



**CITY OF NEW BEDFORD**  
**JONATHAN F. MITCHELL, MAYOR**

**PLANNING BOARD**  
 City Hall, Room 303  
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[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

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 NEW BEDFORD, MA  
 2019 JAN 18 P 4:06  
 CITY CLERK

**NOTICE OF DECISION**

Case Number:	19-01			
Request Type:	Site Plan			
Address:	56 Potomska Street & 756 S. Water Street			
Zoning:	Industrial B Zoned District			
Recorded Owners:	NB18 Realty Trust & ZGA Realty Trust			
Owner Address:	56 Potomska Street New Bedford, MA 02745 & 56 Potomska Street New Bedford, MA 02745			
Applicant:	ZGA Realty Trust			
Applicant Address:	56 Potomska Street New Bedford, MA 02745			
<b>Application Submittal Date</b>		<b>Public Hearing Date(s)</b>		<b>Decision Date</b>
December 7, 2018		January 9, 2019		January 9, 2019
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
31	232 & 239	10633 / 10633	91 / 111	

**Application:** ZGA Realty Trust (56 Potomska Street New Bedford, MA 02745) for Site Plan approval for new construction of a 5,000 SF convenience store with gas station and a drive-thru window; located at 56 Potomska Street (Map: 31 Lots: 232 & 239) on a 0.94+ acre site in a Industrial B [IB] 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 January 18, 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.

1/18/2019  
 Date

  
 Kathryn Duff, Chair  
 City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

ZGA Realty Trust (56 Potomska Street New Bedford, MA 02745) for Site Plan approval for new construction of a 5,000 SF convenience store with gas station and a drive-thru window; located at 56 Potomska Street (Map: 31 Lots: 232 & 239) on a 0.94+ acre site in a Industrial B [IB] zoned district.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

- ❑ Plan Set -“Proposed Convenience Store / Gas Station 56 Potomska Street New Bedford, MA” dated October 28, 2018, date stamped received by City Clerks’ Office December 7, 2018. Plans were prepared by SITEC, Inc., 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 Site Grading
  - Sheet 4 Landscaping/Lighting Plan
  - Sheet 5 Site Utilities
  - Sheet 6 Existing Conditions
  - Sheet 7 Demolition Plan
  - Sheet 8 Erosion Control Plan
  - Sheet 9 Detail Sheet 1
  - Sheet 10 Detail Sheet 2
  
- ❑ Architectural plans - dated December 3, 2018; revised as received by the Planning Board on January 9, 2019. Plans were prepared by Upland Architects, in Norton, MA, unstamped. The plan set consists of the following sheets:
  - Drawing A100 Floor Plan
  - Drawing A300 Exterior Elevations
  - Drawing A301 Exterior Elevations

### Other Documents and Supporting Materials

- ❑ Site Plan Review Application, stamped received by City Clerk’s Office December 7, 2018
- ❑ Certified Abutters List
- ❑ Department of Planning, Housing & Community Development Staff Report dated January 7, 2019
- ❑ Department of Public Infrastructure (DPI) Comments dated January 3, 2019
- ❑ Communication from Sarah Porter, Conservation Agent dated January 2, 2019

## 3) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan were in attendance at the January 9, 2019 meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion. As Case #19-01 & #19-02 were for the same project the board made a motion to hold the public hearings for both cases concurrently.

Mr. Steven D. Gioiosa, SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA 02747) presented the proposal on behalf of ZGA Realty Trust (56 Potomska Street New Bedford, MA 02745). Using a displayed aerial image Mr. Gioiosa oriented the board to the site location; describing the location as bound by Route 18 to the west, Potomska Street

to the north, South Front Street to the east, and Marsh Street to the south. He noted abutting the site is also a discontinued portion of Water Street that runs parallel to Route 18.

Then displaying the existing conditions plan he described the existing site. He noted there is currently 98% lot coverage by buildings or impervious surfaces. He identified the site driveways, noting two new driveways on the Potomska Street side of the site were recently reconstructed as part of the Route 18 infrastructure improvements project. He also identified two curb cuts on South Front Street and one curb cut on the discontinued portion of Water Street. He described the existing site design as dated with a convenience store located under a canopy shared with the gas pump fueling islands. The proposal is to improve the site conditions, movement of vehicles, and modernize the site.

