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Planning Board

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April 11, 2018 Meeting of the New Bedford Planning Board

New Bedford City Hall
133 William Street
New Bedford, MA

MEETING MINUTES

PRESENT: Kathryn Duff, *Chairperson*
Arthur Glassman, *Vice-Chairperson*
Alex Kalife, *Clerk*
Peter Cruz
George Smith

ABSENT: None

STAFF: Jen Carloni, *Staff Planner*
Kirsten Bryan, *Acting City Planner*

CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 JUL 12 A 8:29
CITY CLERK

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:01 p.m.

2. ROLL CALL

A formal roll call was conducted confirming members present as listed above.

3. APPROVAL OF MINUTES

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

4. CONTNUED PUBLIC HEARINGS

Case #18-8 - Request by applicant for a Special Permit for a reduction in the number of parking spaces required for a three-family dwelling at the property located at 475 Purchase Street (Map 42, Lot 52) in a Residential C [RC] zoning district. Applicant: Benvindo Dos Santos Faria Neves, Trustee of Benvindo Dos Santos Faria Neves and Ana Gomes Pinto Inter Vivos Trust (475 Purchase Street New Bedford, MA) Applicant's agent: Ricardo Romao-Santos (1118 Acushnet Avenue New Bedford, MA) Continued agenda item from March 14, 2018.

Case #18-9 - Request by applicant for Site Plan approval for the expansion of an existing multifamily residential structure from two units to three units and associated site improvements, located at 475 Purchase Street (Map 42, Lot

52) in a Residential C [RC] zoning district. Applicant: Benvindo Dos Santos Faria Neves, Trustee of Benvindo Dos Santos Faria Neves and Ana Gomes Pinto Inter Vivos Trust (475 Purchase Street New Bedford, MA) Applicant's agent: Ricardo Romao-Santos (1118 Acushnet Avenue New Bedford, MA) Continued agenda item from March 14, 2018.

Ricardo Romao-Santos, Romao-Santos Architects, representing the owner, now living in Florida. He stated they are proposing to add a 3rd residential unit to an existing two-family building. He stated they have approval from the Historic Commission and the Zoning Board of Appeals, as well as a city council session with conditions of Planning Board approval. He addressed the requested parking reduction and explained the current and proposed conditions. He stated requirements are for six spaces and they have three on-site. He believes the proposal will improve the site parking. He noted that surrounding properties have similar or non-existent parking available.

A motion was made (AG) and seconded (AK) to accept the parking survey submission.
Motion passed unopposed.

He addressed DPI concerns about the paving of said parking area. He stated they are currently approved for permeable pavers on the driveway and parking area, but expressed they would comply with impermeable conditions if necessary.

In response to Chairperson Duff, Mr. Romao-Santos submitted a picture of the specified pavers.

A motion was made (AG) and seconded (AK) to the parking paver photo.
Motion passed unopposed.

Mr. Romao-Santos noted the drainage benefit of the permeable pavers, especially in light of lacking green space. He then addressed the site plan request with improvements such as exterior lighting, landscaping, and on the structure itself to restore historical aspects.

Chairperson Duff expressed a preference for the permeable stone-like pavers. In response to Chairperson Duff, Mr. Romao-Santos stated he is following zoning requirements for how close a driveway can be to the property line and stated it would be delineated by the permeable paver and perhaps some landscaping. Chairperson Duff requested concrete stops on the parking spots and also noted the driveway slope.

In response to Board Member Cruz, Mr. Romao-Santos explained the proposed new side porches to be added. He also responded that the clearance under the porch is 12'. Mr. Romao-Santos responded to Board Member Cruz that the basement is not finished and will be storage for the owner.

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

Mr. Romao-Santos stated that Mr. Manuel, though not speaking English well, wanted to express his opinion in favor of the project.

At Chairperson Duff's suggestion, a motion was made (AG) and seconded (PC) to accept the comments of the owners.
Motion passed unopposed.

Chairperson Duff noted the DPI comments regarding the prevention of oil and grease entering the soil if permeable pavers are used for parking. There was brief board discussion.

After brief board discussion on the project, a motion was made (AG) and seconded (GS) to approve the request by applicant for a special permit for reduction in the number of parking spaces required for a three-family dwelling, from 6 spaces to 3 spaces, at the property located at 475 Purchase Street (Map 42, Lot 52) in a Residential C [RC] zoning district.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Kalife- Yes	Board Member Cruz – Yes
Board Member Smith - Yes	

Motion passed 5-0

A motion was then made (AG) and seconded (AK) to approve the request by applicant for site plan approval for the expansion of an existing multifamily residential structure from two units to three units and associated site improvements, located at 475 Purchase Street (Map 42, Lot 52) in a Residential C [RC] zoning district, with the following conditions:

- Concrete permeable pavers on the parking lot;
- Concrete parking stops;
- A reduction of 6 spaces to 3 spaces;
- All general conditions shall 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 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;
- 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.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Kalife- Yes	Board Member Cruz – Yes
Board Member Smith - Yes	

Motion passed 5-0

Case #18-13: Request by applicant for Site Plan approval for the rehabilitation and conversion of a 2,300 SF commercial building into a tire repair facility with associated site improvements, located at 956-958 Brock Avenue (Map: 15, Lot: 56) in a Mixed Use Business [MUB] zoning district. Applicant: Humberto Martinez (163 Query Street #2 New Bedford, MA) Continued agenda item from March 14, 2018.

