



# City of New Bedford

## Planning Board

133 William Street, New Bedford, Massachusetts 02740

Telephone: (508) 979.1488 Facsimile: (508) 979.1576

**PATRICK J. SULLIVAN**  
**DIRECTOR**

**NEW BEDFORD PLANNING BOARD**  
New Bedford Public Library  
Pleasant Street  
New Bedford, MA

**April 10, 2019**

### MEETING MINUTES

**PRESENT:** Kathryn Duff, *Chairperson*  
Arthur Glassman, *Vice-Chairperson*  
Alex Kalife, *Clerk*  
Kamile Khazan  
Peter Cruz

**ABSENT:** None

**STAFF:** Kirsten Bryan, *Assistant City Planner*  
Jen Carloni, *Staff Planner*

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2019 MAY -9 A 9:53  
CITY CLERK

#### 1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:04 p.m.

#### 2. ROLL CALL

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

#### 3. APPROVAL OF MINUTES

At Chairperson Duff's request, a motion was made (AG) and seconded (PC) to approve the minutes of March 2019. Motion passed unopposed.

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

#### 4. CONTINUANCES

Chairperson Duff reported that Case# 18-49, previously continued, would be continued to the May 8, 2019 meeting. She read the submitted request into the record.

A motion was made (AG) and seconded (PC) to continue to May 8, 2019.  
Motion passed unopposed.

**Case #18-53 & 54: 2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue**

**Case #18-53: 2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue** – Request by applicant for **Site Plan** approval for new construction of a 5,275 SF retail convenience store with gas station and a 2,640 SF car wash; located at **2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue** (Map: 130D Lots: 117, 247, 248, & 447) on a 2.25± acre site in a Mixed Use Business & Residential A zoned district. Owner: MIH1, LLC (401 County Street New Bedford, MA 02740), Kevin Burgess (2904 Acushnet Avenue New Bedford, MA 02745), and Neil A. & Erica S. Meunier (2194 Acushnet Avenue New Bedford, MA 02745). Applicant: Farland Corp. (401 County Street New Bedford, MA 02740).

**Case #18-54: 2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue** – Request by applicant for **New Ground Sign Site Plan** approval for two pylon signs for a convenience store with gas station and car wash; located at **2904 Acushnet Avenue, 2914 Acushnet Avenue, and ES Acushnet Avenue** (Map: 130D Lots: 117, 247, 248, & 447) on a 2.25± acre site in a Mixed Use Business & Residential A zoned district. Owner: MIH1, LLC (401 County Street New Bedford, MA 02740), Kevin Burgess (2904 Acushnet Avenue New Bedford, MA 02745), and Neil A. & Erica S. Meunier (2194 Acushnet Avenue New Bedford, MA 02745). Applicant: Farland Corp. (401 County Street New Bedford, MA 02740).

Chairperson Duff reported **Cases #18-53/#18-54**, previously continued, would be continued to the May 8, 2019 meeting after a partial hearing this evening.

Chairperson Duff noted public comments and board input has resulted in a revised project by the applicant. She encouraged continued public involvement. Chairperson Duff read through the summary of revisions made.

Att. Michael Kehoe introduced additional team members present for the presentation. Att. Kehoe stated extensive plan revisions have been made, including the flipping of the site structures and the reduction in the store size to provide more green space and improve traffic flow. Att. Kehoe stated one reason for the continuance was to address the peer review findings. He stated the project, as revised, will reduce traffic concerns, to include a relocation of one curb cut with new signalization at the intersection.

Christian Farland, Farland Corp., reiterated the numerous revisions made since the previous meeting, most especially the site entrance and building locations and size. A media presentation, including renderings, assisted in conjunction to his comments. He noted that he believed all board comments had been addressed, and he listed the same, to include pedestrian access, green space, and an abutter stockade fence.

Through the media presentation, renderings of the buildings were also shown and explained, along with the landscaping proposed above and beyond city requirements. Mr. Farland noted his own residential development, located behind the proposed site, had lot sizes established in anticipation of buffering for this project. He also noted their revisions related to DPI comments, such as storm water and site utilities. He noted the signage had also been reduced per board comments. Mr. Farland noted area signs are well above 18’.

