



Planning Board

May 11, 2016 – 6:00 PM –MINUTES

New Bedford Free Main Public Library, 613 Pleasant Street

PRESENT:

Colleen Dawicki, Chairperson
Kathryn Duff
Peter Cruz
Arthur Glassman
Alex Kalife

ABSENT:

None

STAFF:

Jennifer Clarke, AICP, Acting City Planner
Constance Brawders, Staff Planner

CITY CLERK
2016 JUN -9 P 2:18
CITY CLERK

CALL TO ORDER

Chairperson Dawicki called the meeting to order at 6:01 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

A motion was made (KD) and seconded (AG) to approve the April 2016 meeting minutes.
Motion passed unopposed.

PUBLIC HEARINGS

ITEM #1 – Case #11-16_ Sidewalk Café Permit renewal for use by Brick at the property known as 163 Union Street (Map Plot 53, Lot 134) located in the Mixed Use Business and Downtown Business Overlay zoning districts. Applicant: John F. Goggin, 163 Union Street, New Bedford, MA 02740.

The applicant declined to make a presentation, stating there had been no change from last year's application.

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

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

A motion was made (KD) and seconded (AG) to close the public hearing. Motion passed unopposed.
Noting this application was the same as last year's, there were no questions from the board.

A motion was made (KD) and seconded (AG) to approve the sidewalk café for Case 11-16 for Brick Café located at as 163 Union Street. Motion passed unopposed.

Ms. Dawicki stated the planning office is working on developing a process that would internalize the process and not require applicants to appear before the board each year.

Agenda Item #2 A was moved to follow Item # 5.

ITEM #3 – Case #15-16 - Sidewalk Café Permit renewal for use by Pour Farm Tavern at the property known as 780 Purchase Street (Map 53, Lot 131) located in the Mixed Use Business and Downtown Business Overlay zoning districts. Applicant: Noah Griffith, Manager, Pour Farm Tavern, 780 Purchase Street, New Bedford, MA 02740.

The applicant declined to make a presentation, but welcomed any questions.

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

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

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

A motion was made (AG) and seconded (KD) to approve the sidewalk café permit. Motion passed unopposed.

ITEM #4 – CASE #16-16 - Sidewalk Café Permit renewal for use by Pier 37 Restaurant at the property known as 37 Union Street (Map 53, Lot 197) located in the Industrial A and Downtown Business Overlay zoning districts. Applicant: Jeremy Dias and Eddy Yedlin, Pier 37 Restaurant, 37 Union Street, New Bedford, MA 02740.

The applicant declined to make a presentation, but welcomed any questions.

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

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

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

A motion was made (AG) and seconded (KD) to approve the sidewalk café permit. Motion passed unopposed.

ITEM #5 – Case #13-16/Case #14-16 McDonald's USA, LLC (Cedar-Kings, 44 South Bayles Avenue, Port Washington, NY 11050) Request by applicant for the modification of the decision for both Special Permit (Case 19-15) for reduction of parking spaces, and Case 14-16: McDonald's USA, LLC for Site Plan approval (Case 19-15), located at 1080 King's Highway in the Planned Business and Industrial A zoning districts . Applicant's agent: Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772.

Eric Dubrule of Bohler Engineering addressed the board on behalf of McDonald's. He stated they are seeking modification on September 2015 approvals. After site orientation, he addressed the board to the site entry and parking stalls which will be hugely improved, along with the drive-thru setup. He noted the currently untreated storm water on site. He stated the approved plan delineates the drive and provides McDonald's with curb cuts

and landscaped isles with curbing. The plan provides 4,400 SF of green space and an increase in storm water treatment to over 80%. He stated the modification sought is to add a 750 SF play space addition to the proposed building which will replace five previously planned parking stalls. In addition, they are seeking a crosswalk to access the eighty unutilized parking stalls across the plaza. He noted the original plan requested a reduction of forty parking stalls which they are seeking to modify to thirty-five. He noted most of the McDonald's business is at their drive-thru and the request will still provide adequate parking.

