



Planning Board

January 11, 2017– 6:00 PM –MINUTES
New Bedford Public Library – 3rd Floor, 613 Pleasant Street

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

ABSENT: Peter Cruz (*arrived at 6:32 p.m.*)

STAFF: Jennifer Clarke, *AICP, Acting City Planner*
Constance Brawders, *Staff Planner*

CITY CLERKS OFFICE
NEW BEDFORD, MA
2017 FEB 10 A 11:48
CITY CLERK

CALL TO ORDER

Chairperson Dawicki called the meeting to order at 6:06 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

A motion was made (KD) and seconded (AG) to approve the December 14, 2016 meeting minutes. Motion passed unopposed.

PUBLIC HEARINGS

ITEM 1 – Case 41-16 - Watson Funeral Services, LLC – Request by applicant for Special Permit for Parking Reduction located at 1325 Acushnet Avenue (Map 92, Lot 64) on a 0.255+/- acre site in the Mixed Use Business (MUB) zoning district. Applicant: Watson Funeral Services, LLC 10 Rosseter Street, Boston, MA 02121.

Chairperson Dawicki noted there had been a request to withdraw the application without prejudice. A motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.

Chairperson Dawicki read the request letter into the record and the board expressed no opposition to the withdrawal.

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

ITEM 2 – Case 37-16 - Eversource - Request by applicant for modification of Site Plan approval for

Case #03-16 from a liquid waste disposal and recycling facility to an energy supplier corporate office, located in New Bedford Business Park at 50 Duchaine Boulevard (Map 134, Lots 456, 457, 458 & 459) on a 58.14+/- acre site in the Industrial C (IC) zoning district. Applicant: NStar Electric (A/K/A Eversource Energy), 247 Station Drive, Westwood, MA 02090.

Christian Farland, Farland Corp., stated the property before the board shown on site plans as drawn for Parallel Products had been sold to Eversource. Eversource is now looking to relocate from Macarthur Boulevard, New Bedford to the New Bedford Business Park. Plans were passed out to board members.

A motion was made (KD) and seconded (AG) to receive and place on file. Motion passed unopposed.

Mr. Farland displayed the plan, showing areas that had been previously approved by the board. The 29.5 acre property in the industrial Park is located some 1,300' off the public way. He stated the property is surrounded by bordering vegetative wetlands, and as such a Notice of Intent application has been filed with Conservation.

Mr. Farland noted that the major change in tonight's plan from the plans previously approved is that Eversource proposes to demo 21,000 s/f at the northwesterly corner, to be replaced with asphalt. He stated that Eversource needs a lot of storage area on site for vehicles and equipment. Mr. Farland stated that as a result of that the size of the storm water basin was therefore increased. He stated the area to the south essentially remains the same except for the Cultec subsurface system rather than an open basin.

Mr. Farland stated that the entire storm water system was designed in accordance with DEP requirements. He noted that the landscaping had essentially remained the same. He stated they are proposing street trees along the frontage road and at the main entrance.

Mr. Farland stated that all utilities, water, et cetera, are remaining the same. He noted that all DPI comments were fine. He added one other difference from the original plan, which is that the area will be secured with a security fence around the entire perimeter. He stated the area in the back, i.e. dumpster locations, remain the same. He stated there weren't many changes to the previously approved plans and the applicant feels this is another great addition by having Eversource stay in the city and relocate to this vacant building.

Board Member Duff noted a staff comment regarding parking space size. Mr. Farland stated he has always preferred the 9x18 parking space and 24 drive aisle width. He stated he would ask for a waiver, as space is limited and a larger space will only add more impervious area.

Board Member Duff inquired as to how many trees were being added along the drive entrance. Mr. Farland stated twelve.

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, Derek Santos of the Greater

New Bedford Industrial Foundation, Purchase Street, New Bedford, stated the foundation had reviewed the modifications to the proposed plan and are in approval of the “tweaks” needed to accommodate Eversource. He stated this old portion of the Polaroid campus, as stated, cannot be seen from the public way. He stated that the Industrial Foundation is excited and fully supportive of this project moving forward, not just for job growth in the business park, but that this relocation from the waterfront will open that parcel of land for new development.