Mr. Farland stated the site lighting plan had been submitted and commented on foot candles limits. He stated he felt the plans, as now presented, meet city requirements and master goals, and noted they have requested no waivers. He elaborated on this Cumberland Farms proposal as a significant investment in the city and an improvement to public safety.

Jason Adams, traffic engineer with McMahon Associates, stated he had worked on the project since its inception and throughout the peer review. He walked the board through the studies and revisions and improvement resulting from the peer review. Mr. Adams displayed and explained the traffic flow revisions related to this complicated intersection, including the installation of new signalization. Mr. Adams explained intersection phases and movements in relation to the newly proposed signals, including the significant upgrade of an exclusive pedestrian phase.

In response to an inquiry by Chairperson Duff, Mr. Adams explained where pedestrians could activate the stop for crossing.

Mr. Adams continued, along with the media presentation, to explain the displayed traffic flow lanes, confirming in response to Chairperson Duff the absence of a dedicated bike lane.

Board Member Cruz inquired into the dedicated left into the site and the stacking. Mr. Adams stated he believed it was 3-4 vehicles, and again noted the intersection safety improvements. In response to further inquiry by Board Member Cruz, Mr. Adams stated the current level of service is an overall B, going to an overall C, an acceptable level.

In response to Chairperson Duff, Mr. Adams explained the current planned communication between the intersection signals and various potential examples of traffic circumstances. In response to Board Member Cruz, Mr. Adams stated there is no existing concern regarding site distance and visibility. In response to Chairperson Duff, Mr. Adams stated the study expansion went to the Phillips Road intersection. She asked for clarification on the study and any follow-up examination or monitoring of the project's traffic implementations, especially in light of previous intersection fatalities. Mr. Adams addressed the same, adding necessary future changes could be made as a result of the same.

In response to an inquiry by Chairperson Duff on the north lawn, Mr. Farland noted an existing stone wall which will remain, as well as explaining the proposed landscaping and green space areas in relation to the same. Chairperson Duff inquired as to the selection of the picnic area and confirmed the planned presence of bike racks. She then discussed with Mr. Farland the building finish materials, such as solid clapboard material. She commented positively on the buffer zones, green space and building relocation efforts of the applicant. At the behest of Chairperson Duff, Mr. Farland discussed water recycling at the car wash.

In response to Board Member Cruz, Mr. Farland stated the nearby bank drainage overflow would be addressed through an easement but would be a separate system with no maintenance burden on the city.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Kathy Dana, 1259 Rockdale Avenue, a lifetime New Bedford resident, stated she felt development in the city is exciting. She stated she lives near a brand new Cumberland Farms which is spotless. She stated this company takes pride in their location and takes the measures to maintain the same. She stated she is in favor of the project.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Ella Meunier, 2914 Acushnet Avenue, stated they have lived at their address for 20 years, and believes this will be good for the area. She stated that absent this project the traffic will remain crazy. She feels this will make the city better and is in favor of the project.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Scott Henriques, 168 Merrimac Street, stated he is a longtime worker within the city, familiar with traffic patterns. He stated he is absolutely in favor due to the improvement of the traffic patterns, which he feels are some of the best he's seen.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Kevin Trahan, South Wind Way, Dartmouth, formerly of New Bedford's north end, stated he is in favor of the project for many different reasons. He feels this infrastructure improvement is a win for everyone and feels Cumberland Farms is an amazing company.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Benjamin Junier, 1023 Joyce Street, stated he is in favor of the traffic improvements, but is concerned about the bike traffic for his children. He stated a 24 hour operation, even for the car wash, seems excessive.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Erin inquired as to hours of operation and light pollution. Chairperson Duff explained the foot candles minimizing or eliminating any overspill of light. She reiterated that she did not feel 24 hour operation was necessary.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Cathy Brightman Calvao, 45 Cottonwood Road, stated she has lived in her residence for 32 years. She stated she questions the proposed traffic patterns based on her travel in the area; namely, two lanes going down to one lane and the traffic light delays. Ms. Calvao noted surrounding car washes and gas stations. She feels this is not the right area for this project.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Cheryl Antaya, 31 Garrison Road, stated she is opposed. She noted three lanes heading south on Acushnet Avenue, breaking into Ashely Boulevard. She stated this is currently a two-lane road. She stated the traffic congestion in the intersection is going to be a death trap. Chairperson Duff clarified the Phillips Road intersection is not part of the site before the board, but the project traffic lights will be synced to those at that location.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Ryan Smith, 1015 Joyce Street, stated this is more than just a gas station, but he now feels the work put in by the engineers and the design of the project will upgrade the intersection.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Christine Raffa, 3571 Acushnet Avenue, stated that two lanes going to one, with the volume of vehicle traffic, raises a red flag for her. She also expressed concern about the length of time she will be stuck at the lights. She felt this design