Describing the proposed conditions he informed the board that the existing warehouse, canopy, and convenience store would be demolished. Additionally, the west end fuel island would be removed to improve traffic flow from the driveway entrance closest to it. A new convenience store would be built in the approximate location of the current warehouse and include a drive-thru window. He explained the Dunkin Donuts nearby to the site would be relocating to this location as it would provide better site circulation and vehicle cueing than the current location.

Mr. Gioiosa explained that the drive-thru as proposed would have two lanes - a drive-thru lane and a by-pass lane. He noted there is adequate length for vehicle stacking in the drive-thru lane. The drive-thru lanes he showed on the proposed plan as wrapping around the building from west to east. The by-pass lane, he noted, could exit via the exit only driveway proposed in the rear. He further explained that this proposed exit only driveway is in the same location as the existing; however the proposed would be narrowed down in width.

In regards to proposed landscaping he explained that the most predominate landscaped area is in the north west corner of the site, abutting Route 18, where a large landscaped bed is proposed. He also noted landscaping and trees proposed around the perimeter of the site and a landscaped buffer along the drive-thru lane adjacent to the South Front Street roadway.

Mr. Gioiosa noted the existing billboards on the warehouse rooftop will be removed from the site and not be replaced. He explained that the applicant understood that removing the billboards is a critical component to cleaning up this corner.

The site will be well lit in order to create a safe environment, he explained. He further noted that the site is not near any residential properties so the lighting level is appropriate and will help with public safety.

Mr. Gioiosa explained the proposed sidewalk system around the site and in the rear was intended to improve pedestrian connectivity in combination with the improvements on Route 18 and the city's goals for improved pedestrian connections in this corridor. He noted the DPI comments required the sidewalk to not be connected in the rear of the site as proposed. It was later discussed by the board and Mr. Gioiosa that instead of in the rear, a pedestrian connection be made between the pedestrian walkway in front of the building to Route 18 to the west and South Front Street to the east. Mr. Gioiosa noted that an ADA ramp is also proposed for access to the building.

The current site does not have any storm water management, Mr. Gioiosa informed the board. The proposal would have a stormwater management system including three new catch basins, and three underground recharge systems. He noted the underground recharge systems are proposed away from the gas station underground storage tank area. He also noted that existing fuel tanks will not be expanded. The applicant does not anticipate additional demand/customers for fuel needs as a result of the proposal over the existing conditions.

In regards to proposed parking, Mr. Gioiosa explained the applicant is seeking a reduction in the number of required parking spaces. He noted that if the fuel pump stations were counted as parking then the proposal would meet the requirements; however since the city does not count them as parking spaces the applicant is required to request a reduction of seven parking spaces. He highlighted that the proposal provides more parking and in designated areas than the existing conditions. He pointed out the proposed parking on the site plan on the west side of the site and in front of the convenience store.

He pointed out the location of the screened dumpster in the rear southwest corner of the site.

Mr. Gioiosa then noted some architectural plans had changed and submitted the revised plans to the board. He noted that the proposal included peaked roofs, stone facing on the front of the building, stone treatment on the corner points and a stone wrap around the base of the canopy columns. Mr. Gioiosa acknowledged that Mr. Mickey Higgins, a consultant on the project was also present to answer questions.

Mr. Cruz made a motion, seconded by Ms. Khazan to accept the plans. Motion passed unopposed.

In response to a question from Chairwoman Duff, Mr. Gioiosa confirmed the finish materials proposed for the building are shown as PVC trim, vinyl siding, and a granite gray roof. Chairwoman Duff commented that the board would like to see higher quality materials used as there has been much investment by the city in the surrounding area. The higher quality material would make it a more attractive fit for the neighborhood. She suggested a cultured stone, cement clapboards or solid clapboard like boral.

In response to a question from Chairwoman Duff, Mr. Gioiosa explained they anticipate most northbound traffic to come to the site via South Front Street and using the South Front Street driveway entrances. Southbound traffic they anticipate from Route 18 via Potomska Street and utilizing the Potomska Street driveways. He also explained that the fuel trucks will need to enter the site via the east most driveway on the Potomska Street frontage in order to access the underground fuel tanks.

