



PLANNING BOARD
 City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
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CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2019 JUL -1 P 3:05
 CITY CLERK

NOTICE OF DECISION

| | | | | |
|---|----------------------|-------------------------------|--------------------|---------------------------|
| Case Number: 19-18 | | | | |
| Request Type: Site Plan | | | | |
| Address: ES Braley Road | | | | |
| Zoning: Mixed Use Business Zoned District | | | | |
| Recorded Owners: Michael F. Adamowski, Trustee of The Braley North Realty Trust | | | | |
| Owner Address: 70 Lambeth Street New Bedford, MA 02740 | | | | |
| Applicant: The Braley North Realty Trust | | | | |
| Applicant Address: 70 Lambeth Street New Bedford, MA 02740 | | | | |
| Application Submittal Date | | Public Hearing Date(s) | | Decision Date |
| May 10, 2019 | | June 28, 2019 | | June 28, 2019 |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 136 | 309 | 5577 | 11 | |

Application: The Braley North Realty Trust (70 Lambeth Street New Bedford, MA 02740) for Site Plan approval for new construction of a 2,800 SF commercial building with drive-thru; located at ES Braley Road (Map:136 Lot: 309) on a .69+ acre site in a Mixed-Use Business [MUB] 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 July 2, 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.

7/1/2019
 Date



 Kathryn Duff, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

The Braley North Realty Trust (70 Lambeth Street New Bedford, MA 02740) for Site Plan approval for new construction of a 2,800 SF commercial building with drive-thru; located at ES Braley Road (Map:136 Lot: 309) on a .69+ acre site in a Mixed-Use Business [MUB] zoned district.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

☒ Plan Set – “Proposed Commercial Development Braley Road New Bedford, Massachusetts” dated March 27, 2019. Plans were prepared by SITEC, in Dartmouth, MA and stamped by Steven D. Gioiosa, PE. The plan set consists of the following sheets:

- ☒ Cover Sheet
- ☒ Sheet 1 Site Layout
- ☒ Sheet 2 Locus Map
- ☒ Sheet 3 Grading & Utilities
- ☒ Sheet 4 Landscape/Lighting Plan
- ☒ Sheet 5 Existing Conditions
- ☒ Sheet 6 Erosion Control Plan
- ☒ Sheet 7 Detail Sheet #1
- ☒ Sheet 8 Detail Sheet #2

☒ The architectural plan submission is dated 2/25/2019. Plans were prepared by Moniz Design, unstamped. The plan set consists of the following sheets:

- ☒ Sheet A-1.0 Elevations
- ☒ Sheet A-1.0 Floor Plan, Foundation Plan, & Elevations

Other Documents and Supporting Materials

- ☒ Site Plan Review Application stamped received by City Clerk’s Office May 10, 2019
- ☒ Certified Abutters List
- ☒ Department of Planning, Housing & Community Development Staff Report dated June 17, 2019
- ☒ Department of Public Infrastructure (DPI) Comments dated June 7, 2019
- ☒ Communication from Sarah Porter, Conservation Agent date stamped received June 10, 2019.

3) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan were in attendance at the June 18, 2019 meeting. City Planner Tabitha Harkin and Staff Planners Jennifer Carloni and Rudy Botros were present during the discussion.

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

Mr. Steven Gioiosa, SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA 02740) presented the proposal on behalf of The Braley North Realty Trust (70 Lambeth Street New Bedford, MA 02740). Mr. Gioiosa oriented the board to the site location, describing it as located off the Route 140 interchange at Braley Road. Directly across from the recently developed gas station and convenience store located at the entrance to the Industrial Park.

He explained a previously permitted development of the site had begun but was not completed. The current proposal for a two-tenant building he described as being similar to the previously permitted proposal. He detailed the current proposal would have: a new 2,800 SF building, a two-way entrance driveway, an ADA accessible parking space, a new crosswalk marked across Braley Road, landscaping around the building, street trees installed per DPI’s requirements, new LED down shielded lighting, and stormwater quality filters and an on-site recharge system would

be installed. He noted the parking complies with zoning and exceeds the required number of spaces. He also noted the billboard on the property would likely be removed once a new signage is needed and designed for the site.

