



Planning Board

June 8, 2016 – 6:00 PM –Minutes
New Bedford City Hall, Public Meeting Room 314,
133 William Street

PRESENT:

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

ABSENT:

None

STAFF:

Constance Brawders, Staff Planner

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 JUL 20 A 8:53
CITY CLERK

CALL TO ORDER

Chairperson Dawicki called the meeting to order at 6:07 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 May 11 2016 and May 25, 2016 meeting minutes.

Motion passed unopposed five (5) to zero (0).

PUBLIC HEARINGS

ITEM 1 – Case #17-16 - Sidewalk Café Permit renewal for use by Trio Café & Lounge at the property known as 418 Rivet Street (Map 23, Lot 9) located in the Mixed Use Business zoning district. Applicant: Sandra Rodrigues, 418 Rivet Street, New Bedford, MA 02740.

The applicant stated they had made all the changes proposed, to include the seating and fencing.

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

In response to Ms. Dawicki's invitation to speak or be recorded in favor, Councilor Joseph Lopes asked to be recorded in favor.

Ms. Dawicki noted the case file contained a letter of support from the councilor as well. There was no response to Ms. 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.

Ms. Dawicki reminded this applicant and all other sidewalk café applicants of ADA compliance. There being no further board discussion, a motion was made (KD) and seconded (AG) to approve the sidewalk café permit renewal for Trio Lounge & Café. Motion passed unopposed five (5) to zero (0).

ITEM 2 – Case #18-16 - Sidewalk Café Permit renewal for use by Café Europa at the property known as 1256 Acushnet Avenue (Map 93, Lot 11) located in the Mixed Use Business zoning district. Applicant: Peter Ferreira, 1256 Acushnet Avenue, New Bedford, MA 02746.

The applicant declined to make a presentation, this being an unchanged request for renewal.

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 (KD) and seconded (AG) to approve the sidewalk café permit for Café Europa. Motion passed unopposed five (5) to zero (0).

ITEM 3 – CASE #19-16 – S. B. Realty Limited Partnership, 100 North Street, New Bedford, MA 02740 - 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 (Map 101, Part Lot 14, 16 & 17 and Land Court Lot 11), in the Mixed Use Business and Industrial B zoning districts. Applicant's agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

Steve Gioiosa of SITEC engineering addressed the board, noting the presence of property owner Paul Bishins and his counsel. Mr. Gioiosa described the property and noted the previous board approval for the previous site plan. He stated that subsequently the owner's lease agreement with the Price Rite tenant created an area where a building expansion was designated. As such, a building footprint change was made to be in compliance with the lease agreement, actually reducing the building footprint by 100 SF.

Mr. Gioiosa stated that all other required features are still incorporated, including improved access points, landscaping, an increase in parking, pedestrian walkways, signage, et cetera. He expressed the applicant is looking for approval of the minor site plan modifications.

In response to Mr. Glassman, Mr. Gioiosa stated that overall center parking was gained, not loss, in this reconfiguration.

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

In response to Ms. Dawicki's invitation to speak or be recorded in favor or in opposition, David Lavenburg representing Price Rite, and joined by Dennis Bachman, the Price Rite real estate manager,

stated they were not present in September when the application was first approved as they did not get notice as required under their lease. He therefore noted many of Mr. Gioiosa's comments were without Price Rite consultation. He stated they object to the plan and had questions for the applicant.

Mr. Lavenburg asked to exhibit the current plan. He then listed his questions for the board to direct to the applicant. He stated Price Rite's position is that there is insufficient space/radius, given the additional parking, to access their loading dock. They are asking what consideration the applicant gave to Price Rite in this plan. Secondly, he noted the reference to the board's familiarity with the property. He noted that between the two buildings is a significant ramp and downgrading. He suggested that no one pushing a cart of groceries is going to park in that area, most especially in the winter. He then listed observations of the side of the building now designated for parking. First, the area is used for parking of large distribution trucks, and the current plan is absent this provision. He further directed the board to the incline in this area and suggested that it, again, is not a practical use of parking.

Mr. Bachman addressed the produce loading dock where, with this additional proposed parking, the truck would be unable to maneuver and back up to the dock. He noted the significant grade differences on both sides of the building and the retaining wall that would make anyone parking in the area have to walk through driving lanes, again noting the grades make this virtually unusable for anyone pushing a shopping cart.

Mr. Bachman stated the changes in the plan are to make the building fit within the lease parameters, and he noted the lease is not the board's purview. He noted the changes limit the parking in front of the Price Rite store. He stated the modifications to the ingress/egress points in his view require O'Reilly delivery and dumpster vehicles to do some sort of maneuvering in the primary driving/access lane for the shopping center, which creates a huge concern. He expressed concerns with the current design which has multiple ingress/egress lanes and the inherent problems associated with that.

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

Ms. Dawicki suspended the public hearing and invited Mr. Gioiosa to address the questions and concerns presented.

Mr. Gioiosa stated the lack of notice is a lease issue and not a planning board issue, and noted that Price Rite does not have standing in this proceeding, not being a typical abutter. He stated the parking in the lower area can be used by customers without shopping carts or as employee parking. He stated the applicant had done field traffic evaluation per DPI requirements and video monitoring. He stated what is being provided far exceeds the utilization on the site.

