

**NEW BEDFORD PLANNING BOARD**

New Bedford City Hall  
133 William Street  
New Bedford, MA

October 10, 2018

**MEETING MINUTES**

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

**ABSENT:** Alex Kalife, *Clerk*

**STAFF:** Tabitha Harkin, *City Planner*

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2018 NOV 15 A 10:18  
CITY CLERK

**1. CALL TO ORDER**

Chairperson Duff called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

A formal roll call was conducted confirming members present as listed above. Chairperson Duff noted for those in attendance that the board had only four members present and those seeking a special permit would need a unanimous vote. She offered applicants the option to continue.

**3. APPROVAL OF MINUTES**

A motion was made (AG) and seconded (PC) to approve the September 2018 meeting minutes  
Motion passed unopposed.

**4. CONTINUED HEARINGS:**

Cases #18-21/#18-22: 804-812 Brock Avenue - Request by applicant for Site Plan approval for the conversion of an existing mixed use structure from four (4) residential units and three (3) commercial units to six (6) residential units and one (1) commercial unit, on a .10+ acre site, located at 804-812 Brock Avenue (Map 14 Lot 232) in a Mixed Use Business [MUB] zoned district.

Case #18-22: 804-812 Brock Avenue - Request by applicant for a Special Permit for a reduction in the number of parking spaces required for six (6) residential units and one (1) commercial unit, on a .10+ acre site, located at 804-812 Brock Avenue (Map 14 Lot 232) in a Mixed Use Business [MUB] zoned district.

Chairperson Duff reported that the above cases had been continued at the May 2018 meeting to the scheduled board meeting of October 10, 2018.

Chairperson Duff read into the record a memo received by the Planning Department regarding Board of Appeals Case # 4328 Special permit, Planning Board Case # 18-21 site plan review, Planning case #18-22 special permit. The memo requests a withdrawal for the above numbered cases.

A motion was made (AG) and seconded (PC) to withdraw Cases #18-21/#18-22.

Motion passes unopposed

## **5. PUBLIC HEARINGS**

**ITEM 1 – Case #18-38:** - Request by applicant for New Ground Sign Site Plan approval for a convenience store/gas station with drive thru located at 209 Theodore Rice Boulevard (Map 136 Lot 322) on a 4.9+ acre site in a Mixed Use Business [MUB] zoned district. Applicant: SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA).

Steve Gioiosa, SITEC Engineering, stated this convenience store is under construction at the northwest corner of above address at the entrance to the Industrial Park. He further described the location on an aerial photograph. He noted they had gone through site plan review last fall for the site and sign, and received approval for a pylon sign and site plan review. He stated due to bordering wetlands they had also gone through the conservation commission review process. He noted the two entrances to the site that were approved. He stated that he and Derek Santos of the Industrial foundation have consulted numerous times about the sign, and that Mr. Santos had concerns about the pylon sign being within the park due to its size. Mr. Santos asked for reconsideration of the sign.

Mr. Gioiosa stated the gas station operators require a certain type of sign in order to be economically viable. He stated they felt the need for an additional sign within the park. He noted they had revised the plan and displayed the originally approved plan, explaining the revisions. He reiterated that two signs help the viability of the site for public identification.

He stated the Sign Design representative is present for questions. He described the two signs requested, noting the restrictions in the sign ordinance on the number and size of signs. He described the 77 s/f monument sign, as well as the 113 s/f pylon sign. He stated they will also need zoning relief and are scheduled to appear before them, adding their position on the zoning relief requirements.

He stated they are seeking site plan approval regarding the sign locations and noted they meet setback requirements from all property lines, including the drain line serving the industrial park. He noted the sign is internally illuminated and non-flashing. He welcomed questions.

In response to Chairperson Duff, Mr. Gioiosa stated the originally approved sign was essentially the same sign with some change to the panel identifiers. Chairperson Duff confirmed the restriction to turn the sign off when the business is closed. She clarified that both signs are non-conforming signs. Mr. Gioiosa noted that sign size restrictions are different within the Industrial zone, which this parcel originally was, though this is now designated mixed use.

In response to Chairperson Duff, Mr. Gioiosa stated the depth of the expected double sided sign is 10"-12".

In response to Board member Cruz, Mr. Gioiosa did not presently see room for additional businesses in the building. Board member Cruz stated he desires no leasing/advertising of the sign.

Chairperson Duff felt the size was overkill for a site with such visibility, though noting the two entrances; she stated these are two signs for essentially the same store. In response, Mr. Gioiosa noted the sign has been downsized in response to Mr. Santos' concerns. He also noted the substantial trees and landscaping at the entrance to the park. He reminded the board this proposal also needs to be considered by the ZBA once approved by the planning board.