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

With brief discussion about parking space size, it was noted that though the city standard, it is believed to be within the board’s purview to allow for that, most especially when off of a city street/right of way. Ms. Clarke stated she did not know of any variance requirement for the allowance of the space size requested.

Ms. Clarke advised the board that the original plans submitted indicated a 22’ wide aisle, not 24’. She stated that if the board is considering the change, the final plans should reflect the same.

Mr. Farland, in response to Board Member Duff, stated it was his belief that some of the aisle widths are 24’ and others are 22’. He felt it was adequate for the location and the fact that that space is generally for employee parking only.

After a brief discussion on condition content, a motion was made (KD) and seconded (AG) to approve, with conditions, a request by applicant for site plan modification for Case #03-16 from a liquid waste disposal and recycling facility to an energy supplier corporate office, located in New Bedford Business Park at 50 Duchaine Boulevard (Map 134, Lots 456, 457, 458 & 459) on a 58.14+/- acre site in the Industrial C (IC) zoning district.

The Planning Board found this request to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, Section 5400, and as a result of such consideration the Board moved approval with the following conditions:

- That the Applicant be allowed for parking spaces of 9’x18’ with a 24’ aisle in some instances and a 22’ aisle in other instances. The Board finds this is acceptable given that the parking lot is not off of a public way and is principally for employee parking;
- That the project abide by any rulings from the Conservation Commission, now in process and due to be heard again this month;
- That the project shall be undertaken according to the plans as 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 dated 12/8/16, and that the Planning Board incorporates the DPI memo as part of these conditions;

- That the applicant shall ensure that any plan corrections identified by the Planning Division shall be completed and presented on the final plan set and/or PACE documents;
- 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 these plans are properly submitted to the Department of Public Infrastructure;
- That the applicant shall provide a copy of the Notice of Decision certifying no appeal has been brought forward signed by the Office of the City Clerk for the Planning Division case file folder;
- That 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;
- That 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.

Motion passed 4-0.

Board Member Cruz entered at 6:32 p.m.

ITEMS 3-5 – Family Dollar Store

Case #38-16 - Request by applicant for Site Plan approval for new construction of commercial retail located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district. Applicant: Hunt Real Estate Services, Inc., 5100 W. Kennedy Blvd, Ste. 100, Tampa, FL 33609.

Case #39-16 - Request by applicant for Special Permit for Parking Reduction located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district.

Case #40-16 – Request by applicant for New Ground Sign located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district.

Richard Rheaume of Prime Engineering noted that there were a number of suggestions from the board at the last hearing on site plan modification and on building elevations, as well as a DPI letter with suggested changes. He stated they had addressed the changes.

A motion was made (KD) and seconded (AG) to receive plan changes. Motion passed unopposed.

Mr. Rheaume displayed the change in the trash compactor location change, as suggested by the board. He noted the change which now makes a continuous sidewalk. He noted the addition of bike racks. He stated that Note 6 on the Demo Plan noted that the monitoring wells had to be decommissioned at the start of construction, and per planning board request straw bales will be used. He noted the addition of a catch basin at the entrance to capture drive way run off.

Mr. Rheaume stated that per DPI request, the driveway filets were removed and replaced with a

transition curb. He referenced Note 7, and suggested that Items 4 & 5 [under DPI Comments] should be conditions of approval. He referenced the other DPI comments, including the option to consider tying into a water main up Swift Street instead of Orchard.

Mr. Rheume covered the additional trees requested and the C5 sheet showing a 10' separation between water and sewer.

He stated the plans incorporate the requested changes and he asked the board accept the plans as an official submittal.

Ms. Clarke asked for a clarification on whether the revision date of 12/30/16 on the plans was accurate. Mr. Rheume confirmed it was.

In response to Board Member Duff, Mr. Rheume stated two additional street trees were added. He again discussed the power line problem which had prompted the applicant to pull the trees onto their site. He stated DPI wants them back under the power lines. He stated there are still trees remaining on their site in addition to those moved under the power lines.

Mr. Rheume provided the requested truck turning movements. A motion was made (KD) and seconded (AG) to receive the document. Motion passed unopposed.

Ms. Dawicki referenced the lighting and lighting timing requested. Mr. Rheume stated it does not show on the plan and was assumed it would be a condition of approval.