will make it easy for the private developer Cumberland Farms, but not necessarily for the other neighborhood businesses.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Jackie Coucci, 85 Armsby Street, a north end resident for over 50 years, stated she has traveled the area her entire life. She stated that, while appreciating the proposed improvements, she has concerns about the traffic patterns which now will additionally include Cumberland Farms. She felt without any hindrance, people will cut through. She also expressed concern about the lane reduction with no dedicated bicycle lane. She asked what would happen post development monitoring should the need arise, and did the city have a contract with Cumberland Farms regarding any necessary future changes. She mentioned the city's noise ordinance in relation to a 24 hour operation.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Paul Lemaire, 967 Victoria Street, a lifelong resident of the neighborhood, acknowledge the efforts in the plan improvements. He expressed concerns about the project land being 2-3' below grade level and their plan to address draining water. He noted the present problems turning onto Belair Street, and stated he did not see any improvement without a turn arrow. He also felt that reducing two lanes to one lane would further back up the line of cars. He stated that another of his concerns was whether its designation as a state highway would change. Chairperson Duff informed Mr. Lemaire that the state does not have control over that section. He also raised questions on resident zones versus mixed use business zones. He stated, absent a vote this evening, that any future hearing would be open to the public.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Linda Morad stated she thanks the developer for listening to the concerns and issues of residents and making significant changes in response. She sought to clarify the traffic plan and suggested an entrance only at one point and further discussed the same. She shared the concern about a left onto Belair Street from cars coming north, as well as exiting from Joe & Perkey's. Lastly, she stated a concern that the Phillips light be properly cued. She again noted the plan improvements.

In response to Chairperson Duff, Mr. Farland stated the proposed hours of operation are 24 hours, much like surrounding businesses. He acknowledge the noise ordinance, which they will abide by. He clarified the foot-candle site only lighting. In response to Chairperson Duff, Mr. Farland was amenable to considering a less than 24 hour operation of the car wash. Chairperson Duff also suggested examining the possibility of adding a bike lane. Mr. Farland noted that the city engineers work on behalf of the city, and not on behalf of Cumberland Farms.

Chairperson Duff addressed with Mr. Farland Councilor Morad's comments regarding egress/ingress on the west side, agreeing that one cannot cross three lanes of traffic and go north. Chairperson Duff also mentioned the possibility of more roadway coloring to further delineate lanes.

Mr. Adams further addressed site access regarding ingress/egress, noting the "don't block the box" delineation has been fairly effective in many communities. He noted their business goal is not to interfere with commuter traffic even if it impacts their business.

Mr. Farland stated there was no benefit to reducing the area in question to a one-way in only.

In response to Board Member Khazan, Mr. Farland stated that DPI would address any additions to the line markings such as rumble strips. Chairperson Duff again reiterated the safety addition of a bike lane.

Mr. Farland requested board input on the sign for the applicant's zoning board filing.

In response to Chairperson Duff, Mr. Farland noted that both the Trucchi's and Sunoco signs are larger than those proposed by the applicant, and he displayed the same. Chairperson Duff expressed appreciation for the applicant's reduction of the sign size and stated she had no objection, noting a reduction in car wash hours should result in that sign being turned off after hours.

After brief board discussion, including the anticipated staff report, a motion was made (AG) and seconded (KK) to continue Cases #18-53/18-54 to the May 8, 2019 meeting.

**ROLL CALLVOTE:**

Chairperson Duff – Yes                      Vice Chairperson Glassman – Yes  
Board Member Cruz – Yes                Board Member Khazan – Yes  
Board Member Kalife – Yes

Motion passes 5-0

Chairperson Duff informed those in attendance that Cases #19-06/#19-07 will be heard at the May 6, 2019 joint meeting of the Planning Board and Historic Commission.

Chairperson Duff also informed those in attendance that Case #19-09 is continued to the May 8, 2019 meeting.

