



PLANNING BOARD
 City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
 (508) 979-1488
www.newbedford-ma.gov

CITY CLERKS OFFICE
 NEW BEDFORD, MA

2019 SEP 17 P 12:10

CITY CLERK

CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

| | | | | |
|--|----------------------|-------------------------------|--------------------|---------------------------|
| Case Number: 19-25 | | | | |
| Request Type: Site Plan | | | | |
| Address: 209 Theodore Rice Blvd. | | | | |
| Zoning: Mixed Use Business Zoned District | | | | |
| Recorded Owners: Beta Realty, LLC | | | | |
| Owner Address: 280 Ayer Road, Harvard, MA 01451 | | | | |
| Applicant: SITEC Engineering, Inc. | | | | |
| Applicant Address: 448 Faunce Corner Road, Dartmouth, MA 02747 | | | | |
| Application Submittal Date | | Public Hearing Date(s) | | Decision Date |
| July 10, 2019 | | September 4, 2019 | | September 4, 2019 |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 101 | 322 | 12310 | 189 | |

Application: Beta Realty, LLC. (280 Ayer Road, Harvard, MA 01451) for Site Plan approval for the construction of an additional parking lot on an existing 212,294 SF corner lot with a convenience store/gas station and drive-thru; located at 209 Theodore Rice Blvd (Map: 136 Lot: 322) in a Mixed Use Business zoned district.

Action: GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on September 17, 2019. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

9/17/2019
 Date


 Kathryn Duff, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Beta Realty, LLC. (280 Ayer Road, Harvard, MA 01451) for Site Plan approval for the construction of an additional parking lot on an existing 212,294 SF corner lot with a convenience store/gas station and drive-thru; located at 209 Theodore Rice Blvd (Map: 136 Lot: 322) in a Mixed Use Business zoned district.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

❑ Plan Set – “Proposed Convenience Store/Gas Station 209 Theodore Rice Boulevard, New Bedford, Massachusetts,” dated August 15, 2017 as revised through March 29, 2019. Plans were prepared by SITEC Engineering, Inc. of Dartmouth, MA and stamped by Steven Gioiosa, PE. They were received and stamped by the City Clerk’s office on August 9, 2019. The plan set consists of the following sheets:

- ❑ Cover Sheet
- ❑ Sheet #1 of 12 Site Layout
- ❑ Sheet #2 of 12 Locus Map
- ❑ Sheet #3 of 12 Site Grading
- ❑ Sheet #4 of 12 Landscaping Plan
- ❑ Sheet #5 of 12 Site Utilities
- ❑ Sheet #6 of 12 Site Lighting
- ❑ Sheet #7 of 12 Existing Conditions
- ❑ Sheet #8 of 12 Demolition Plan
- ❑ Sheet #9 of 12 Erosion Control Plan
- ❑ Sheet #10 of 12 Wetland Delineation
- ❑ Sheet #11 of 12 Detail Sheet #1
- ❑ Sheet #12 of 12 Detail Sheet #2

Other Documents and Supporting Materials

- ❑ Site Plan Review Application stamped received by City Clerk’s Office August 9, 2019.
- ❑ Certified Abutters List.
- ❑ Department of City Planning Staff Report dated August 26, 2019.
- ❑ Department of Public Infrastructure (DPI) comments dated August 30, 2019.
- ❑ Communication from Sarah Porter, Conservation Agent date stamped received August 28, 2019.

3) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife were in attendance at the September 4, 2019 meeting. Director of City Planning Tabitha Harkin and Staff Planners Jennifer Carloni and Rudy Botros were also present during the discussion.

Mr. Glassman made a motion, seconded by Mr. Cruz to open the public hearing. Motion passed unopposed.

Steven Gioiosa of SITEC Engineering, Inc. represented the owner/applicant with their request to modify a previously approved site plan. Mr. Gioiosa displayed an overview plan of the convenience store/gas station that was approved by the board approximately two years ago.

Mr. Gioiosa went on to explain that no waiver for the required parking was requested at the time of initial construction and from the early stages of the establishment it has become clear that more parking was necessary. There currently is insufficient parking during the lunchtime peak period.

Mr. Gioiosa also discussed the original construction of the building on the lot, which formerly housed an industrial building that the owners chose to demolish and downsize to a smaller building footprint. The ideal spot for the additional parking spaces, which all meet the city's dimensional requirements, is a grassy area on the west side of the building. Mr. Gioiosa went on to explain that this is the least disruptive area for construction activities and ideal for facilitating drainage and treatment of stormwater runoff.

