



## PLANNING BOARD

City Hall, Room 303  
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New Bedford, MA 02740  
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[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

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2018 NOV 27 P 12:49

CITY CLERKS OFFICE  
NEW BEDFORD, MA

### CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number:	18-43			
Request Type:	Site Plan New Ground Sign			
Address:	209 Theodore Rice Boulevard			
Zoning:	Mixed Use Business Zoning District			
Recorded Owners:	Beta Realty, LLC			
Owner Address:	280 Ayer Road Harvard, MA 01451			
Applicant:	Viewpoint Sign & Awning			
Applicant Address:	35 Lyman Street Northboro, MA 01532			
Application Submittal Date	Public Hearing Date(s)	Decision Date		
October 10, 2018	November 14, 2018	November 14, 2018		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
136	322	12310	189	

**Application:** Viewpoint Sign & Awning (35 Lyman Street Northboro, MA 01532) on behalf of Beta Realty, LLC (280 Ayer Road Harvard, MA 01451) 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.

**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 November 27, 2018. 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.

11/27/2018

Date

Kathryn Duff, Chair  
City of New Bedford Planning Board

### **1) APPLICATION SUMMARY**

Viewpoint Sign & Awning (35 Lyman Street Northboro, MA 01532) on behalf of Beta Realty, LLC (280 Ayer Road Harvard, MA 01451) 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.

### **2) MATERIALS REVIEWED BY THE PLANNING BOARD**

#### **Plans Considered to be Part of the Application**

- ❑ Plan set – Proposed Convenience Store, 209 Theodore Rice Boulevard, New Bedford, Massachusetts, client South Coast Development, LLC, dated August 15, 2017, last revision dated September 25, 2018 date stamped received by City Clerk's Office October 10, 2018. Plans were prepared by SITEC, in Dartmouth, MA; and stamped by Steven Gioiosa. The plan set consists of the following sheets:
  - Drawing SL-1                      Site Layout
- ❑ Sign Specifications Plan Set – Dunkin' Donuts, 209 Theodore Rice Blvd., New Bedford, MA, dated September 9, 2018; date stamped received by City Clerk's Office October 10, 2018. Plans were prepared by View Point Sign & Awning. The plan set consists of the following sheets:
  - DD New Bedford 209Trice directional 1a
  - DD New Bedford 209Trice clearance bars 1a

#### **Other Documents and Supporting Materials**

- ❑ Site Plan Review Application, stamped received by City Clerk's Office October 10, 2018.
- ❑ Certified Abutters List
- ❑ Bristol County (S.D) Registry of Deeds Book 12310, Page 189
- ❑ Department of Planning, Housing & Community Development Staff Report dated November 22, 2018
- ❑ Communication from Derek Santos, Executive Director of the New Bedford Economic Development Council on behalf of the Greater New Bedford Industrial Foundation dated October 23, 2018

### **3) DISCUSSION**

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife were in attendance at the November 14, 2018 meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion.

Mr. Sean Donovan, Viewpoint Sign & Awning (35 Lyman Street Northboro, MA 01532) presented on behalf of the property owner Beta Realty LLC (280 Ayer Road Harvard, MA). Mr. Donovan presented that the application is for additional freestanding signage for the site. The signage proposed is in addition to other signage already approved by the board for the site. The additional signage proposed is two clearance/height limit bars and one directional sign. He noted that the clearance bars are intended to be for safety; to caution drivers of the height of the awning in the drive-thru lane. They also help to identify the drive-thru lane as such which provides added safety as it slows vehicles around the building. He noted the clearance bars are before the board because they contain copy on top and therefore under the zoning ordinance are not deemed strictly a safety device. The directional signage is to help identify the drive-thru lane as well.

The board inquired if the sign illumination/lighting would match the time limits established for the other site signage; which is no sooner than one hour before opening and one hour after closing. Mr. Donovan indicated the applicant would be amenable to a condition as such.

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

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Mr. Cruz to approve Case #18-43: 209 Theodore Rice Boulevard - 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: Beta Realty, LLC (280 Ayer Road Harvard, MA 01451). Applicant's Agent: Viewpoint Sign & Awning (35 Lyman Street Northboro, MA 01532). The approval is subject to:

##### **Specific conditions:**

1. The proposed signage illumination timing is to be the same as the previous approvals for the site's signage, which is no sooner than one hour before opening and one hour after closing.

##### **General Conditions:**

2. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
3. 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.
4. 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.
5. 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.
6. The applicant shall ensure that a copy of the recorded decision be provided for the Planning Division Case file folder.
7. 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.
8. 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:

11/27/2018  
Date

  
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Kathryn Duff, Chair  
City of New Bedford Planning Board