



Planning Board

December 14, 2016 – 6:00 PM **MINUTES**

New Bedford City Hall, Public Meeting Room 314, 133 William Street

MEETING MINUTES

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*

CALL TO ORDER

Chairperson Dawicki called the meeting to order at 6:02 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 November 16, 2016 meeting minutes. Motion passed unopposed.

PUBLIC HEARINGS

As requested, a motion was made (PC) and seconded (AG) to take the agenda out of order to continue cases. Motion passed unopposed.

ITEM - 1 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.

Chairperson Dawicki read into the record a letter from Farland Corporation 12/13/16 requesting a continuance of this matter to the January 11, 2017 meeting.

A motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.
A motion was made (KD) and seconded (AG) to continue the public hearing on this matter to the January 11, 2017 meeting. Motion passed unopposed.

ITEM 2 – 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 read into the record a letter from Farland Corporation 12/22/16 requesting a continuance of this matter to the January 11, 2017 meeting.

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

A motion was made (KD) and seconded (AG) to continue the public hearing on this matter to the January 11, 2017 meeting. Motion passed unopposed.

ITEM 3 - Case #35-16- 331-337 Wood Street - Request by applicant for Site Plan approval for an extension of an existing multi-family residential structure on a 3,400 SF site located at 331-337 Wood Street (Map 117, Lot 26) in the Residence B (RB) zoning district. Applicant's agent: CDBS-A Division of Integrated House Wrights, Wareham, MA.

ITEM 4 - Case 36-16: 331-337 Wood Street – Request by applicant for Special Permit for Parking Reduction on a 3,400 SF site located at 331-337 Wood Street (Map 117, Lot 26) in the Residence B (RB) zoning district. Applicant's agent: CDBS-A Division of Integrated House Wrights, LLC, P.O. Box 578, W. Wareham, MA 02576-0578.

Armando Pereira, Comprehensive Design Build Services explained that the subject two story structure sits on 3,200 s/f now zoned RB use. The first floor has a residential unit and a commercial repair shop. The applicant is seeking to make the commercial space a two-bedroom residential unit. He stated there are similar structures in the immediate area. He stated this change will reduce the neighborhood travel impact and restore the residential use of the neighborhood. He stated the applicant is also seeking parking relief as they have only four available spaces.

Mr. Pereira noted some planned changes, such as the windows, and added that all other renovations are to the interior of the building and only on the first floor. He displayed and discussed the floor plans. He stated the project fits into the neighborhood character and will require no additional city services.

In response to Ms. Dawicki, Mr. Pereira stated they plan to maintain the present gravel parking area.

Ms. Clarke clarifies that there is no zoning change involved and it will remain an RB zone.

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 in favor.

The following asked to be recorded in favor:

John Pereira, 24 Jocelyn Street, New Bedford.

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.

Chairperson Dawicki reviewed the considerations for the board related to the allowance of requests for parking reductions. She also noted the applicant's five waiver requests for site plan review, of which the staff comments recommended approval. (drainage, landscaping and utility plans, etc.)

After brief discussion, a motion was made (KD) and seconded (AG) regarding Case #35-16 to approve a request by applicant for site plan approval for the expansion of the existing multifamily residential structure on a 3,400 SF site located at 331-337 Wood Street in the Residence B (RB) 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 such, the Board moves approval with the following conditions:

- That the Board recommends waiving the applicant's five requested waivers;
- That the project be executed according to the plans as submitted;
- 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;
- 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 5-0

A motion was then made (KD) and seconded (AG) with regard to Case #36-16, to approve a request by applicant for Special Permit for parking reduction on a 3,400 SF lot located at 331-337 Wood Street in the Residence B (RB) zoning district, for a reduction from the required six (6) spaces to four (4) provided.

Motion passed 5-0

ITEM 5 – Case 38-16: Family Dollar Store - 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.

ITEM 6 - Case 39-16: Family Dollar Store – 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. Applicant: Hunt Real Estate Services, Inc., 5100 W. Kennedy Blvd, Ste. 100, Tampa, FL 33609.

ITEM 7 - Case 40-16: Family Dollar Store – 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. Applicant: Hunt Real Estate Services, Inc., 5100 W. Kennedy Blvd, Ste. 100, Tampa, FL 33609.