In response to Ms. Duff's inquiry regarding the largely vacant parking area, Mr. Dubrule offered that when McDonald's had been first developed, the practice was to provide an abundance of parking. Mr. Dubrule again noted the planned improvements and stated the applicant had received Conservation Commission approval for the amendment to the Order of Conditions. Mr. Glassman stated that it was a challenging crossing area, especially in bad weather.

At Ms. Dawicki's request, Mr. Dubrule reviewed the landscape plan which had now been provided. Mr. Dubrule stated it will include two street trees, shrubs and decorative landscaping.

Mr. Kalife requested clarification on any reduction of handicapped parking spaces. Mr. Cruz noted the original plan showed four. Mr. Dubrule stated that ADA requirements were being complied with.

Ms. Duff expressed some concern about the east location of the spaces and any backing up should there be a queue of cars, and inquired as to a movement of the planned play area. Mr. Dubrule addressed the queue of cars and stated that moving the play area would locate it to where the kitchen would be and would create an access problem. Ms. Duff confirmed with the planning staff that any modification will not negate any previously agreed to terms in the special permit. Ms. Clarke concurred.

Ms. Duff inquired as to any fence on the eastern edge. Mr. Dubrule stated the area was proposed to be low maintenance grass.

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

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

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

After brief board discussion on original conditions to remain in effect, a motion was made (KD) and seconded (AG) to approve the modified site plan as submitted for Case 14-16 with modifications to McDonald's located on 1080 Kings Highway New Bedford, MA, referencing that all previously agreed to conditions will remain in force with the exception of Request #2 – submission and approval of the landscape plan which was done this evening. Motion passed unopposed.

A motion was made (KD) and seconded (AG) to accept the modified of the reduction in parking for Case 13-16 for the McDonald's located on 1080 Kings Highway New Bedford, MA, from the required sixty-three spaces to thirty-five spaces as presented this evening. Motion passed 5-0.

ITEM #2- Case #12-16 - Sidewalk Café Permit renewal for use by Cork Wine and Tapas Bar at the property known as 90 Front Street (Map 53, Lot 23) located in the Industrial A and Downtown Business Overlay zoning districts. Applicant: Matterhorn RE, LLC, 90 Front Street, New Bedford, MA 02740.

The applicant was not able to be present until after 7:00 pm. Ms. Dawicki noted that as the application was unchanged from last year a motion was made (KD) and seconded (PC) to open the public hearing. Motion passed unopposed.

There was no response to Ms. Dawicki's further 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.

A motion was made (AG) and seconded (KD) to approve the sidewalk café permit. Motion passed unopposed.

OLD BUSINESS/NEW BUSINESS:

Ms. Clarke reiterated efforts to create an internal review for sidewalk permits.

She noted there was a FEMA notice regarding 24 Belleville and a Freetown zoning change notifications. Those seeking additional information are welcome to review the file at the Planning Office.

ADJOURNMENT:

There being no further business before the board; a motion was made (AG) and seconded (PC) to adjourn. Motion passed unopposed.

Meeting adjourned at 6:30 p.m.

NEXT MEETING
Wednesday, June 8, 2016



Planning Board

May 26, 2016 – 6:00 PM –MINUTES

Department of Planning, Housing & Community Development
608 Pleasant Street

PRESENT:

Colleen Dawicki, Chairperson
Peter Cruz
Arthur Glassman
George Smith, Alternate Member
Kathryn Duff

ABSENT:

Alexander Kalife

STAFF:

Patrick J. Sullivan, Director, DPHCD
Jennifer Clarke, AICP, Acting City Planner

CITY OF BEDFORD
2016 JUN -9 P 2:18
CITY CLERK

CALL TO ORDER

Chair Dawicki called the meeting to order at 6:10 p.m.