Board member Cruz agreed with Chairperson Duff, and suggested the pylon sign could be reduced in size. There was discussion on the minimum sign height. Mr. Gioiosa noted the s/f allowance is 25 s/f, stating that is not appropriate for this commercial use site, adding the pylon sign is critical for the marketing of this facility.

In response to Board member Cruz, Mr. Gioiosa stated the pylon sign is 10' larger than that originally approved by the board.

In response to Board member Khazan, Mr. Gioiosa stated in an effort to gain board approval, they can revisit the panel size and perhaps removing the blank tenant panel. Chairperson Duff suggested bringing the sign size down to 15' from 27' to conform. Mr. Gioiosa noted the mandated sign height, and stated the panels are at the smallest they can be for visibility. He felt they may be able to reduce the height to 20' and still meet the company mandates.

At Chairperson Duff's requests, Ms. Harkin stated she saw no restriction on the sign bottom, but for the 10' clearance. Mr. Gioiosa was hesitantly amenable to dropping the sign to 6' off the ground. Chairperson Duff also noted GPS availability as a reduction in the necessity of such signage.

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

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.  
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

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

After further board discussion, including the sign size and its' mandates, as well as number of signs and locations, a motion was made (AG) and seconded (KK) to approve a request by applicant for New Ground Sign Site Plan approval for a convenience store/gas station with drive thru located at 209 Theodore Rice Boulevard (Map 136 Lot 322) on a 4.9+/- acre site in a Mixed Use Business [MUB] zoned district with the following conditions:

- That the project requires approval of a variance by the New Bedford Zoning Board of Appeals;
- No additional trees are to be cut to accommodate the pylon sign;
- Applicant to eliminate the blank spaces in the sign;
- Monument sign is to be 8.5' or less in height;
- Pylon sign to be 20' in height or less;
- Sign not to be lit one hour before and one hour after closing.

In addition to the general conditions as stated in the staff report.

ROLL CALL VOTE:

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

**ITEM 2 – Case #18-39 - Request by applicant for a Special Permit for a reduction in the number of parking spaces required for a commercial storefront located at 152-160 Belleville Avenue (Map 93 Lot 138) on a 0.25+ acre site in an Industrial A (IA) zoned district. Applicant: DBD Investments, LLC (73 Columbia Street Fall River, MA 02721). Applicant's Agent: SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA).**

Chairperson Duff noted for the record that this project also has to appear before the Zoning Board of Appeals.

Steve Gioiosa, SITEC Engineering, stated this site plan application is unusual in that it requests parking reduction for an existing facility. He stated there are no modifications or changes proposed for the 10,900 s/f site. He described the location and details of the property, now containing two structures. He stated the applicant seeks to subdivide the property in two separate parcels. He explained the applicant's reasons for the same. He stated an ANR Plan will be submitted creating two lots; one residential and one commercial. He noted the residential building has a two car garage attached, which will allow for four off-street parking spaces for the residential use. He stated the commercial building has a two car capacity attached garage, most recently used as a dance studio, and will continue as commercial use. He stated the building department has said they need a reduced parking special permit for the commercial use, as an existing non-conforming. He then discussed an access easement.

Mr. Gioiosa stated he believes 19 spaces are required for the commercial use and they have only 9 on site. He stated any increase in use of the commercial property would require another review by the board.

In response to Board member Glassman, Mr. Gioiosa stated while one can look at the requirements two ways, he believes the 19 space requirement is more conservative. In response to Chairperson Duff, Mr. Gioiosa stated the distance between the two buildings is approximately 10'-11' and acknowledged egress doors into the laneway. There was discussion on the issues that will be addressed before the zoning board, and whether to continue the matter until it is heard by the ZBA. There was also discussion on green space.

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

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.  
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

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

After brief board discussion on conditions, a motion was made (AG) and seconded (PC) to approve the request by applicant for a Special Permit for a reduction in the number of parking spaces required for a commercial storefront located at 152-160 Belleville Avenue (Map 93 Lot 138) on a 0.25+/- acre site in an Industrial A (IA) zoned district with the following conditions:

- An access easement to insure the driveway entrance width remains large enough for vehicles accessing

- either parcel be recorded and submitted to the case file;
- Approval is for Parcel 2 as shown on plans submitted;
- Project requires approval by the New Bedford Zoning Board of Appeals; any conditions imposed on such approval shall also be conditions of this special permit;
- Parking reduced from 19 spaces to 9, a reduction of 10 spaces;
- Five feet of green space to be created north and south in the rear of the building;
- Area between the buildings to be striped and designated as a no parking zone.

General conditions also apply.