Mr. Gioiosa stated they had looked at truck maneuvering for O'Reilly's and all tenants. He stated they are comfortable with the available maneuvering space. He stated the plan creates more controlled spaces for different activities, i.e. drive aisles, loading areas, et cetera. He stated driving in the property parking lot is currently very unsafe, and the proposal will be a huge improvement.

Mr. Gioiosa gave the same argument with regard to the upper area parking. He stated that the parking

of trailers in this area will not be allowed once the project is completed.

In response to Ms. Duff with regard to the slope, Mr. Gioiosa stated it starts at elevation 96 and drops down to elevation 83, over forty feet it would translate to about an 8% slope that will contain none of the handicap spaces.

In response to Ms. Duff regarding loading schedules, Mr. Gioiosa stated O'Reilly's is once a week in off-peak hours. With regard to the Price Rite dock, Mr. Gioiosa indicated alternative options for Price Rite and stated he did not believe the parking creates an obstruction to their use.

Mr. Gioiosa confirmed for Board Member Glassman that the northern parking spots had always been there and this is not a new parking area.

In response to Ms. Dawicki, Mr. Gioiosa addressed the stacking of vehicles. He stated the plan will eliminate much of what is going on today as it will create stop lines and breakpoints to avoid congestion. He also noted that auto parts stores are not a high traffic volume business.

Ms. Dawicki invited any further questions from the project opponents representing Price Rite. Representatives for Price Rite stated that the loading dock trailers back up parallel to the building and that cannot possibly be done with cars in the marked spaces shown. Representatives again raised the issue of potential problems and danger at the ingress/egress area, which they feel will happen regardless of stop lines.

In response to Board Member Cruz, Mr. Bachman explained that Price Rite receives deliveries from 53' tractor trailers usually six days a week. In response to a question from Board Member Kalife, Mr. Bachman confirmed that the loading dock is a raised platform as opposed to a lock in.

Mr. Glassman confirmed that eliminating the six spaces would solve the problem. Mr. Bachman agreed in as far as the loading dock area is concerned.

Mr. Gioiosa acknowledged that the dock would be a back up approach for utilization. He also acknowledged they could eliminate spaces if the board wished, provided the applicant's accommodation was noted in the record. He added there are four curb cuts to the site providing options. He also noted the retaining wall is an existing attribute.

Ms. Duff expressed that she saw the parking lot proposal as an improvement to what currently exists. Ms. Duff exited the meeting at this time. (6:55 p.m.)

A motion was made (PC) and seconded (AG) to close the public hearing. Motion passed unopposed. Ms. Dawicki encouraged those in opposition to contact the site owners and the applicants with any further questions.

There was board discussion regarding the elimination of the proposed spaces near the loading dock, the traffic conditions and stacking at the entrance, and the parking and access on the west side of the building. Mr. Glassman noted that there were few changes from the plan that was already approved.

Ms. Dawicki noted the staff comments are to be included in conditions.

A motion was made (AG) and seconded (PC) to approve Case #19-16, O'Reilly Auto Parts, for modification of decision for the site plan approval in Case #18-15 for new construction of a retail building, located at 139 Hathaway Road in the Mixed Use Business and Industrial B zoning districts, with the conditions that parking spaces around the east side loading dock be eliminated, per all DPI comments and per all staff comments, and that the removal of the parking spots is being done per the tenant's request. Motion passed unopposed four (4) to 0 (zero).

ITEM 4 – Case #20-16 - Request by applicant for Site Plan Review for Ground Sign, located at 128 Union Street (Map 47, Lot 5), in the Mixed Use Business zoning district, Central Business District, and Downtown Business Overlay District. Applicant's agent: Poyant Signs, Inc., 125 Samuel Barnett Blvd, New Bedford, MA 02745.

Stephanie Poyant Moran addressed the board on behalf of the DeMello International Center which is seeking an addition to the existing ground sign. She stated the building had changed ownership and the owner is seeking to brand the building. She stated there will be many tenants, including a hair school, a cultural center, et cetera. She stated the building is intended to be open to tourists. The owner is seeking to add their name to the existing sign to indicate the building will now house more to offer people. She stated the new sign will be the same size as the existing sign and will just be added to the top.

In response to an inquiry by Board Member Cruz, Ms. Moran stated the sign is internally illuminated with only the text lighting up. She confirmed that the signs on the building will be internally illuminated in the same way the Santander sign is currently.

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

In response to Ms. Dawicki's invitation to speak or be recorded in favor, Dylan Fagundes, building project manager, stated he was in favor.

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

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

Ms. Dawicki noted staff comments regarding the sign dimensions exceeded sign ordinance stipulations, which as such will need Zoning Board relief.

After brief board discussion on having stacked signage, a motion was made (AG) and seconded (PC) to approve Case #20-16, DeMello International Center, request for Site Plan Review for Ground Sign, located at 128 Union Street, in the Mixed Use Business zoning district, Central Business District, and Downtown Business Overlay District, subject to all ZBA findings. Motion passed unopposed.

ADJOURNMENT

There being no further business before the board, a motion was made (AG) and seconded (PC) to adjourn. Motion passed unopposed four (4) to 0 (zero).

Meeting adjourned at 7:11 p.m.

NEXT MEETING
Wednesday, July 13, 2016