**Cases #19-03/#19-04**

**Case #19-03:** 970 Ashley Boulevard – Request by applicant for Site Plan approval for new construction of 2,002 SF fast food restaurant with drive thru window located at 970 Ashley Boulevard (Map 127D, Lots 89 & 98) on a 0.45+ acre site in a Mixed-Use Business [MUB] and residential B [RB] zoned district.

**Owners:** John T. Ricciuti, Trustee of the Ricciuti Realty Trust II (970 Ashley Boulevard New Bedford, MA 02745). **Applicant:** Yearly Grind II Realty, LLC (PO Box 51147 New Bedford, MA 02745). **Note:** Continued from the January 9, 2019 meeting.

**Case#1904:** Request by applicant for a Special Permit for a reduction of the number of parking spaces required for a proposed 2,002 SF fast-food restaurant with drive-thru window located at 970 Ashley Boulevard (Map: 127D, Lots: 89 & 98) on a 0.45+ acre site in a Mixed-Use Business and

Residential B [RB] zoned district. **Owners:** John T. Ricciuti, Trustee of the Ricciuti Realty Trust II (970 Ashley Boulevard New Bedford, MA 02745). **Applicant:** Yearly Grind II Realty, LLC (PO Box 51147 New Bedford, MA 02745). **Note:** Continued from the January 9, 2019 meeting.

Chairperson Duff noted the input from public residents and informed those in attendance that the applicant had made changes in light of the same. Chairperson Duff read the summary of changes into the record.

Jim Bernadino, Bohler Engineering, stated that all board and public comments have resulted in significant site plan changes. He displayed the modified site plan, noting the change of a smaller building footprint eliminating interior seating, which allowed for better site circulation. They also removed the mobile orders drive-thru lane. These changes have reduced parking spaces to 11 public parking spaces and 2 dedicated employee spaces in the area of the dumpster. This also allowed for a dedicated loading zone and bypass lane, as well as parking away from the residential zone at the rear of the property. He stated the residential buffer to the northeast property was reduced by 4' as a result of the changes made. He stated they have enhanced the property's buffer zone by way of mitigation, and he explained the same, such as a 6' vinyl fence and some 48 arborvitaes.

Mr. Bernadino then address issues raised with circulation internal to the site, such as delivery trucks. He noted they had examined exiting onto York Street, but would like to have two means of egress coming out of the site and have modified the plan accordingly.

Mr. Bernadino stated they have provided revised architectural plans for the board, with the same building footprint and architecture style as their Belleville Avenue store. He detailed the same. He also addressed the landscaping with additional street trees. He discussed the landscaping added to address the vehicle lights shining onto Ashley Boulevard traffic. He noted a modified lighting plan.

Mr. Bernadino addressed neighborhood concerns regarding the sound at the drive-thru and the changes as a result, including angling of the speakers, information on decibels at the speaker, and the rate of dissipation. He stated 32' from the menu board, still within property limits, there is a decibel reading of 47, below a quite condition. He welcomed a condition of approval on the 4' decibel reading.

Mr. Bernadino stated they had also gone through DPI comments and responded accordingly. He welcomed questions from the board.

In response to an inquiry by Chairperson Duff, Mr. Bernadino stated there is a volume control. He stated normal conversation is 60-70 decibels at 4-5'. He stated at the property line, the decibel reading was 50. Chairperson Duff noted decibel levels are often part of zoning ordinances, and from her research she determined that number of 50 at the property line is acceptable. He reiterated that the arborvitaes and fence will further muffle any sound.

In response to an inquiry by Chairperson Duff, Mr. Bernadino stated hours of operation at 4:00 a.m. - 9:00 p.m.. Chairperson Duff confirmed the new building size and the associated parking necessary. She stated the minimum of 25 spaces required remains, with the applicant proposing 11 plus two employee spaces.

Chairperson Duff then discussed foot candles at the property lines, as well as drainage and snow removal. Mr. Bernadino noted the available grass area. He then discussed the drainage system in detail. In response to Board Member Cruz, Mr. Bernadino stated that revised calculations were submitted to DPI, as well as geotechnical site evaluation. Board Member Cruz confirmed that the building square footage does not include

the freezer. Chairperson Duff stated that she would think the building footprint would typically include that structure, which Mr. Bernadino estimated to be some 180 s/f, noting it would not impact parking.