A sidewalk and painted crosswalks were added to facilitate pedestrian access from Theodore Rice Boulevard to the entrance of the building. Landscaping was added along the perimeter of the curbed parking area. The new lot has a slight 1% grade from north to south, allowing stormwater runoff to drain south to a water quality treatment unit at the southern edge of the property adjacent to Theodore Rice Boulevard. This unit is underutilized. Runoff will not be directed to the public right of way but rather flow through the treatment unit and then onto sewer pipes underneath Theodore Rice Boulevard.

Original plans called for snow disposal areas in the area of the proposed additional parking spaces. Snow disposal areas will now be located on the north and west side of the new parking area.

Mr. Gioiosa concluded with an explanation that although all construction activity is outside of the 100' wetlands buffer, the applicant submitted an application for Conservation Commission review. Mr. Gioiosa met with Conservation Commission staff to discuss the drainage plan and they found that it was sufficient to allow the project to proceed without the need for an additional order of conditions. The plan was also submitted at a Conservation Commission public meeting where the board voted unanimously to approve of it.

Ms. Duff requested that the painted crosswalk shown in the plans running across Theodore Rice Boulevard to the Massachusetts Registry of Motor Vehicles, be made a little wider to which Mr. Gioiosa responded that they would attempt to accommodate this request if feasible.

Ms. Duff then read a letter from Don Rudnik, a trustee of Regal Realty Trust, the owner of the abutting property at 213 Theodore Rice Boulevard, west of 209 Theodore Rice Boulevard. Mr. Rudnik wrote that he is not opposed to the additional parking but requested a landscape buffer along the west side of the new parking lot adjacent to their property in order "to discourage pedestrians potentially gathering on that lawn area west of the new curb." He also wrote that, "the original building plans showed more of a landscape buffer, between our properties, toward Theodore Rice Boulevard than was actually planted."

In response Mr. Gioiosa stated that Mr. Rudnik's building is an industrial building 50 feet away however it might be possible to plant a couple of Evergreen trees along the property line. Mr. Gioiosa also explained that there is an existing fence between the two properties that the abutter controls which most likely needs to be replaced.

Ms. Duff was satisfied with this and replied that a formal landscaped area was not necessary and that a couple of Evergreen trees would provide a sufficient buffer.

Mr. Peter Cruz inquired if the proposed parking area would have lighting. Mr. Gioiosa explained that the parking spaces were primarily for lunchtime service and were most likely not going to get much use in the evening. However, there is enough spillover lighting, sufficient to provide some security. Mr. Cruz asked if it was possible to add additional lighting to the fixture between the existing and proposed parking areas if necessary, to which Mr. Gioiosa responded in the affirmative. Mr. Gioiosa also explained that there was lighting along the existing driveway entrance on Theodore Rice Boulevard and the western edge of the existing parking lot, that would provide additional spillover lighting.

Mr. Cruz then confirmed that the water treatment unit had the capacity to receive stormwater runoff from the proposed parking area.

Mr. Cruz also inquired about the erosion control plan during construction. Mr. Gioiosa responded that the site would have a very mild grade drop and silt fencing would be appropriate to mitigate any erosion.

Chairwoman Duff asked if Mr. Gioiosa had seen the Department of Inspectional Services comments regarding stormwater rules and regulations for redevelopment projects and a required meeting with DPI Engineering prior to the start of construction. Mr. Gioiosa responded that he had.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, no one in attendance spoke in favor or opposition of the petition or wished to be recorded in favor or opposition of the petition.

Mr. Glassman made a motion, seconded by Mr. Cruz to close the public hearing. Motion passed unopposed. The board briefly discussed the case and conditions before voting.

4) DECISION

Board Member Glassman made the motion, seconded by Mr. Cruz to approve Case #19-25: Beta Realty, LLC. (280 Ayer Road, Harvard, MA 01451) for Site Plan approval for the construction of an additional parking lot on an existing 212,294 SF corner lot with a convenience store/gas station and drive-thru; located at 209 Theodore Rice Blvd (Map: 136 Lot: 322) in a Mixed Use Business zoned district.

The approval is subject to:

Specific conditions:

1. Applicant shall work with DPI to locate and paint a crosswalk across Theodore Rice Blvd.
2. Design must be revised as necessary to meet DPI Comments;
3. Plans to include a western edge staggered landscaped buffer of at least two columnar Evergreen trees.

General Conditions:

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
3. The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
4. The applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
5. The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.

6. 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.
7. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
8. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

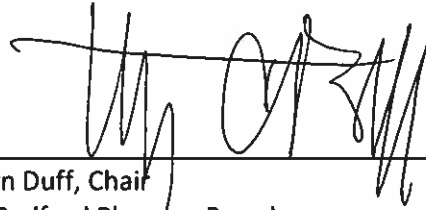
Board Chair Duff – Yes
Board Member Glassman – Yes

Board Member Khazan – Yes Board Member Kalife – Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

9/17/2019

Date



Kathryn Duff, Chair
City of New Bedford Planning Board

