



City of New Bedford

Planning Board

133 William St, Room 303, New Bedford, Massachusetts 02740

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PATRICK J. SULLIVAN

DIRECTOR

October 18, 2017 Meeting of the Planning Board

PRESENT: Colleen Dawicki *Chair*
Kathryn Duff, *Vice Chair*
Alex Kalife, *Clerk*
Arthur Glassman
Peter Cruz

ABSENT: None

STAFF: None

1. CALL TO ORDER

Acting Chairperson Duff called the meeting to order at 6:02p.m.

2. ROLL CALL

A formal roll call was conducted confirming members present as listed above.

3. APPROVAL OF MINUTES

A motion was made (KD) and seconded (AG) to approve the September 13, 2017 meeting minutes. Motion passed unopposed.

4. PUBLIC HEARINGS

At Chairperson Dawicki's request, a motion was made (KD) and seconded (AG) to take the agenda out of order, with Case #35-17. Motion passed unopposed.

ITEM 1 - Case #35-17 - Request by applicant for Site Plan approval for the construction of a 44,654+/- SF parking lot located between the ES of Bolton Street (Map 19, Lot 1) and WS of Orchard Street (Map 23, Lot 158) in the Mixed Use Business (MUB) zoning district.

Rich Rheume, Prime Engineering, noted the proposed 119 space parking is to be located in the area of Howland Place, which is a building full of tenants, creating a need for additional parking. Mr. Rheume explained the orientations and diagrams, including handicap spaces, sidewalks and curbs, and street trees, grass and shrubs. He then detailed the lighting plans.

In response to Board Member Duff, Mr. Rheume explained the elevations/grading and drainage

plans, including catch basins and storm ceptors, and the newly extended 24" storm drain tie in. He also explained the parcel is owned by a separate entity than the mill and adjacent parking lot, and a Form A will be submitted.

Mr. Rheume also noted some conversations with Mr. Romanowicz concerning the location of handicap spaces in the new lot. After correspondence with the Boston Board, it was determined that the handicap spaces appropriately belong closest to the building.

Mr. Rheume noted the requested waiver from drainage computations, as the line discharges to the ocean and the pipe is of adequate capacity.

In response to Board Member Duff, Mr. Rheume explained that particulates will be 80% removed by the project storm ceptor. He also explained that snow removal and the very light use of sand.

Chairperson Dawicki noted the DPI storm water comments.

In response to Board Member Cruz's concern regarding the water volume, Mr. Rheume stated the standard as one acre of impervious area handled by one basin and he explained the depth of flow.

In response to Board Member Duff, Mr. Rheume found acceptable her request that the parking lot border on the north and east sides increase form 5' to the optimal 8' for a better buffer and larger trees.

Chairperson Dawicki drew Mr. Rheume's attention to staff comments.

In response to Board Member Cruz, Mr. Rheume went over the lighting plans in more detail, noting the addition of two luminaires to existing poles.

In response to Board Member Cruz, Mr. Rheume noted the fencing on the north and east sides will be a black vinyl coated 6'-8' fence without slats.

With regard to parking and circulation, the board expressed no concerns.

In response to Board Member Cruz, Mr. Rheume discussed the pedestrian walkways.

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

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

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

After brief board discussion on conditions, to include staff comments, ANR, fencing, and excavation protections, a motion was made (KD) and seconded (AG) to approve the applicant's request for Site Plan approval based on the application and material presented and received by this board, with the following specific conditions:

- Approval is dependent upon an ANR being filed for the lot
- That the project meet the architectural access board requirements relative to handicap parking and circulation within the area;
- That the project follow the DPI comments as received, dated 10/16/17;
- That the trees being planted meet the 3: caliper;
- That the project follow the staff recommendations as noted;
- That the north and east green edges of the proposed parking lot be increased from 5' to 8' wide to allow for a wider green edge;
- That the proposed fencing along the north and east property lines meet and conform to all city regulations relative to height;
- That the plans be updated to reflect the required accessible ADA compliance spaces;
- That the applicant obtains written approval from the Traffic Commission for all work associated with proposed curb cuts as presented, and provide evidence of such approval for planning division files;
- That the applicant provide plants and specs for review and approval by planning board and city planner;
- Any additional ground signs intended, i.e., direction signs, that the plant list be reviewed to indicate all trees within the plan list as being no less than 3" caliper or 36" above grade;
- That the city planner approve a revised landscape plan;
- That all site distances at site entrances shall be verified as acceptable by the Traffic Commissioner and no noted on the plans

General conditions are as follows:

- 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, and that the Planning Board incorporates the DPI memo 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 of the special permit 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 the City of New Bedford Code of Ordinances, Chapter 9, Section 5400. As a result of such consideration, the board moves approval on the subject application with the conditions so noted.