Mr. Rheume stated they had no new submission on the sign, but did have new elevations.

In response to Board Member Cruz, Mr. Rheume explained that soil would be kept on site or on the adjoining site. He explained that geotechnical conditions require the applicant to dig 15' down and then compact back up. He stated any unsuitable material will be taken out, but excavating soil will remain on site. Mr. Rheume explained they have a Health & Safety Plan and a Soil Management Plan, as well as a RAM Plan.

Mackenzie Simpson, representative for the real estate developer, displayed the photo board shown at the meeting on December 14, 2016. He displayed a revision board with regard to breaking up the side of the building, showing the proposed vinyl siding sample, as well as fenestration changes and an awning to enhance the side facing the park. He stated that Nichiha brick samples will be available tomorrow. He asked approval on this revised architectural design. He welcomed comments.

Mr. Simpson stated that there had been discussion with the retailer regarding the sign. He stated the submitted pylon sign meets New Bedford Code. He stated the project had started two years ago, and code checks were done and costs were drawn up in consideration of the same. He displayed a photo of the local surrounding area, which he stated shows a precedent for pylon signs on Cove and Orchard Streets. He stated the retailer is pushing for the pylon sign. He stated shrubs can be installed around the bottom of the sign, but that the pylon sign is fair based on the city code.

In response to Board Member Duff, Mr. Simpson could not explain faux brick other than to say Nichiha fiber cement, again noting the sample would be available the following day. Board Member Duff inquired as to whether it was cement based or vinyl based, and whether it was a petroleum product or a masonry product. Mr. Simpson could not answer.

Board Member Duff inquired as to the building materials shown on the original elevations submitted. Mr. Simpson stated that instead of vinyl clapboard siding look, the material is Nichiha brick-look. He stated the face had a cinder block look originally, and now has Nichiha panels and a vintage whitewash brick look to try to match the surrounding neighborhood look.

Board Member Duff felt it misleading that the two signs were the same size and suggested the sign on the side of the building be made much smaller, as it is not the entrance. She also expressed a preference for a masonry base wrapping around the building, so that it is continuous and not broken up. She stated she prefers a HardiePlank clapboard as opposed to vinyl siding. She requested the scale for the pylon sign proposed.

Mr. Simpson stated he did not have elevations, and had taken the photos from Google Earth. A motion was made (KD) and seconded (AG) to accept the photographs. Motion passed unopposed. Ms. Dawicki requested the plan of the sign if available.

Board Member Duff stated that the Shaw's Plaza sign was really associated with the large development along Cove Street, and the sign was more in scale with that development.

Mr. Simpson noted the Wings Auto sign right across from the applicant's site. He stated the proposed sign, at 3 x 8 x 6, is one of the smallest Family Dollar signs he has ever seen developed.

Mr. Glassman commented that the Shaw's sign had more of the look he felt the board was looking for.

Mr. Simpson noted that compromise is important and he was trying to judge what was top priority with the board, noting the changes already done as requested. He stated he understood the remaining issues to be the fenestration on Orchard Street and the pylon sign, and inquired as to which of those was most preferred by the board.

Board Member Duff stated she was not looking for fenestration to be added, but for the finish to be consistent. She again recommended the vinyl changed to clapboard with the masonry base continued around the building, emphasizing the historic nature of Orchard Street. Board Member Cruz agreed.

Mr. Simpson noted that the developer has certain materials and providers, and the clapboard presents maintenance issues. Board Member Duff clarified that she wanted cement board, not wood, and gave examples of the same that often come with a comparable warranty.

Board Member Duff asked for clarification on the scale of the duct work to be painted. Mr. Simpson stated they were HVAC units, and he believed it was the metal that got painted, which in his

experience blends in nicely. He also responded that he believed the cement bollards are covered in a plastic sleeve.

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

In response to Chairperson Dawicki's invitation to speak in favor, Derek Santos of the New Bedford Economic Development Council stated he was again present to speak in favor of this first project at this site. He acknowledged that the applicants had made all of the changes requested and noted that while the sign proposed is perhaps not the sign desired, it is within current zoning rules. Mr. Santos noted the masonry component and wrapping the building as an important factor in future development. He asked staff to examine any samples to determine what would work with future projects in this red brick building area, especially the school and Thompsons' Department Store. He agreed that HardiePlank would be an excellent choice. With regard to compromise, he noted that many of the area homes are vinyl sided and felt that trim and details would blend the building to the neighborhood.

