



## ***Planning Board***

July 13, 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:**

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

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2016 AUG 11 A 11:38  
CITY CLERK

**CALL TO ORDER**

Chairperson Dawicki called the meeting to order at 6:00 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 June 8, 2016 meeting minutes.  
Motion passed unopposed.

**PUBLIC HEARINGS**

**ITEM 1 – Case #21-16 -** Request by applicant for Modification of Site Plan Approval of Case #23-15, for a revision of building layout, and parking and loading design, located on an 8+/- acre site at 2301 Purchase Street (Map 97, Lots 9, 151, 152, 153, 176 & 180) in the Industrial A and Industrial B zoning districts. Applicant's agent: Site Design Engineering, LLC, 11 Cushman Street, Middleboro.

Thomas Hartman of Site Design Engineering, for Sid Wainer & Son, introduced the applicants. He noted the matter had been before the board previously, and there have been further changes in this design-build project. CMC Design Build has required some field changes. He stated that upon beginning construction, they learned the site, being part of a former mill, had unsuitable geotechnical materials which prevented constructing the drainage as designed. After meeting with DPI, changes were made in the drainage.

Mr. Hartman reviewed the changes (raising the building floor & parking areas; loading areas, bay and dumpster locations are finalized; while maintaining number of spaces, the orientation of the northeast parking area was changed; placement of islands and crosswalks, et cetera). Mr. Hartman noted that the current plans have been before Traffic Commission and approved, but for the crosswalk and additional stop sign with DPI.

Ms. Duff asked about retainage on the site related to the new elevation. Mr. Hartman noted they had graded

most of the site and had no retaining walls to speak of.

Mr. Cruz asked if the drainage had remained in the same spots which Mr. Hartman confirmed. Mr. Hartman stated after working with DPI they have brought the water across the street and treating it in storm ceptors. Mr. Cruz confirmed drainage calculations had been redone. Mr. Hartman added that the requested landscaping plan was now included on Sheet 11.

Ms. Duff asked for clarification on the term "geotechnically unsuitable". Mr. Hartman explained there were granite blocks and other fill such as bottle, cans and other material not conducive to supporting a structure or drainage.

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, Larry Rock stated he was concerned about runoff water to his property, indicating where his property was on the plan.

In response to Ms. Dawicki's further invitation to be recorded in favor, Councilor Joseph Lopes indicated he was in favor.

In response to Ms. Dawicki's invitation to speak or be recorded in opposition, Att. Michael Kehoe, on behalf of the direct abutter Valtran at 2415 Purchase St., wanted to inquire about curb cuts. He noted the curb cuts now present on the plan. He also wanted to inquire that there would not be vegetative planting that would block Valtran entrances. He stated he had spoken to Mr. Hartman regarding drainage concerns and understood there to be drainage calculations for the present plans. He asked the board to examine them in regard to the same. He stated apart from those concerns, they are thrilled about the planned site improvements in the area.

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

The public hearing was suspended for the applicant to respond.

Mr. Hartman stated regarding Mr. Rock's concerns that there was no change in the grading on Beacon Street. He noted the catch basin at the foot of Beacon Street and per DPI request the applicant added a pipe to the structure to handle any additional flow.

With regard to Att. Kehoe's stated concerns, Mr. Hartman stated that drainage patterns remain the same. Mr. Hartman stated the curb cuts on the Valtran property were done in coordination with the owner and DPI. He stated per DPI request, street trees will be placed on both sides of the street but not in front of the Valtran property, as illustrated in the landscape plan.

Mr. Rock consulted with Mr. Hartman. Mr. Hartman then reviewed the drainage plan, answering any further questions from Mr. Rock.

There being no further questions from the board or abutters, a motion was made (KD) and seconded (AG) to close the public hearing. Motion passed unopposed.

There being no further board questions, Chairperson Dawicki noted the Planning Staff comments to be included in any motion. Mr. Cruz requested that the drainage calculations be resubmitted.

A motion was made (KD) and seconded (AG) to approve, with conditions, modification of site plan approval of Case #23-15 for a revision of building layout, and parking and loading design, located on an 8+/- acre site at 2301 Purchase Street (Map 97, Lots 9, 151, 152, 153, 176 & 180) in the Industrial A and Industrial B zoning districts as presented by applicant's agent Site Design Engineering, LLC. The Planning Board finds this request to be in accordance with 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 following conditions:

