



## PLANNING BOARD

City Hall, Room 303  
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2018 OCT 24 A 9:21

CITY CLERK

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number:	18-38			
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:	SITEC, Inc.			
Applicant Address:	499 Faunce Corner Road Dartmouth, MA 02747			
Application Submittal Date	Public Hearing Date(s)	Decision Date		
September 11, 2018	October 10, 2018	October 10, 2018		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
136	322	12310	189	

**Application:** SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) on behalf of Beta Realty, LLC (280 Ayer Road Harvard, MA) 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 October 24, 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.

10/24/2018

Date

Kathryn Duff, Chair  
City of New Bedford Planning Board

### 1) APPLICATION SUMMARY

SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) on behalf of Beta Realty, LLC (280 Ayer Road Harvard, MA) 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/ Gas Station 209 Theodore Rice Blvd. New Bedford, Massachusetts; prepared by SITEC, Inc., in Dartmouth, MA and stamped by Steven Gioiosa, dated August 15, 2017, latest revision dated July 17, 2018, including:
  - Site Layout
  - Existing Conditions
- ❑ Sign Specifications Plan Set – shown as Project # 382150-6.fs, customer Exxon Mobil, dated July 26, 2018. Plans were prepared by Sign Design, in Brockton, MA. The plan set consists of the following sheets:
  - Cover letter
  - Monument Sign
  - Monument Sign – Overall Sign Dimensions
  - MID Sign
  - MID Sign – Overall Sign Dimensions

#### Other Documents and Supporting Materials

- ❑ Site Plan Review Application, stamped received by City Clerk's Office September 11, 2018.
- ❑ Certified Abutters List
- ❑ Bristol County (S.D) Registry of Deeds Book 12310, Page 189
- ❑ Department of Planning, Housing & Community Development Staff Report dated October 5, 2018
- ❑ Communication from Sarah Porter, Conservation Agent dated September 28, 2018
- ❑ Communication from Derek Santos, Executive Director of the New Bedford Economic Development Council on behalf of the Greater New Bedford Industrial Foundation dated September 27, 2018

### 3) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, and Kamile Khazan were in attendance at the October 10, 2018 meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion.

Mr. Steven Gioiosa, SITEC, Inc. (449 Faunce Corner Road Dartmouth, MA) presented on behalf of the property owner Beta, Realty LLC (280 Ayer Road Harvard, MA). He noted a representative from Sign Design (the sign vendor) was also present. Mr. Gioiosa reminded the board that this project site, located at the northwest corner of Theodore Rice Boulevard and Braley Road, had previously received Site Plan and Ground Sign approval for a convenience store with a gas station last fall. The board at that time considered input from the Industrial Park foundation and asked the applicant to reconsider the size of the proposed pylon sign which was proposed for the east side of the Theodore Rice Boulevard drive entrance.

He explained the applicant had revised their signage plans. The applicant redesigned the pylon sign and proposes to locate it at the Braley Road drive entrance instead. They also propose a monument sign at the Theodore Rice Boulevard entrance. The signage is necessary on Braley Road to attract the pass by traffic on

the exterior of the site. Additionally, the signage on the interior of the park is necessary for traffic going into the park for work, he explained.

He detailed that the monument sign proposed along Theodore Rice Blvd. is lower in profile than the previously proposed pylon sign for that location. The lower profile and brick base is in keeping with the character of the park. The pylon sign proposed for Braley Road, he explained, is of similar size and scale of gas stations price signs throughout the city and local area.

Chair Duff noted a communication had been received from Derek Santos on behalf of the Industrial Foundation, noting their approval for the monument sign inside the park, with no comment on the pylon sign as it is located outside the park.

Mr. Gioiosa then explained that the site, located at entrance to the Industrial Park, is in the Mixed Use Business [MUB] zoned district; compared to the neighboring sites in the Industrial park which are zoned Industrial. He explained that under the zoning code the MUB zoned district limits one sign per lot, limits the overall size to twenty-five (25) square feet, and limits the overall height to fifteen feet (15') maximum. These limits do not apply to the industrial properties he explained. The project, he noted, would be seeking a variance from the Zoning Board of Appeals; as the project proposes two signs, both over the maximum size, and one over the height maximum. Mr. Gioiosa confirmed that both signs proposed meet the setback from the plot lines – the pylon sign at 6' from the Braley Road property line, and the monument sign 8' from the Theodore Rice Blvd. lot line.

The board discussed the current proposal and the previous sign proposal. They noted the current proposed pylon sign was ten (10) square feet larger in size than the previous pylon sign. The board noted the previous sign approval had a condition on the timing for the sign illumination being no more than one hour prior to opening and one hour after closing. Mr. Gioiosa confirmed the applicant would be amenable to the same timing restriction. The board inquired about the need for the blank sign faces shown on both signs. They inquired if another tenant was anticipated. Mr. Gioiosa was unsure the reason for the blank spaces and noted the site development did not include any other tenants but did not rule out the possibility for a future tenant as a result of an interior reconfiguration.

Chair Duff questioned the need for two signs on corner lot with a significant level of visibility already. Mr. Gioiosa countered that there is significant vegetation along the site frontage and surrounding area. Further, sign visibility, particularly the price signage is important and needed for the use.

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

The board discussed their desire to see the signage brought closer into compliance with the zoning code requirements. They acknowledged the franchise tenant companies have standard sign package

requirements that limit the ability to meet the requirement but wished to see the size brought closer to requirements. Further they noted the lack of competition in the immediate area for the services provided, and therefore less need for any larger signage. After a detailed discussion about the scale of signage compared to the surrounding area and the options of sign sizing, the board decided to condition the approval that the applicant eliminate the blank spaces, bring the monument sign overall height to eight (8) feet or less, and the pylon sign overall height to twenty feet (20') or less.

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Ms. Khazan to approve Case #18-38, 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). The approval is subject to:

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

1. The project requires approval of a variance by the New Bedford Zoning Board of Appeals.
2. No additional trees are to be cut to accommodate the pylon sign.
3. The blank spaces shown on plans are eliminated from each sign.
4. The monument sign height be eight feet (8') or less.
5. The pylon sign height be twenty feet (20') or less.
6. The signage is not to be lit one hour before business opening and no later than one hour after business close.

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

7. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
8. 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.
9. 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.
10. 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.
11. The applicant shall ensure that a copy of the recorded decision be provided for the Planning Division Case file folder.
12. 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.
13. 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 four (4) to zero (0).

Board Chair Duff -- Yes

Board Member Glassman – Yes

Board Member Khazan-Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

10/24/2018

Date



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Kathryn Duff, Chair  
City of New Bedford Planning Board