ROLL CALL VOTE:

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

**ITEM 3 – Case #18-40 - Request by applicant for approval of a Preliminary Subdivision (Form B) for a four (4) lot, residential subdivision located at 1265 Bartlett Street (Map 134 Lot 299) on a 1.18+ acre site in a Residential A [RA] zoned district. Applicant: Amandio and Jose Araujo (224 Nyes Lane Acushnet, MA 02743). Applicant's Agent: Farland Corp. (401 County Street New Bedford, MA 02740).**

Christian Farland, Farland Corp., on behalf of the applicants, stated they are seeking preliminary approval. He described the property location and details. He noted it is within an RA district. He stated the applicant will construct a city roadway. They are seeking sidewalk waivers. He stated the plans are not in full detail, and will be finalized in the definitive stage. He stated DPI felt the requested waivers are reasonable. Granite curbing, streetlights and street trees are part of the proposal. He stated they have no concerns with DPI and staff comments. He stated they will look into any wetland area concerns, and will file with Conservation if necessary. He noted it will meet city storm water requirements and Mass DPE requirements. He invited questions and board feedback.

In response to Chairperson Duff, Mr. Farland confirmed there will be a hydrant in the subdivision. Chairperson Duff stated her preference for sidewalks, consistent with the Master Plan goals.

In response to Chairperson Duff, Mr. Farland discussed mature tree retention on the wooded area. He stated this was a previously developed site with a single-family house, now burnt down. There was discussion on storm water.

Board member Cruz inquired as to the size of the strip of saved trees, which Mr. Farland expects to be 7.5', excluding the trees in the rear.

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

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.  
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

A motion was made (AG) and seconded (PC) to close the public hearing.

Motion passed unopposed.

A motion was made (AG) and seconded (PC to approve request by applicant for approval of a Preliminary Subdivision (Form B) for a four (4) lot, residential subdivision located at 1265 Bartlett Street (Map 134 Lot 299) on a 1.18+ acre site in a Residential A [RA] zoned district with the following conditions:

- Sidewalks in front of all structures;
- The plans will incorporate all comments received by DPI;
- Applicant to file necessary permits with the Conservation Commission;
- Subdivision to be named and labeled on a plan set;
- New roadway proposed to be named and labeled on the plan;
- Applicant to obtain map and lot numbers to include Lot 305, wetlands and/or wetlands buffer to be shown on the plans;
- New data be collected from test pits that reasonably cover the area of the lots, representing a good cross-section of the site;
- Test pits and data to be included in the plan set;
- Applicant to survey all trees of 12" DBH and greater on the south side property line and identify any to be retained as a buffer between subdivision and the rear of the dwelling;

As well as all other requirements.

ROLL CALL VOTE:

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

**ITEM 4 – Case #18-41- Request by applicant for a Site Plan approval for a 10,680 SF expansion of an existing warehouse, located at 127-127D Duchaine Boulevard (Map 133, Lot 21), on a 5+ acre site in an Industrial C [IC] zoned district. Applicant: The Milhench 2001 Nominee Trust c/o Heike Milhench (127 Duchaine Blvd. New Bedford, MA 02745). Applicant's Agent: Farland Corp. (401 County Street New Bedford, MA 02740).**

Christian Farland, Farland Corp., noted the presence of the owner, Ms. Milhench, as well as the project architect. He provided some background on the project, noting the board granted site plan approval in February though the applicant could not obtain access from Eversource on the abutting property. Mr. Farland stated the building footprint has now been maximized as much as possible and still meeting DEP wetland requirements, in an effort to keep the business in New Bedford. He stated they had now received approval from Conservation.

Mr. Farland explained the existing building as well as the 10,680 s/f proposed addition. He explained their proposal in relation to storm water. He stated in light of the Conservation approval, some slight changes were made to the plans relating to wetlands replication. He stated the basic plans are for an addition off the building, with no changes to the site, utilities lighting, grading, et cetera. He noted the comments in the staff report and stated this is probably one of the better maintained sites in the industrial park.

In response to Chairperson Duff, Mr. Farland stated the addition requires no additional parking on the site and conservation has approved the plantings in the reclamation area.

Heike Milhench, President Milhench Supply Company, gave a brief background/history on this 3<sup>rd</sup> generation family owned company. She noted a workforce increase of 30% and doubling of sales revenue in the past ten years and they are busting at the seams in their Duchaine Blvd warehouse. They are trying to keep the company in New Bedford.

Mr. Smith, architect, reviewed the building footprint, stating it will be a prefabricated metal building matching the existing building and meeting current energy code requirements. He noted no additional signage or lighting is planned, but for the egress doors.