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

In response to Chairperson Dawicki's invitation to speak or be recorded in opposition, Helder Almeida, Mount Pio, stated he was not in favor of the vinyl siding, having put brick on his building. He stated he had concerns about graffiti on the building, and asked about the height from the sidewalk to the vinyl. He noted the 2' drain line mentioned at the last meeting and he inquired as to who was paying for this line. Mr. Almeida stated the traffic study was done based on the current number of children in the school, which is expected to double with the new school building. He felt putting a beautiful new school building next to a vinyl building is a shame. He stated he had heard that the project is already approved and already going through, and he is probably wasting his time. He mentioned Angela Johnston with the New Bedford Economic Development Council who told him there are many grants coming to the Rivet Street area and she hopes to open more small businesses on Rivet Street. Mr. Almeida stated this project will kill small business. He stated he feels the city will get this land by eminent domain, and it will "cost us more in the future."

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

John Pereira of 24 Jocelyn Street New Bedford spoke as one of the owners of the development. He stated that after meeting with DPI and learning the current storm drain is collapsing, they will be paying a considerable expense for the storm drain all the way down to the Unite Fisherman Club. He noted these are behind the scenes concessions people don't consider or know. He stated that vinyl is much easier to remove graffiti from than brick.

Rich Rheaume stated the transition from brick to vinyl is slightly above the height of the doors and he approximated it would be about 7' from the sidewalk to the red stripe.

Chairperson Dawicki thanked Mr. Santos for his comments, reminding the board of the anticipated future development of the Goodyear Site, and therefore the consideration of the precedence being set in their decision. She also noted the predominantly red brick in the area as opposed to white wash.

She suggested they revisit the continuity of the masonry and the sign. She noted her concern about a row of pylon signs when the site is further developed, and suggested more of a compromise, again referencing the Shaw's sign.

Board Member Duff noted that Nichiha is a fibrous cement and not a petroleum product, reinforcing her recommendation to not use vinyl but to be consistent in the building materials and use a fibrous cement clapboard above the fibrous cement brick panel. She also noted her desire to see the colors reflect more of the richness of the historic brick in the area, and reiterated her desire to see the 3'6" brick panel continue around the building. She agreed with sign suggestions and stated a curved top with two pillars would be nice.

Mr. Simpson stated the HardiPlank is not one of Family Dollar's materials, where the vinyl is. He stated they will concede on a smaller sign facing Swift Street. He stated wrapping the building changes the budgeted costs, and he was hopeful they could wrap with the faux brick. Mr. Simpson inquired as to the grounds upon which the board was standing regarding the sign meeting code, with the board demanding more than the code.

Chairperson Dawicki stated the board strongly encourages the applicant think outside the box and consider working with the board to make the sign what the board hopes to see. Chairperson Dawicki stated there is a reason the sign ordinance is being worked on so that it more reflects where the city is at and what the board's vision is. She stated they are hopeful they can point to the sign the applicant produces as a standard going forward. She again stated considering future development as row of pylon signs is not the optimal vision to be achieved. She noted the amount of signage on the building.

Board Member Duff added that codes do not design the building, but merely provide a framework. Site plan review is to make certain the project fits within the context and vision and work being done for our historic port city.

Chairperson Dawicki acknowledged Mr. Simpson's difficult space as the middleman. She stated she was encouraged seeing the various signs Family Dollar has used in the past.

Mr. Simpson encouraged the planning board consider compromise as well, and requested the sign issue be another condition of approval, as contractual obligations make a decision this evening imperative for the petitioner. He stated if they are willing to make the Swift Street sign smaller to match Orchard Street, wrap the Orchard Street side in faux brick on the bottom, leave the back of the building vinyl, and concede on a monument sign, he respectfully requested the board make the changes conditions of approval and approve the plan as presented this evening. He stated they do not have the ability to do a HardiePlank. He added that he had concerns about a monument sign in a New

England winter getting hit, but that if that is what the board wanted Family Dollar would have to accept it.