Richard Rheume of Prime Engineering introduced representatives from Hunt Realty. He explained proposal for a 9, 180 SF retail store as close to the streetscape as possible. He gave orientation of the plan and surrounding structures. He then went over the landscape plan with two-way driveways on Swift and Orchard Streets. He

explained the east to west drop that required the building be set a little high off the street. He explained the handicap access route.

Mr. Rheume provided elevation views and noted the southerly main entrance. He then went over the lighting and drainage plans. He noted the required installation of a pipe to the Fisherman's Club to reach the private storm drainage system per DPI. Mr. Rheume then addressed traffic.

In response to Board Member Duff, Mr. Rheume again explained the handicap access and elevations, as well as ramps locations. He noted that the applicant will rebuild sidewalks, with a grass strip, street trees, and proper ramps.

In response to Board Member Cruz, Mr. Rheume reviewed the traffic study conducted, explaining peak traffic. Mr. Rheume stated there were no significant queuing issues.

In response to Board Member Duff's concerns about the neighborhood characteristics surrounding this proposed structure. Mr. Rheume stated the building is a standard prototype for Family Dollar and that the landscaping plan attempts to soften the façade.

Board Member Glassman noted the location of a Dollar General in an area of the city that has 5-6 other businesses with the same style buildings, which allows it to fit into its location. He, too, expressed concern about this building fitting into the selected neighborhood. Mr. Rheume stated there is much development anticipated in that immediate area of the old Goodyear site, this project being the first.

Board Member Duff suggested modifying the building to more appropriately fit the area surrounding the site. She noted the community involvement with relation to development in this section of the city. She inquired of efforts and considerations made to work within the contextual character of the area.

Kathleen Hess of Hunt Real Estate stated the retailer standard prototype is a front façade only with three metal sides. She stated in this case modifications were made and the sides were also finished due to street visibility. She stated she can provide samples of the stone finish. She stated considerations were also made regarding sign and tree placements. In response to Ms. Duff and Mr. Cruz, Ms. Hess expressed a willingness to look into alternative colors, such as brick. She also noted that the printer does not provide true colors or textures.

Ms. Dawicki encouraged Ms. Hess to research alternatives in stores, such as one in Wyoming where they used cedar siding. Ms. Hess explained the alternatives are not unlimited and they are trying to blend in with the park and the neighborhood. She also mentioned the hidden costs that the community is not aware of, such as the long storm pipe needed because of old infrastructure.

In response to Ms. Dawicki, Mr. Rheume stated they had no problem with the DPI comments. He also stated they would be using vertical concrete curbing. In response to Mr. Cruz, Mr. Rheume responded that the applicant would not be willing to use granite curbing, even at just the entrance, it being a transition curb. It is now bituminous concrete. Ms. Dawicki noted a desire for some sort of crosswalk.

In response to Board Member Duff, Mr. Rheume stated they would provide bike racks, and discussion ensued about the types the board wishes to be used.

With regard to parking and circulation, it was stated that the entrances are approximately 140' from the intersection.

In response to Board Member Duff, Mr. Rheume stated the trash area screening will be a chain-link fence with

vinyl slats. He explained the travel path for trash vehicles. Ms. Duff suggested moving the trash area more internally into the site. The applicant agreed to the same.

There was discussion on handicap ramps to be installed on the street corners.

In response to Board Member Cruz, Mr. Rheume explained the circulation for tractor trailers. Ms. Hess noted that the retailer has once a week delivery via their own trucks. Mr. Rheume stated there were no circulation issues for trucks within the site, and that the issue was more with maneuvering the city streets.

With regard to landscaping and lighting, Mr. Rheume stated the light location are shown. He also provided the fixture plans.

In response to Board Member Duff, Mr. Rheume stated the lights will turn off after closing.

Board Member Duff stated that the relocation of the trash area would allow for more greenery. Mr. Rheume stated that some could be added. Mr. Rheume stated that some trees will be put on their property to avoid problems with the power lines, and they may use a smaller species.

Ms. Dawicki confirmed that the roof will be white metal.

With regard to drainage, Board Member Cruz confirmed that the applicant is tying into the existing 24" and easements will be provided to avoid tearing up all of Orchard Street. Board Member Cruz expressed a concern regarding catch basins on the site, and the water not being picked up in the accessible parking area and site drive. Mr. Rheume explained the drainage plans and storm water treatment system, and agreed to another catch basin to address the concern.