Chairwoman Duff requested the applicant distinguish the curb cuts more, particularly along Potomska Street. Mr. Gioiosa noted that the DPI comments required a sidewalk with grass ribbon which will distinguish this area a bit more than shown on the plans, as will the additional curbing. The board also noted lights in the area between the driveways which would help define the drives. It was also noted that a bike lane is painted in front of the drives on Potomska Street.

The board and Mr. Gioiosa discussed pedestrian connections through the site. Mr. Gioiosa offered that they could bring the walkway from the end of Marsh Street to the front of the building and make the connection to South Front Street sidewalks that way. The board agreed to the proposed change.

During a discussion between the board and applicant, it was clarified that the canopy would have a flat metal fascia with blue and white stripes branded for Mutual. The existing pylon sign would remain unchanged. The roof canopy drainage would be addressed per the DPI comments. The drive-thru stacking lane with over 200' of combined length would be adequate for the anticipated number of vehicles. The location of the air pump was recognized as being placed on-site as a standard amenity with a low expectation for use. To avoid having it located along the Route 18 frontage it was placed in the rear of the site. It was confirmed the bathroom inside would be open to the public.

Mr. Cruz commented that he has noticed on other project that newly installed catch basins are not being protected by silt sacs during the remainder the site build-outs. He would like to see those protected in order to preserve the system before the new system is brought on line. Mr. Gioiosa agreed to make that a note on the plans.

In response to a question from Mr. Cruz about the omission of straw wattles in the erosion control plan, Mr. Gioiosa explained that there is not a large gradient on the site but agreed to use straw wattles for drainage during construction if necessary.

Mr. Gioiosa noted that the existing buildings don't meet setback requirements but the proposal would be in compliance with setback requirements and the canopy size is a reduction over the existing.

Mr. Gioiosa agreed to a request to stripe crosswalks east-west across South Front Street at the Potomska Street intersection; and north-south at Marsh Street in the rear of the site. Further, to ensure that the ramps are ADA complaint.

The board noted the City's reinvestment in recent years in this section of the city; including the hurricane barrier walks and bike paths. Therefore, they requested the applicant provide bicycle racks on site. It was agreed that the applicant provide storage for eight bicycles split between the east and west side of the building along the pedestrian connection through the site.

Ms. Khazan complimented the plan for the investment in landscaping and noted it would be good for the neighborhood.

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

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. Cruz made a motion, seconded by Mr. Glassman 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 #19-01: 56 Potomska Street for Site Plan approval for new construction of a 5,000 SF convenience store with gas station and a drive-thru window; located at 56 Potomska Street (Map: 31 Lots: 232 & 239) on a 0.94+ acre site in a Industrial B [IB] zoned district. Owners: NB18 Realty Trust (56 Potomska Street New Bedford, MA 02745) & ZGA Realty Trust (56 Potomska Street New Bedford, MA 02745) Applicant: ZGA Realty Trust (56 Potomska Street New Bedford, MA 02745).

The approval is subject to:

#### **Specific conditions:**

1. DPI comments of January 3, 2019 shall be met;

2. Replace the vinyl siding with cement clapboard or solid clapboard like boral;
3. Add bicycle racks to the site to accommodate eight bicycles with four each on the east and west side of the site;
4. Stripe crosswalks across South Front Street and Marsh Street and ensure the ramps are ADA compliant;
5. Update plans to depict extension of the pedestrian walkway in front of the building through the site to the sidewalk at Route 18;
6. Signage lighting is to be no sooner than one hour before business opening and one hour after close. The hours of operation being 4am-11pm; therefore lighting is to be limited to 3am-12am;
7. Silt sacs are to be installed on all newly installed and existing catch basins;
8. Straw wattles are to be used for runoff as necessary;
9. All wall signage to come before Planning staff for review;

**General Conditions:**

10. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
11. 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.
12. 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.
13. That 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.
14. The applicant shall ensure that a copy of the recorded decision be provided for the Planning Division Case file folder.
15. 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.
16. 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.

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 Khazan – Yes

Board Member Kalife – Yes

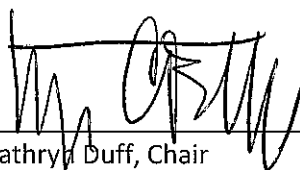
Board Member Glassman – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

11/18/2019

Date



Kathryn Duff, Chair  
City of New Bedford Planning Board