Motion passed 5-0.

ITEMS 2 and 3 - Case #33-17- 209 Theodore Rice Blvd - Request by applicant for Site Plan Approval for new construction of 4500+/- SF convenience store/gas station with drive thru on a 4.9 +/- acre site located at 209 Theodore Rice Boulevard (Map 136, Lot 322) in the Mixed Use Business (MUB) zoning district. Applicant's agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

Case # 34- 17: 209 Theodore Rice Blvd - Request by applicant for New Ground Sign Site Plan Approval located at 209 Theodore Rice Boulevard (Map 136, Lot 322) on a 4.9 +/- acre parcel in the Mixed Use Business (MUB) zoning district. Applicant's agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

Steve Gioiosa of SITEC introduced the applicant and petitioner. He displayed the location of the proposed site within the Industrial Park and explained orientations. He noted the re-zoning of the site to MUB and spoke about neighboring areas. Mr. Gioiosa pointed out an unfinished commercial development nearby and displayed the existing site conditions, which include the remnants of a demolished building.

He pointed out the existing curb cut and covered the property grading and existing drainage. He noted the Conservation Commission has approved the project's wetland line, establishing the suitable development area.

Mr. Gioiosa then went over the proposed development and wetland buffer zone, including tank and storage area locations, an additional driveway and curb cut to accommodate delivery vehicles. He noted the Traffic Commission has approved the curb cuts.

Mr. Gioiosa then covered the 27 space site parking, access aisle, visibility and circulation both through the surrounding parking spaces and at the gas pumps. (*space count does not include pump parking*) He noted the applicant owns several such businesses throughout the Commonwealth. He mentioned the potential for a drive-up window and explained the stacking. He noted the screened dumpster pad, which they will plant, per staff comments.

Mr. Gioiosa addressed pedestrian circulation and the decision not to propose sidewalks to Braley Road, but do propose a pedestrian link, a cross-walk and two sidewalk links and ribbon walkways to the bus stop area. He noted the park generally does not have sidewalks. He explained snow storage areas

Mr. Gioiosa then revisited grading and drainage. He noted test pits had been done, after which drainage was designed for water quality/quantity and peak flow mitigation. He then explained the same, including catch basins, run off reduction, TSS and hydrocarbon removal. He noted a separate permit is now before the Conservation Commission. He also addressed erosion control measures on the plan.

Mr. Gioiosa then addressed the landscaping plan, to include buffering preservation and the addition of trees and shrubs within the islands, et cetera. He explained utility plans and lighting. He noted a final lighting plan would be provided, per staff comments.

Mr. Gioiosa then discussed the second matter on for approval, namely, the pylon sign. He explained the sign proposal details and business benefits such as visibility. He noted the applicant needs relief from the zoning board with regard to the sign.

In response to Board Member Glassman, Mr. Gioiosa stated there was no walkway/crosswalk planned from the adjacent buildings such as the registry and lottery, but he was amenable to providing at least a designated crosswalk. He agreed with Board Member Cruz to put signage.

In response to Chairperson Dawicki, Mr. Gioiosa stated no traffic study was conducted as the applicant had met with the Traffic Commission who had favorably reviewed the plans.

In response to Board Member Duff, Mr. Gioiosa showed the location of the trash dumpster which will be screened with shrubbery.

Mickey Higgins stated the detail sheets shows a 6' white PVC fence around the four sides of the trash enclosure.

In response to Board Member Duff, Mr. Gioiosa described the two replication areas, which will be slightly expanded.

In response to Board Member Duff regarding wetland precautions needed in proximity to gas tanks, Mr. Gioiosa explained the current safeguards, such as double walled and monitored tanks, limiting barriers and instantaneous flow shut off.

Board Member Cruz inquired as to pipe flushing on the 36" tube planned tie-ins. Mr. Gioiosa stated an inspection would be done to check on those issues.

Chairperson Dawicki discussed hours of operation, and associated lighting time limits, and canopy roofing.

Mr. Higgins explained the canopy roof is metal decking on the underside and top side with no roofing material. He stated the bottom, top and fascia is white with one illuminated strip.

