from the Department of Public Infrastructure Engineering Division.
5. Drainage Design must comply with Phase II, Mass. Department Stormwater Management standards.
6. All utilities to be installed in accordance with City of New Bedford standards.
7. Developer to check condition of existing water and sewer services.
8. Owner must contact DPI to assign a new address for the proposed building.
9. Owner to remove existing guard rail from the proposed driveway off Braley Road Southerly to end.
10. Cut and cap all unused water and sewer services in accordance with City of New Bedford regulations.
11. Owner must submit to the Department of Public Infrastructure a maintenance agreement for the grease trap.
12. A utility easement must be recorded for the drainage along the East and South Side of the parcel.

13. 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.
14. Developer and site contractor must schedule a pre- construction meeting with the Department of Public Infrastructure prior to the start of construction.
15. 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, Inc
Cornish Partners, LLC.
South Coast Development, LLC.