ROLL CALL

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

Chair Dawicki read as follows from the published agenda: "The purpose of the Special Meeting is to provide the Planning Board with an opportunity to consider an Amended Notice of Decision to correct clerical errors contained in the April 15, 2016 Notice of Decision in Case 09-16, to accurately reflect the discussion that occurred and the motion that was adopted during the April 6, 2016 public hearing. Case 09-16 was a Request by applicant for Special Permit for reduction of off-street parking located at ES South Sixth Street (Map 46, Lot 93), in the Mixed Use Business (MUB) and Downtown Business Overlay (DBOD) zoning districts, to serve a building conversion from general office to hotel use located at 222 Union Street (Map 46, Lots 32 & 33)."

The Chair then asked the board if there were any questions to which Mr. Smith responded, asking what the difference was between the existing Notice of Decision [NOD] and the proposed Amended NOD. In response, board and staff entered into a brief dialogue regarding specific elements of the motion and conditions that had changed, noting in particular:

- that the proposed Amended NOD's condition #1 captured the information articulated in the existing NOD's condition #6,
- that the existing NOD's reference to the removal of the jersey barriers noted under condition #5 was not part of the verbatim motion offered by the board and
- that the verbiage concerning issues found under Section 3300 of the city code in the existing NOD's motion were now referenced under condition #1 in the proposed Amended NOD.

In response to a question from the board, Mr. Sullivan explained that the proposed Amended NOD reflected a verbatim retelling of the board's motion with conditions and that "motions and decisions have to be actually stated." He noted that in developing the proposed Amended NOD, the City Solicitor, Ms. Clarke and he, himself, had each reviewed the [cable television] tape of the meeting to ensure accuracy.

Ms. Duff questioned who had brought this issue to light to which Ms. Clarke noted that the proposed Amended NOD reflecting a verbatim motion and decision was requested by the petitioner's attorney.

Mr. Smith raised a question as to the meaning of the second condition of the proposed Amended NOD that read, "that the applicant accommodate the staff comments in the application relative to some omissions and some changes." Ms. Clarke indicated that she did not want to speak for the original motion maker, Ms. Duff, on this, but advised Mr. Smith that because the reports provided to the board by planning staff often reflect necessary technical corrections to the case file documents, this motion—as is often the board's practice— included a condition that simply noted all of those technical corrections in the staff comments by reference. Ms. Duff indicated her concurrence with this response.

With no further questions or comments, the Chair called for a motion in this matter.

MOTION made (KD) and seconded (AG) to approve of the proposed Amended Notice of Decision as presented in **Case 09-16: Request for Special Permit for reduction of off-street parking located at ES South Sixth Street (Map 46, Lot 93), in the Mixed Use Business (MUB) and Downtown Business Overlay (DBOD) zoning districts, to serve a building conversion from general office to hotel use located at 222 Union Street (Map 46, Lots 32 & 33) with the following conditions:**

To approve a reduction of parking for Case 09-16 for the property located at 222 Union Street for a reduction/a relief of parking of 99 spaces for the proposed hotel being developed, and/with the following conditions:

1. That the owner work with the city, specifically the planning department, to make certain that Section 3300 of the city code is met regarding the screening and the sizing and setbacks of the off street parking located on South Sixth Street;
2. That the applicant accommodate the staff comments in the application relative to some omissions and some changes;
3. That the applicant revise the proposed off-site parking at South Sixth Street to 62 proposed spaces; and
4. That the city planning work with the traffic commission regarding some concerns relative to valet parking and traffic in and around the block, specifically making a left hand turn when you have cars queuing up to make a left hand turn, when you have cars coming down Union Street.

A roll call vote was taken on the motion as follows:

George Smith:	YES
Peter Cruz	YES
Arthur Glassman	YES
Kathryn Duff	YES
Colleen Dawicki	YES

Motion carried on a vote of 5-0.

ADJOURNMENT

There being no further business before the board, a motion was made (AG) and seconded (PC) to adjourn. Motion passed unopposed.

Meeting adjourned at 6:22 pm.

NEXT MEETING: June 8, 2016