



## City of New Bedford

### Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN

DIRECTOR

## STAFF REPORT

### REPORT DATE

October 5, 2018

### PLANNING BOARD MEETING

October 10, 2018

#### Case #18-38: GROUND SIGN SITE PLAN REVIEW

209 Theodore Rice Blvd.

Map: 136 Lot: 322

**Owner:** Beta Realty, LLC  
c/o Mickey Higgins  
280 Ayer Road  
Harvard, MA 0145

**Applicant:** SITEC, Inc.  
449 Faunce Corner Road  
Dartmouth, MA 02747



209 Theodore Rice Boulevard  
Looking northeast from Theodore Rice Boulevard

### Overview

Request by applicant is for **New Ground**

**Sign(s) Site Plan** approval for two new ground signs (a monument sign and a pylon sign) for the New England Farms convenience store with Mobile gas station and drive-thru Dunkin' Donuts, located at 209 Theodore Rice Boulevard, in a Mixed Use Business [MUB] zoned district. Site Plan Review is required for commercial or industrial ground signs under Chapter 9 Comprehensive Zoning Section 5427.

**Note:** The proposed signage exceeds the area restrictions and the number of signs allowed per lot in a MUB zoned district. The zoning ordinance limits the total area for ground signs to 25 SF, the overall height to 15 feet, and allows for only one sign per lot. Therefore, the petitioner has filed for a variance from the Zoning Board of Appeals [ZBA] requesting the signage area for both signs be allowed to exceed 25 SF, the pylon sign height to be allowed to be 27' - 10 3/8", and for two grounds sign to be allowed on the lot. The ZBA will hear the case on October 18, 2018.

### Background

The overall site development received Site Plan approval (Case #33-17) and Ground Sign Site Plan approval (Case #34-17) from the Planning Board on October 18, 2017. The previous ground sign proposal included a 103 SF pylon sign located at the driveway entrance along Theodore Rice Boulevard. The Planning Board had conditioned the sign approval so that the board would work with the applicant to adjust the sign size for consistency with other signs throughout the industrial park. **The current signage plan before the board contains two completely new sign designs.**

### **Existing Conditions**

The 4.87 acre corner lot, is located at the entrance to New Bedford Business Park. The site is triangularly shaped with 450'± of frontage on Theodore Rice and 846'± on adjacent Phillips Road. The site is currently under construction for the site development as approved by this board for Case #33-17 site plan review. This includes the construction of a 4,500 SF retail building with a drive-thru window located on the west elevation of the building. A dedicated drive-thru lane will wrap around the building with traffic flow from the east side, around the rear, and to the window on the west side. A canopied gas station with five gas pump stations is being constructed in front of the proposed building. Two new driveway entrances will serve the site – one driveway on Theodore Rice Boulevard near the south west corner of the site; and another on Phillips Road approximately 140' from the intersection of Phillips Road and Theodore Rice Boulevard.

As the site is located at the entrance to the New Bedford Business Park, the surrounding area is comprised of industrial style commercial buildings and woodlands. Abutting the property to the west is Nameplates for Industry (NFI) Corporation, a custom print graphics manufacturing business. Directly south across Theodore Rice Boulevard from the site is the Massachusetts Registry of Motor Vehicles and Massachusetts State Lottery Commission. Directly east across Phillips Road is a cleared site with a retaining wall around the perimeter and a small billboard sign for the Industrial Park. To the rear (north) of the site are the wooded portions of AFC Cable Systems and Morgan Advance Materials sites. The Route 140 highway on and off ramps are less than 300 feet east of the



**209 Theodore Rice Boulevard**  
Looking north from Theodore Rice Boulevard



**209 Theodore Rice Boulevard**  
Looking west from Phillips Road



**Looking west from Route 140 off ramp towards 209 Theodore Rice Blvd**



site. The board should note the area surrounding the site has a mixture of zoning districts. To the south and west is Industrial C zoning while Mixed Use Business and Residential B zoning applies to areas east and northeast of the site.

**Please note:** Phillips Road turns into Braley Road near this site. References made in this report, plans, or comments submitted are referring to either road should be understood as referring to the same road/location.

### **Proposed Conditions**

The petitioner proposes to install two ground signs on the site, one at each new driveway entrance. A monument sign is proposed on the west side of the Theodore Rice Boulevard driveway entrance in the grass area. A pylon sign is proposed on the south side of the Braley Road driveway in the riprap area surrounding the culvert.