In response to Board Member Glassman, Mr. Rheume noted the snow storage areas on the plan.

Board Member Cruz inquired as to tracking material into the city streets, based on concern about impacted soil on the site. Mr. Rheume stated that geotechnically unsuited material will be dug, sifted and disposed of. There was further discussion regarding the assurance that the materials stay on-site, especially with a school and park across the street. Mr. Cruz suggested wheel washers and street sweepers. Mr. Rheume stated this being a listed site, it will require a soil management plan, with regular inspections and protocols, and acknowledged Board Member Cruz's concerns, noting it as a liability for the owners.

In response to Board Member Cruz Mr. Rheume foresaw a double series of straw bales and silk fence, as well as a diversion swale, to keep water from getting into the streets.

Chairperson Dawicki discussed the decommissioning of monitoring wells. Mr. Rheume agreed this would be a requirement outlined in the Department of Environmental Protection Remedial Action Measure Plan (RAM) and all the information would be available online.

With regard to the requested sign, staff comments noted substantial signage already on the building. Mr. Rheume stated that the placement of street trees affects visibility, and that is why they are looking for a sign perpendicular to the road. He stated this is a deal breaker for Family Dollar.

Board Member Duff disagreed and stated she felt the sign was completely out of character with the neighborhood. She felt the blank back of the building was perfect for signage visibility, and would be consistent with historic building signage.

Mr. Rheume stated the city ordinance and criteria are being met, and that the sign is actually smaller than what is allowed. Board Member Duff expressed that site plan review looks at the cultural character and considers the improvement and enhancement of the community and its character.

Board Member Glassman noted the low sign used at the Standard Times Building, rather than using a pylon sign.

Ms. Hess stated that each retailer deals with this from McDonalds to Walmart. She stated this is a sensitive issue for the retailer, who is making a huge investment in the neighborhood, and they insist we get the largest sign available to them by code. She stated when sites are presented to the retailer, they are immediately provided a sign code telling them the signage allowed on their building and their pylon signs. She stated the standard preferred sign is 20' tall and much larger, but Family Dollar has approved what is before the board. Ms. Hess stated a change would require them to go back through the corporate process and real estate committee. She stated this code item is vetted out before approval of any site in the US.

Board Member Glassman stated if this site were on Rte. 6, he would agree. Ms. Hess noted that around the corner there are retailers with very similar signs. It was noted those signs are on Cove Road.

Board Member Duff noted this project is also a profit opportunity for Family Dollar, so the equation works both ways.

Mackenzie Simpson, site locator, stated there is already precedent by way of a similar signage at Shaws/Save a Lot on Cove Road and Orchard Street, which is directly across from the subject site.

Ms. Hess stated the retailer has two sign manufacturers in the entire country and therefore specific sign options, pylon or monument. They do not produce custom signs.

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, Helder Almeida, President of Monte Pio Corporation, across from the proposed site stepped to the podium. Mr. Almeida, a 35 year neighborhood resident, expressed concern about the ability of a 24" drainage pipe to handle water demands. He stated this will hurt mom and pop stores in the area. He stated that water coming down from Bolton Street to Swift Street will end up in his driveway. Mr. Almeida stated he appreciates development in the city, but this project presents child safety concerns for him. He is concerned about cars cutting through the Family Dollar driveway. He expressed concern about contaminants so close to a school, where children are always in the area walking and playing. He noted the same concerns for the children's summer programs at the park. He inquired with regard to previous plans to close Swift Street and incorporate it into the park. He expressed potential parking volume difficulties between Family Dollar and Monte Pio. He stated he had spent considerable money to make Monte Pio a beautiful brick building, and he is opposed to a metal building on the corner.

In response to Ms. Dawicki's invitation to speak in favor, Derek Santos of the New Bedford Economic Development Council stated he was present to speak in favor. He stated they had worked with the ownership group for 8-9 months. He stated this is just one corner of a larger site, and the goal is to support not only development of this corner but of the entire site and to have it fit within the neighborhood. He asked the planning board to consider that they had granted approval pending the design of the façade work, and he asked the same here. Having taken part in the charrettes, he stated the EDC is sensitive to the area buildings present, but acknowledge that the present proposal meets all zoning requirements. He asked the board to let the

project move forward as issues are addressed.

