



**CITY OF NEW BEDFORD**  
 JONATHAN F. MITCHELL, MAYOR

**PLANNING BOARD**  
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**NOTICE OF DECISION**


Case Number: 34-17				
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				
<b>Application Submittal Date</b>		<b>Public Hearing Date</b>		<b>Decision Date</b>
September 15, 2017		October 18, 2017		October 18, 2017
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
136	322	7612	348	

**Application:** Request by applicant for **Site Plan Approval for a ground sign** for a convenience store/gas station 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 for Site Plan Approval for a Ground Sign and for Site Plan Review for a 4500± SF convenience store/gas station with drive-thru and 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 a new ground sign. This project also includes the development of the site with a new convenience store with drive-thru and gas station. 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. Site Plan Approval for the proposed convenience store/gas station with drive-thru was also requested and is discussed under the notice of Decision for Case #33-17.

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 #33-17 for information concerning the overall Site Plan Approval].

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 a Ground Sign for case #34-17 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 any lighting of the sign be subject to the same conditions as lighting on the site building (that lights 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 planning board recommends that the applicant and ZBA work to adjust the sign size to be consistent with the scale of signs throughout the industrial park;
- That the planning board approves all waivers from the site plan review unrelated to the development of a ground sign;
- That the planning board's decision is entirely contingent on the applicant receiving the required relief from the city's zoning board of appeals;

- That the final sign colors and finishes, if any changes are made to the materials submitted and reviewed by the planning board, are to be clearly defined for final review and approval by the city planner;
- That the general conditions as noted in the previous application for site plan review apply to this application as well.

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

  
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Colleen Dawicki, Chair  
City of New Bedford Planning Board