The monument sign proposed for Theodore Rice Boulevard will be 9'6" in height, 11' in width, and 1' in depth. The total sign area proposed is 77.20 SF. The sign is comprised of seven polycarbonate sign faces, of varying sizes, housed in aluminum cabinets with a brick surround and a cap of unidentified gray colored material. The sign will be internally illuminated by LED bulbs ranging from 500-6500K in color temperature. Additionally, the sign includes two changeable LED price digit units. The sign will be setback 8' from the south property line.

The pylon sign proposed for Phillips/Braley Road will be 27'-10 3/8" in height, 8.2' in width, 1' in depth, and have 7'-5 3/16" of clearance from the ground to the base of the sign. The sign will be setback 6' from the east property line.

As noted previously, a variance is required from the Zoning Board of Appeals for the both the monument and pylon sign areas to be allowed to exceed 25 SF. A variance is also required for the height of the pylon sign and for two signs to be allowed on the site. The Zoning Board of Appeals will determine whether or not these variances should be granted. The Planning Board can make a recommendation to the Zoning Board in regards to these items, if the board wishes to do so.



Looking toward proposed location for monument sign



Looking toward proposed location for pylon sign

Staff notes there is not much signage in the immediate mixed use business zone area along Phillips/Braley Road except for a small pylon sign for Santander Bank, a small billboard sign for the industrial park, and a large billboard along Route 140. Each site in the Business Park along Theodore Rice Boulevard has signage. The monument sign proposed is of similar scale to other signage found in the Business Park. The Business Park sites are located in Industrial C zones, which allows for larger signage than the Mixed Use Business Zone.

### **Site Plan Approval**

Site Plan Review is required for commercial or industrial ground signs (Ch. 9 Section 5427)

In considering Site Plan Approval for the proposed project, the Board must find the plan to meet a number of objectives identified in Section 5470 of the City's (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development** so as to:
  - Maximize pedestrian/vehicular safety to/from the site;
  - Minimize the obstruction of scenic views from publicly accessible locations;
  - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
  - Minimize glare from vehicle headlights and lighting fixtures;
  - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
  - Ensure compliance with the Zoning Ordinance;
  - Minimize damage to existing adjacent public ways;

The proposed signage exceeds the maximum sign area and size allowed under the zoning ordinance for a Mixed Use Business Zoned site. The monument sign is similar to other signage in the immediate area and has minimal impact on vehicular traffic as it is setback from the roadway. The pylon sign is of a standard gas station price sign. It is larger than a similar pylon sign in the immediate area yet of a similar height as the Industrial Park billboard located nearby. Given the sign is proposed to be installed in the sloped riprap area it is unclear how much visual clearance will be below the sign for vehicles along the driveway. However, sight lines should be sufficient for drivers given the sign location setback from the property line and the actual roadway.

### **Review Comments**

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

Sarah Porter, Conservation Agent, has submitted comments noting that "The proposed signs were shown on plans already approved by the Conservation Commission. The sign located adjacent to Braley Road is within the Buffer Zone and provided no additional trees are to be cut to accommodate the sign, the sign does not require Conservation Commission approval."

All development proposals within the New Bedford Business Park also require review by the Greater New Bedford Industrial Foundation (GNBIF). Derek Santos, Executive Director of the New Bedford Economic Development Council on behalf of the GNBIF has confirmed that the sign proposed along Theodore Rice Boulevard "does comply with the Park's regulations and is of a scale that is generally consistent with what can be found in the Park." In regards to the signage along Braley Road he wrote "We have no comment on the sign for NEF [New England Farms] that is considered outside of the park."

No other comments were received as of this report. Any additional comments received will be provided to the board at the meeting.

### **Master Plan Goal**

The proposal is consistent with the Master Plan in that the proposed sign would support the active use of a commercial property.

### **Materials for Consideration**

The submittal is shown as Proposed Convenience Store, 209 Theodore Rice Boulevard, New Bedford, Massachusetts, client South Coast Development, LLC, dated August 15, 2017, last revision dated November 17, 2017. Plans were prepared by SITEC, in Dartmouth, MA. The plan set consists of the following sheets:

- ❏ Drawing SL-1 Site Layout
- ❏ Drawing EC-1 Existing Conditions

The submittal also included sign specifications 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

### **Staff Recommendations**



**Site Plan Approval.** Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

- ❑ That the following specific conditions be applied to this decision:
  - 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.
- ❑ That the following general conditions be applied to this decision:
  - The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
  - 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.
  - The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division Case file folder.
    - 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.
    - The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.

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- 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.
- 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.

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**Materials Provided by the Applicant** are available at: <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>



## 209 Theodore Rice Boulevard Map: 136, Lot: 322

*NOTE: Property line and signage locations are approximate; for discussion purposes, only. Aerial map is oriented north.*