In response to Ms. Dawicki's invitation to speak in favor Attorney John Williams, one of three owners of the Goodyear site, as well as the Howland Place Building in the same area, addressed the board. He noted his vested interest and familiarity with the subject area. He stated that he and his partners have owned the site for 12 years, working with various administrations, as well as [retired Department of Public Infrastructure Commissioner] Ron LaBelle.

Att. Williams stated the city lacks "big box" retailers but for supermarkets, which he blamed in part on city regulations, such as sign regulations. He felt the regulations need to be changed, as everything project they've attempted to put on this site has run into problems. He stressed the importance of getting a development started on the largest undeveloped commercial site in the city.

In response to Ms. Dawicki's invitation to speak in favor, John Pereira of 24 Joycelyn Street, a co-owner of the property, stated that hearing that a sign could be the deal breaker is disheartening after owning the property for twelve years and paying taxes. He stated the petitioner is willing to work with the board, and while he understands the board concerns, he feels this area needs a jumpstart.

Ms. Dawicki and Ms. Duff clarified that the term "deal breaker" did not come from the board.

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

In response to Ms. Dawicki's invitation to speak in opposition, Helder Almeida amended his earlier comments and inquired as to when the property is expected to be cleaned up to add more businesses to the site.

The public hearing was suspended for petitioner's representative to address abutter concerns.

Mr. Rheume acknowledged contaminants in the property soil, but stressed that no cleanup is necessary to develop other portions of the property as retail or commercial. In addressing storm drainage, he stated that groundwater currently impacts Orchard Street, and the applicant will collect it and bring it down the street, resulting in less runoff. Mr. Rheume stated the sidewalk system and site visibility will be safe for the children, noting this is a commercial zoned property. He did not feel there was any increased danger to pedestrians or bicycles. With regard to the moving of polluted materials, he stated the material will be hauled from the site as "geotechnically unsuitable", i.e., wood and metal that could rust. Excess material could be temporarily stockpiled on the property. It will be pulled out, sifted and packed back in the ground, exactly like the Market Basket process, resulting in a clean site. He discussed the series of plans and documents submitted to DEP which are necessary to go forward with that process.

Board Member Duff clarified that roof water is collected and pumped underground.

Mr. Rheume stated the applicant is willing to work with the planning board to develop the exterior look of the building.

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

Discussion was had regarding outstanding issues and board concerns for the applicant to address, i.e. additional catch basin, bike racks, elevation and materials of the building, the proposed sign.

Ms. Hess sought to clarify the process to be used to further work with the board on the modifications the board is seeking, keeping in mind deadlines and other board appearances necessary for the applicant.

Chairperson Dawicki expressed that the board is bearing in mind the community's comments expressed in neighborhood planning sessions.

It was suggested that the applicant work with the planning staff, Ms. Clarke and Ms. Duff in the interim. It was also noted that this being the first developed project in that site area, it will set a precedent that will be referenced by all subsequent projects.

Board Member Duff expressed gratefulness for a design that puts the building at the streetscape, keeping the urban profile of the corner. She again suggested exploring the possibility of the monument sign the retailer has used on occasion.

Upon Ms. Clarke's clarification of the process, Mr. Rheume requested a continuance to the January 11, 2017 meeting.

Ms. Dawicki and Mr. Rheume discussed the applicant's request for waivers.

A motion was made (KD) and seconded (AG) to accept the applicant's request for a continuance on Cases # 38-16, #39-16 and #40-16 to the January meeting. Motion passed unopposed.

OTHER

Ms. Clarke informed the board that a notice was received regarding an environmental activity and use limitation at Bedford Village Apartment building on County Street, available in the Planning Office.

Ms. Clarke stated that notices from abutting communities had also been received, again, available for the public in the Planning Office.

Ms. Clarke informed the board that election of officers was due for chair, vice-chair and clerk, for a one year term beginning on January 11, 2017.

Board Member Glassman nominated Colleen Dawicki as Chair, Kathryn Duff as Vice-Chair and Alex Kalife as Clerk. The nomination passed unopposed.

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 8:22 p.m.

NEXT MEETING
Wednesday, January 11, 2017