Chairperson Duff expressed appreciation for the improved resident buffer. Mr. Bernadino, in response to Chairperson Duff, stated they do not, even at peak time, expect the parking lot to be full with such a high customer turnover.

Chairperson Duff reiterated her concern about a handicap person having to cross traffic and commented on the safety of the last parking spot and backing out.

In response to Board Member Khazan, Mr. Bernadino stated there are stringent requirements by the power company, such as alignment of transformers, et cetera, especially in regard to parking. He also discussed transition curbing mentioned on the plan.

In response to Board Member Cruz, Mr. Bernadino discussed access to the dumpster.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Jennifer Blevins, 262 Flora Street, stated the location of her home. She expressed concern that there are no arborvitaes and she will see all their business traffic.

Mr. Bernadino noted the planned fence.

Ms. Blevins asked if the transformer made noise. Mr. Bernadino stated that generally the transformer will not make any noise.

Chairperson Duff asked Mr. Bernadino to display where the fence is located. She requested the continuation of the arborvitaes on the corner. Mr. Bernadino discussed the same and thought the applicant would be amenable.

Ms. Blevins, having worked at a donut shop, expressed concerns about noise associated with morning delivery trucks, as well as diesel construction trucks. She also expressed concern about rodents associated with the dumpster, as well as the noise associated with the dumpster pickups.

Mr. Bernadino stated the dumpster was relocated due to concerns expressed at the prior meeting, as far from the residential neighborhood as possible. He stated they will have pest control every couple of months, as well as routine corporate inspections. He stated smaller delivery vehicles come in on a daily basis in the morning. He stated they expect that a couple of times during the week larger tractor trailers will come in generally between the hours of 9:00-5:00 after the peak time.

Chairperson Duff consulted with staff regarding any noise ordinance regarding deliveries.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Rui Alexander stated his original concern was traffic and speaker noise. He stated he now also is concerned that with no interior seating, people will park on York Street to eat and drink their coffee and then discard the trash on the



street. He stated he already picks up trash from Gary's Best, which is further away. He remains concerned about the noise, the dumpster, and the traffic.

Chairperson Duff felt pushing the dumpster closer to Ashley Boulevard as a buffer, as well as for rodent control, was an improvement. With regard to noise concerns, she stated the decibel testing is below the most strict ordinance she has found. Chairperson Duff noted that her concerns are deliveries and the hours of operation.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Wayne Walker, 20 York Street, stated with regard to early morning deliveries that small trucks make as much noise as large trucks. He stated he too has children. He stated the applicant should do as he stated and be flexible with deliveries during 9:00 -5:00. He felt the 4:00 a.m. start was ridiculous and operation hours should be reduced. Regarding safety, he stated he sees no pedestrian access from York Street or Ashley Boulevard. He added that he has concern about the certified abutters list. He stated neighbors on York and Florida Streets were not notified, even being within 300'. Chairperson Duff directed him to the planning staff. Mr. Walker stated that while appreciating the changes made, they are trying to squeeze a lot into a small site. He felt it should be more like the Dunkin donuts in the Shaw's Plaza. He stated that as a trucker, he guarantees the trucks will come in the wrong way. He stated he wants to go on the record that while he appreciates the changes, it is very shortcoming. He stated the speaker and menu board could be moved to the back side of the dumpster, and whole thing is irresponsible.

Mr. Bernadino stated the revised plan does have pedestrian access from Ashley Boulevard.

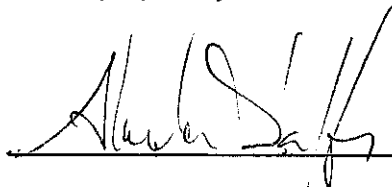
A motion was made (PC) and seconded (AG) to continue this matter to the May 2019 meeting. Motion passed unopposed.

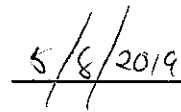
**5. OLD/NEW BUSINESS:**

Kirsten Bryan stated that meeting notices were available for viewing in the Planning Board Office.

**6. ADJOURNMENT:**

A motion was made (AG) to adjourn the meeting at 9:07 p.m.

  
\_\_\_\_\_  
Alexander J. Kalife, Clerk

  
\_\_\_\_\_  
Date

[Faint, illegible text from the main body of the document]