Board Member Glassman stated he felt the applicant was showing good faith.

Chairperson Dawicki suggested giving the applicant guidance on the parameters of the sign so it was not necessary to reappear.

There was board discussion on the sign parameters, i.e. height from the ground, masonry components, et cetera.

There was board discussion with regard to vinyl on the rear of the building and the cement fiber brick look panel on the remaining three sides. Board Member Duff suggested incorporating the base of the monument sign with a corresponding cement fiber.

Chairperson Dawicki noted that Ms. Clarke had informed her that city code has a definition of a ground sign that the applicant could use as the outer limits; i.e. a monument sign that conforms to city regulations pursuant to the city definition of ground signs. The board concurred drawing the building colors into the monument sign.

Chairperson Dawicki noted the sign and the request for parking reduction were separate votes.

In response to Board Member Cruz, who requested granite be brought into the site and then dead-end inside the site. Mr. Rheume stated that DPI refused the file. Mr. Cruz suggested two pieces of granite at site entrances from the property line 12' into the site. Mr. Rheume agreed.

There was brief board discussion regarding the reduction of parking.

After discussion on conditions for approval, a motion was made (KD) and seconded (AG) regarding Case #38-16 to approve with conditions a request by applicant for site plan approval for new construction of commercial retail located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district.

The Planning Board found this request to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, Section 5400, and as a result of such consideration the Board moved approval on the subject application with the following conditions:

- That all lighted signage on the building be turned on no sooner than one hour before opening, and be turned off no later than one hour after closing;
- That the sign as proposed on Swift Street be reduced to the size of the sign along Orchard Street;
- That the Nichiha fiber cement faux brick paneling material be continued on three sides of the building; namely, the south side facing the parking lot, along Orchard Street, and the north side of the elevation as proposed along Swift Street, with the Orchard Street side being reduced to a height of 3'6";

- That the site contain granite curbing on the straight run section as one comes into the site off of Orchard Street and off of Swift Street, to match up with the vertical concrete curbing in the site;
- That the colors of the cement fiber faux brick panels and the vinyl siding be selected and reviewed by the planning staff;
- That the project shall be undertaken in a manner consistent with the memorandum from the Department of Public Infrastructure dated 12/7/16, and that the Planning Board incorporates the DPI memo as part of these conditions;
- The applicant shall ensure that any plan corrections identified by the Planning Division shall be completed and presented on the final plan set and/or case documents;
- 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 these 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 signed by the Office of the 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.

Motion passed 5-0.

A motion was made (KD) and seconded (AG) regarding Case #40-16 to approve with conditions a request by applicant for New Ground Sign located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district.

The Planning Board finds this request to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, Section 5400, and as a result of such consideration the Board moved approval on the subject application with the following conditions:

- That the sign be reduced to a monument sign and designed within the guidelines of the city's ground sign regulations, and that the design of the sign be approved by planning staff for the City of New Bedford, to include base material consistent with the base material of the building, Nichiha fibrous cement faux brick 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, and as modified by the conditions of this decision;
- That the regulations concerning the submittal be One 11x17 plan set and a USB;
- That any accommodations from DPI be the same as were read on the site plan approval.

Motion passed 5-0.

A motion was made (KD) and seconded (AG) regarding Case #39-16 to approve a request by applicant for Special Permit for Parking Reduction from 46 to 32 spaces on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district.

This application has been found to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, Section 5300, because the board found that the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In consideration of the following sections, the board found the request to be reasonable and considered:

- Social, economic and community needs served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and social structures;
- Impacts on the natural environment;
- Potential fiscal impact, including impact on city services, tax base, and employment.

Motion passed 5-0

5.) OLD/NEW BUSINESS

Ms. Clarke informed the board that notices from abutting communities of Freetown and Fairhaven were received regarding meetings to be held. She stated the City of New Bedford sent a letter to Massachusetts Department of Energy and Environmental Protection for a modification to continued construction on Route 18 to replace several live trees, which will be at a greater ratio. She stated they await acceptance of the modification. She noted the documents were available for public review in the Planning Division Office.

6.) ADJOURNMENT

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

Meeting adjourned at 7:45 p.m.

NEXT MEETING
Wednesday, February 8, 2017