In response to Board Member Cruz, Mr. Gioiosa stated the proposal is for a wood guardrail. There was discussion on the guardrail tie-in locations.

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

In response to Chairperson Dawicki's invitation to speak or be recorded in favor, Derick Santos of the Economic Development Council noted they serve as the managing entity for the Industrial Foundation. After review by the executive committee, they are 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 codes are kept consistent within the park.

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

There was no response to Chairperson 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.

In response to comments, Mr. Gioiosa agreed to the walkway and additional tree requests by Mr. Santos.

In response to Board Member Cruz, Mr. Gioiosa agreed to relocate stopping signage. There was discussion regarding curbing materials.

After a review of conditions, a motion was made (KD) and seconded (AG) to approve the applicant's request for site plan approval regarding Case #33-17 based on the application and materials presented and received by this board, as prepared 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 the City of New Bedford Code of Ordinances, Chapter 9, Section 5400. As a result of such consideration, the board moves approval on the subject application with the conditions so noted.

Motion passed 5-0.

After brief discussion on sign conditions and ZBA proceedings, a motion was made (KD) and seconded (AG) to approve the applicant's request for site plan approval for a ground sign for Case #34-17 based on the application and materials presented and received by this board, as prepared 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.

Motion passed 5-0

ITEM 3 = Case #36-14: 480 Rockdale Avenue (former Webster Bank) Request by applicant for Site Plan Approval for a change of owner of a 2,840+/- existing financial institution with drive-thru on a 13,337+/- SF site located at 480 Rockdale Avenue (Map 34, Lot 1) in the Mixed Use Business (MUB) and Residence A (RA) zoning districts. Applicant: Taunton Federal Credit Union, 14 Church Green, Taunton, MA 02780.

Chairperson Dawicki noted that Limited site plan review. Board Member Glassman inquired as to why this matter was before the board, as this is an existing building.

Stephanie Moran, Poyant Signs, stated an ordinance exists where if a drive-thru is closed more than 10 days, you are required to appear before the board in order to reopen the same. She stated that their application for sign permits triggered the building department to recognize the need for them, by code, to appear for site plan review regarding the reopening of the drive-thru.

Ms. Moran stated the previous Webster Bank Property is being taken over by Taunton Federal Credit Union. There will be no changes to the property regarding traffic flow, landscaping or building changes, but for painting. She stated that while the signs will change, there is nothing in the new signage that is out of code, and the applicant will utilize the existing sign pole. She stated the walkup ATM will be eliminated to reduce pedestrian traffic and will be relocated within the drive-thru. She noted there is no change to traffic flow or drive-thru lanes. Both parking space and handicap space counts remain the same, as do curb cuts.

Ms. Moran stated signage will remain the same in the sense that previously lit signs will remain lit, and the same with previously unlit signs.

Chairperson Dawicki clarified that the sign is not before the board, but only the drive-thru. Board Member Glassman stated this should be something staff can approve, rather than appear before the board.

In response to Board Member Duff's observations, Ms. Moran noted the directional are the same size as those now existing. She added there will, in fact, be one less sign on the property, and the pylon sign will actually be shorter and will have no digital component, and the square footage will also be reduced, as is the east facing sign.

Board Member Duff and Ms. Moran discussed the required visibility with regard to handicap spaces.

In response to Board Member Cruz, Ms. Moran agreed to add a "no left turn" sign from within the parking lot to what is an entrance only driveway from Rockdale Ave.

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

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

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

In response to a concern by Board Member Duff, Ms. Moran agreed to a change on Page 6A that it be reduced so that from grade to the top of sign would be 5'.

After brief board discussion, a motion was made (KD) and seconded (AG) to approve the applicant's request for site plan approval for Case #36-14 based on the application and materials presented and received by this board, as prepared by Poyant Signs with the following conditions:

- That the applicant add a "no left turn" sign internally on the site indicating that visitors are not allowed to turn left exiting onto Rockdale Avenue, as it is one-way traffic;
- That the applicant agree to lower the parking signs as noted on Sheet 6A to a height to the top of the sign of 5' from grade;
- That the applicant provide a cover sheet for project meeting the requirements of the site plan review application standards to the satisfaction of the city planner;
- That the site plan review approval extends only to the change of tenant and reactivation of the drive-thru;
- Any additional future site plan review approval for signage, as may be required by the Zoning Enforcement Officer, will be required to return before the planning board as a new application;
- That with the exception of the cover sheet so noted, the applicant's request for a waiver from Section 5450 as presented is granted;
- And subject to the general conditions so noted on the worksheet.