Mr. Gioiosa informed the board that the previous Conservation Commission permit had expired however most of the work had been completed as required. They would be seeking a new permit with the commission as part of this project.

In response to a question from Chairwoman Duff about the condition of the fencing atop the retaining wall, Mr. Gioiosa offered the applicant would replace the chain-link fencing.

Mr. Glassman commented that a retail use would be appropriate for the site however a fast-food service like a donut shop with high traffic demand would not work as there is not enough room on the site or the adjacent roadway for that level of traffic.

In response to the comment Mr. Gioiosa explained no specific tenants have been identified yet but the developer anticipates attracting a small retail tenant and/or a small restaurant. The restaurant would not be fast-food but have a pick-up window for take-out orders called in ahead of time.

Chairwoman Duff noted that the drive-thru use would have to come back before the Planning Board and the Zoning Board of Appeals for further permitting once a tenant has been identified, if they plan to use the drive-thru window.

There was a brief discussion about the ownership of the billboard sign. It was noted as being unclear who owned the sign and it was noted there was no lease the current owner was aware of.

The board briefly debated the possibility of additional greenspace on the site but recognized the circulation of the site would be impacted.

Chairwoman Duff inquired how a pedestrian using the new crosswalk would access the site. Mr. Gioiosa offered that a pathway could be added from the sidewalk near the crosswalk ramp through the landscape, then marked across the parking lot, to align with the handicapped space. The board indicated they were amenable to that suggestion and would make it a condition of approval. The board additionally requested a pedestrian crossing and advance warning sign be added per the Manual of Uniform Traffic Control Devices (MUTCD) guidelines.

Mr. Gioiosa agreed to the board's requests for several additional board requested items. He agreed to shrubbery rather than lawn behind the dumpster for easier maintenance and site aesthetic; to use a silt fence and straw wattles for erosion control; to use a clapboard solid siding material instead of vinyl; to add a stop bar at the end of the drive-thru lane; and to replace the chain-link fencing atop the retaining wall.

Mr. Gioiosa reviewed the lighting plan noting wall pack lights are proposed of the rear and parking lot lights in the front.

It was noted the proposed grease trap proposed would require a maintenance contract with DPI.

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

In response to Chairperson Duff's invitation to speak or be recorded in opposition, no one in attendance spoke in opposition of the petition or wished to be recorded in 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 #19-18: ES Braley Road – Request by applicant for Site Plan approval for new construction of a 2,800 SF commercial building with drive-thru; located at ES Braley Road (Map:136 Lot: 309) on a .69± acre site in a Mixed Use Business [MUB] zoned district. Owner/Applicant: Braley North Realty Trust (70 Lambeth Street New Bedford, MA 02740).

The approval is subject to:

Specific conditions:

1. Design must be revised to meet DPI Comments;
2. The building siding is to be Hardy Plank, Boral, or similar solid planking;
3. A stop bar is to be installed at the end of the drive-thru lane;
4. Silt fence and wattles are to be used for erosion control;
5. Shrubs are to be planted to the rear of the dumpster;
6. The existing chain link fencing is to be replaced;
7. The applicant is to provide pedestrian access from the sidewalk through the site; it is to align with the unloading area of the handicapped parking space;
8. A pedestrian crossing sign and advanced warning sign for the crosswalk is to be installed in accordance with Manual of Uniform Traffic Control Devices (MUTCD) guidelines.

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.

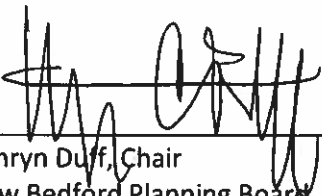
As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

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:

7/1/2019
Date



Kathryn Duff, Chair
City of New Bedford Planning Board