- The project shall be undertaken according to the plan submitted with the application with adherence to all notes on plans as reviewed by the Planning Board on this date
- 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 parking calculations as stipulated by the Commissioner of Inspectional Services shall be shown as notes on the approved modification of site plan cover sheet.
- The Planning Board incorporates the memoranda of 10/7/2015 and 9/9/14 from the Department of Public Infrastructure as stipulated by the Notice of Decision date stamped by the Office of the City Clerk on 10/20/15.
- The applicant also incorporates the letter of 11/30/15 from Ron LaBelle, Commissioner of Public Infrastructure, concurring with the applicant's storm water mitigation proposal and utility elevation as part of this decision
- Further, the applicant shall seek approval from the City of New Bedford Traffic Commission for the proposed
  - A. Stop signs the intersection of Van Buren and Beacon Streets
  - B. Mid-block crosswalk on Van Buren Street.
- The applicant shall honor the notice of Decision by the Planning Board date stamped by the Office of the City Clerk on 9/24/2014, incorporating the following conditions for approval:
  - a. That all DPI comments as detailed in their 9/9/14 memorandum to the Planning Board be accepted and completed by the applicant;
  - b. that the crosswalk or crosswalks be installed between the new off-street parking area at 2343 Purchase Street and 2301 Purchase Street at the discretion of the Traffic Commission, and that the applicant shall abide by all conditions of Traffic Commission's review;
  - c. that the applicant shall look into installation of bike racks on site;
  - d. that the 63' wide curb cut be reviewed and be reconfigured, reduced, and that the smaller curb cut to the east potentially be removed, with subsequent review by the planning staff;
  - e. that an additional row of landscaping isles be installed in the middle of the parking lot on the north side of Van Buren;
  - f. that revised architectural drawings of the addition, including investigation of solar panel installation and roof reflectivity to mitigate heat island effect, be submitted to planning staff for review and acceptance prior to release of building permit
  - g. that the drainage system for the northern parking lot, 2343 Purchase Street, include an oil/water separator;
  - h. that a lighting plan be submitted to planning staff for review and acceptance prior to release of building permit;
  - i. that the guardrail be installed along the eastern boundary to protect the existing building on the corner of Van Buren Street and Purchase Street, if possible;
- The applicant shall insure installation and show evidence of all relevant ADA parking requirements on revised plan as set forth by the Department of Inspectional Services.
- The applicant shall submit final plan revisions to the Planning Division in the following format:

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:  
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule>*

- One (1) - 11x17 plan set
  - One (1) CD or USB with plan set in PDF format
- and shall ensure that the same plans are properly submitted to the Department of Inspectional Services.
- The applicant shall provide a copy of the Notice of Decision certifying no appeal has been brought forward by the Office of the City Clerk for the Planning Division case file folder.
  - The rights authorized by the granted Modification of 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 drainage calculations be re-submitted for the record.
  - The applicant shall honor the recommendations made in the Planning Staff reports of 8/3/15, 10/7/15 and 7/13/16.

Motion passed unopposed. (5-0)

Ms. Dawicki noted that Ms. Duff exited the meeting at this time.

**ITEM 2 – Case #22-16 - Request by applicant for Site Plan Review for Ground Sign, located on a .054 +/- acre site at 1500 Cove Road (Map 17A, Lot 103), in the Mixed Use Business and Residence B zoning districts. Applicant agent: Poyant Signs, New Bedford.**

Stephanie Poyant-Moran addressed the board on behalf of Cove Surf & Turf seeking a ground sign at their location, not presently having one. She noted the sign is a double-sided non-illuminated, within code in size and height, which will be installed per setback requirements. She stated the sign is designed to withstand national wind load requirements.

Ms. Dawicki inquired as to the flood zone location of the sign and related considerations. Ms. Poyant-Moran again noted the design to meet wind load standards and should withstand normal/average conditions. With regard to flooding, she noted the sign is not illuminated and therefore has no electrical damage concerns. She stated the structure may be affected by sitting in water above the sign for a prolonged period. Any damage would likely only be caused by something hitting it in a hurricane, not by the sign coming out of the ground.

Mr. Cruz inquired as to any protection with regard to the sign being hit by vehicles. Ms. Poyant-Moran stated it is within a landscape island and should be far enough away from vehicular road traffic. She noted the sign will be installed inside curbing behind a light pole that would be hit prior to the sign. She added there will be landscaping installed that will not obstruct the sign. In response to an inquiry by Mr. Cruz she noted the sign will be on the property and meets setback requirements.

A motion was made (PC) 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 stated he has worked with the applicant, which has been an amazing presence in the community. He stated their property is immaculate and there has never been any issue. He felt the sign would be a nice addition to the property. He encouraged board support.

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

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

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

Mr. Glassman confirmed with Acting City Planner Clarke that the Planning Board is moving ahead with a sign ordinance, which is under review. This proposal is for free-standing signs.

A motion was made (AG) and seconded (AK) to approve, with conditions, a request by applicant for site plan approval for a Ground Sign for commercial use under Chapter 9, Comprehensive Zoning 5400, 5427, 5430-5490B, located at 1500 Cove Road (Map 17A, Lot 103), in the Mixed Use Business and Residence B zoning districts as presented by applicant agent Poyant Signs. The Planning Board finds this request to be in accordance with 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 following conditions:

- The project shall be undertaken according to the plan submitted with the application with adherence to all notes on the plans as reviewed by the Planning Board on this date.
- The applicant shall present any proposed modification from the approved plans to the City Planner for determination as to whether the modified plan must return before this board for further review.
- The applicant shall submit final plan revisions to the Planning Division in the following formats:
  - One (1) - 11x17 plan set
  - One (1) CD or USB of plan set in PDF formatand shall ensure these same plans are properly submitted to the Department of Inspectional Services.
- The applicant shall provide a copy of the Notice of Decision certifying no appeal has been brought forward by the Office of the City Clerk Planning Division case file folder
- The rights authorized by site Plan approval for a new ground sign must be exercised by issuance of a building permit by the Department of Inspectional Services and acted upon within one year from the date granted or they will lapse.
- The Planning board grants the following waiver:  
Waiving the requirements under Section 5400 -Site Plan Review for Section - 5440 Preparation of Plans.

Motion passed unopposed (4-0).

#### **OLD/NEW BUSINESS**

Ms. Clarke stated the office had received typical Zoning Notices from the Town of Dartmouth and the Town of Fairhaven for actions within their community. She also informed the board of a Municipal Planning Board Notification under Chapter 91 Waterways License Application for West Rodney French Boulevard to dredge a buildup of sand.

#### **ADJOURNMENT**

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

Meeting adjourned at 6:35 p.m.

NEXT MEETING  
Wednesday, August 10, 2016