In response to Chairperson Duff, regarding roof runoff recharge on one side of the building, Mr. Smith noted the final system is yet to be designed.

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

In response to Chairperson Duff's invitation to speak or be recorded in favor, Councilor Brad Markey stated he is in favor of the project, noting these are the type of businesses that keep New Bedford strong.

There was no response to Chairperson Duff's further invitation to speak or be recorded in favor.  
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

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

There being no further board discussion, a motion was made (AG) and seconded (PC) to approve request by applicant for a Site Plan approval for a 10,680 SF expansion of an existing warehouse, located at 127-127D Duchaine Boulevard (Map 133, Lot 21), on a 5+/- acre site in an Industrial C [IC] zoned district with the following conditions:

Applicant to submit plans as revised per Conservation Commission approval.

In addition, general conditions apply.

**ROLL CALL VOTE:**

Chairperson Duff – Yes                      Vice Chairperson Glassman - Yes

Board Member Cruz – Yes                Board Member Khazan – Yes

**ITEM 5 – Case #18-42- Ordinance Amendment Relative to the Zoning of Adult Day Care Facilities** – Referred to the Planning Board by Councillor Hugh Dunn and Councillor William Brad Markey an ordinance amendment as follows: Row 4 labeled "Adult Day Care", of Chart C labeled "Commercial" of Appendix A of Chapter 9 of the Code of Ordinances be amended by striking the word "N" as it corresponds to columns IA, IB, and IC and inserting in place thereof the word "BA".

**Ordinance Amendment relative to zoning Adult Daycare Facilities**

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:  
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule>*

Chairperson Duff stated that effectively the board is being asked to recommend the change to allow for Adult Daycare within the Industrial A, B and C zones.

Att. Chris Saunders, on behalf of Welby Park Associates, LLC, stated his client had developed the entire Welby Park area, which he believes was made an industrial area due to the proximity of the railroad tracks. He stated the office park was originally developed for insurance company location purposes. He stated there is an Adult Daycare in the park which is trying to expand, and they sought a change of use building permit for the same. They were informed it is not an allowed use in industrial zones, though child daycare facilities are allowed. He noted adult daycare is a newer concept in our society, rather than the use nursing homes. He felt the safeguard in this amendment change is that they are still required to go through the special permit process. He asked the board favorably vote for the recommendation to be forwarded and this is made an allowed use.

In response to Board member Khazan, Att. Saunders stated the current business is named Active Day.

There was discussion on the changes that have developed with the growing use of adult daycare.

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

In response to Chairperson Duff's invitation to speak or be recorded in favor, Councilor Brad Markey agreed with what Att. Saunders has said. He stated he was previously unaware this problem existed. After having counsel look into the matter, he felt the uses of child care and adult daycare go hand-in-hand, and supports the recommendation.

There was no response to Chairperson Duff's further invitation to speak or be recorded in favor.  
There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

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

There being no further board discussion, a motion was made (AG) and seconded (PC) to recommend ordinance amendment relative to the zoning of adult day care facilities – Referred to the Planning Board by Councilor Hugh Dunn and Councilor William Brad Markey an ordinance amendment as follows: Row 4 labeled "Adult Day Care", of Chart C labeled "Commercial" of Appendix A of Chapter 9 of the Code of Ordinances be amended by striking the word "N" as it corresponds to columns 1A, 1B, and 1C and inserting in place thereof the word "BA".

**ROLL CALL VOTE:**

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

**6. OLD/NEW BUSINESS:**

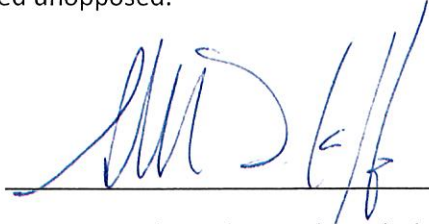
Ms. Harkin provided a planning staff update, noting there had been no ANR plans signed off on since the last meeting. She stated the Waterfront Plan was presented to the NBRA and is going through the approval process. She also updated the board as to projects, such as a grant submission for habitat restoration at Riverside Park. She also updated information on the Southcoast Rail, recreational marijuana applicant process. She noted the draft had been received on the sign ordinance, and informed the board regarding



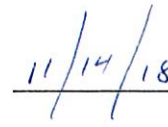
updated use tables. She stated several CPA applications have been submitted. She added they are still seeking a staff planner.

**7. ADJOURNMENT:**

A motion was made (AG) and seconded (PC) to adjourn at 8:16 p.m.  
Motion passed unopposed.

A handwritten signature in blue ink, appearing to read 'AJK', is written over a horizontal line.

Alexander J. Kalife, Clerk

A handwritten date '11/14/18' in blue ink is written over a horizontal line.

Date