Motion passed 5-0

ITEM 4 - Case #37-17: Request by applicant for Site Plan Approval for a New Ground Sign for Dunkin Donuts located at 1169 Braley Road (Map 136A, Lot 927) on a 1.64+/- acre parcel in the Mixed Use Business zoning district. Applicant's agent: Poyant Signs, Inc., 125 Samuel Barnett Boulevard, New Bedford, MA 02745.

Stephanie Moran, Poyant Signs, stated the location has not had a ground sign and is now looking to increase visibility, particularly to the Rte. 140 north off-ramp. She stated the building is setback on the property, and the building sign is not visible from the street in all but one direction of travel. She stated the ground sign requested would be located within the southwest portion of their property.

Ms. Moran stated the sign would be illuminated, and the applicant is agreeable to lighting the sign one hour prior to opening and shutting the sign off one hour after closing.

Chairperson Dawicki noted the total square footage proposed is 37 SF with the sign ordinance allowing for 25 SF, thereby requiring a ZBA variance.

In response to Board Member Cruz and Glassman's concerns about the amount of light created by the sign in such a residential neighborhood, Ms. Moran was not certain about the answer. She stated it would be illuminated with internal LEDs and she did not expect it would be different from other building signs. She noted that Dunkin Donut faces are thicker pan formed faces.

Board Member Duff stated she felt the sign, at 17'6" tall, was too large for residential abutters and the scale of the business.

Ms. Moran stated the applicant is requesting a slightly larger square footage and will need to appear before the zoning board, but stated she believed the sign height is only one foot above code. That figure was corrected to 2'6" above code. She stated the applicant would be willing to be within code by having a sign built that is not their standard sign size.

Board Member Cruz explored with Ms. Moran the placement of the sign so close to the entrance and discussed placing it toward the drive-thru away from the residents. Ms. Moran felt that moving the sign as close to the west portion of the property as possible would be fine. She assured the board the property line would be established prior to the sign installation.

Board Member Cruz suggested the applicant submit a plan illustrating exactly where the sign would be set on the property to be approved by planning staff or a board member.

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

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

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

After brief discussion on conditions, a motion was made (KD) and seconded (AG) to approve the applicant's request for site plan approval for a ground sign for Case #37-17 based on the application and materials presented and received by this board, as prepared by Poyant Signs, with the following conditions:

- That the applicant agree that the sign will be lit no earlier than one hour before opening and turned off no later than one hour after closing;
- That the applicant agree to relocated the sign to the westerly most part of the property to move it away from the residential neighbors to the east;
- That the applicant agree to lower the sign to an allowable height within our zoning ordinance of 15';
- That the applicant agree to submit foot candle data to the planning board for review;
- That the applicant agree to resubmit the location of the sign on the site plan for review by the planning staff;
- That this approval is contingent on ZBA approval;
- Should any alterations to the sign material or size be made by the ZBA, the city planner shall be responsible for determining whether the change is minor and therefore acceptable as modified, or whether the change requires additional review by the planning board;
- That the applicant ensure, through a professional survey or in working with the city's Department of Public Infrastructure, that the sign is to be located on private land and not within the public right of way;
- That the applicant provides a cover sheet for the project, meeting the requirements of the site plan review application standards for such sheets to the satisfaction of the city planner;
- That with the exception of the cover sheet so noted, the applicant's request for waiver from Section 5450 as presented is granted;
- And that the general conditions on the worksheet be read into this approval.

The Planning Board finds this request to be in accordance with the City of New Bedford Code of Ordinances, Chapter 9, Section 5400. As a result of such consideration, the board moves approval on the subject application with the conditions so noted.

Motion passed 5-0.

5. OTHER BUSINESS:

Chairperson Dawicki noted that there is a proposal for a 2018 meeting schedule. She also noted notices received from Town of Freetown available at the planning office for review. She reminded the board that members are asked to attend trainings on Monday the 23rd, Monday the 30th, and November 6th.

ADJOURNMENT:

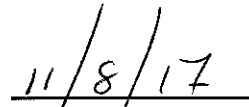
There being no further business, a motion was made (KD) and seconded (AG) to adjourn at 8:07 p.m.

Motion passed unopposed.

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR NOVEMBER 8, 2017



Alexander J. Kalife, Clerk



Date