Steve Gioiosa SITEC, introduced the applicant and their legal counsel Jim Marsh. He re-familiarized the board with the project location and proposed use. He explained that the city council is in charge of granting a special permit for any type of auto repair use, and the applicant met this week with the council, which voted favorably on the application. He stated the full council will vote Thursday 4/12/18. He stated that input received at the last meeting has resulted in a change in the access and backing up of vehicles into Brock Avenue. He explained the same to the board, which will add a second overhead door for exiting.

Mr. Gioiosa discussed DPI comments, regarding the sidewalk rebuild and the additional of two new street trees. He then addressed the plans for crosswalk realignment, per the board's previous request. Mr. Gioiosa then described the fence line/storage area changes. He then addressed DPI requests for on-site drainage/catch basin and a planned trench drain installation at the site exit. He also noted the plan for a security gate.

He stated that all other features, such as lighting, remain unchanged. He noted they have had contact with the abutters and introduced a letter from one expressing his support at 14 Harmony Street.

A motion was made (GS) and seconded (AG) to receive and place on file.
Motion passed unopposed.

Chairperson Duff read the same into the record, noting a representation that the business will open on Sundays.
Board Member Cruz confirmed the weekday business hours as 7:30 a.m. to 5:30 p.m..

Chairperson Duff confirmed no present request for signage.
Board Member Smith confirmed that all work is to be done inside.

Board Member Kalife confirmed that space for tire containers was still planned. Emmanuel Martinez stated that he will acquire containers that will fit in the area. In response to Board Member Smith, Mr. Martinez stated that the new containers will remain outside at night but will be locked.

In response to Board Member Cruz, Mr. Gioiosa stated there will be a black vinyl chain-link fence. With regard to turning radius, Mr. Gioiosa stated there are no interior columns that will impede that and the inside area is open space. With regard to adding an additional floor drains, Mr. Gioiosa stated everything is pitched.
In response to Chairperson Duff, Mr. Gioiosa stated pathways are ADA compliant. He explained the handicap access areas and process.

Board Member Smith had the planned cross walk work addressed in more detail by Mr. Gioiosa.
Board Member Kalife inquired about a metal grate on the property, which Mr. Gioiosa stated will be ripped out.

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

In response to Chairperson Duff's invitation to speak or be recorded in favor, Alideesa Aliano, Harmony Street abutter, stated she approved of the business. She explained while she shares concerns about noise, she believes the corner needs improvement due to existing situations in that immediate area and this business will accomplish that, especially with more lighting.

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

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

After brief board discussion, including concerns that have been addressed by the applicant, approval of city council members, additional trees, et cetera, a motion was made (AG) and seconded (AK) to approve the request for site plan approval for the rehabilitation and conversion of a 2,300 SF commercial building into a tire repair facility with associated site improvements, located at 956-958 Brock Avenue (Map: 15, Lot: 56) in a Mixed Use Business [MUB] zoning district with the following conditions:

- Subject to Traffic Commission comments;
- Subject to DPI comments on March 7th and April 9th;
- Subject to tires being stored in sealed containers;
- Subject to agreed hours;
- Subject to all repairs being done inside;
- Subject to a 2' drainage strip instead of 1' as proposed;
- With all general conditions applied to this decision.

ROLL CALL VOTE:

Chairperson Duff – Yes	Vice Chairperson Glassman - Yes
Board Member Kalife- Yes	Board Member Cruz – Yes
Board Member Smith - Yes	

Motion passed 5-0

5. PUBLIC HEARINGS

ITEM 1 - Case #18-15: – Request by applicant for New Ground Sign Site Plan approval for M&M Tire located at 510 Belleville Avenue (Map: 100, Lot 115) on a .29 + acre parcel in an Industrial B [IB] zoning district. Applicant: Tires R Us, LLC c/o Michael Frates (510 Belleville Avenue New Bedford, MA).

Derek Yates stated they are the company removing and replacing the existing sign, which was done without permitting. He explained the changes and work to be done. And confirmed for Chairperson Duff the sign height.

In response to Board Member Cruz, Mr. Yates stated the will be 6' back from the property line and not overhang the sidewalk.

In response to Chairperson Duff, Mr. Yates stated he had nothing to do with the initial sign. He stated the sign is illuminated with a cable he feels is adequate.

In response to Chairperson Duff, Mr. Yates states the hours of operation to be 7:00a.m. to 5:00p.m. on weekdays, with a ½ day Saturday. Mr. Yates stated the applicant is looking for illumination to nine o'clock or ten o'clock, similar to other signs in the area. He stated the applicant seeks lighting of the sign in the evening only.

In response to Board Member Smith, there was brief discussion on the lighting impacts.

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

After brief board discussion, a motion was made (AG) and seconded (GS) to approve the request for New Ground Sign Site Plan approval for M&M Tire located at 510 Belleville Avenue (Map: 100, Lot 115) on a .29 + acre parcel in an Industrial B [IB] zoning district, with the following conditions:

- That the sign may be lit from dawn to dusk, but no later than 9:00 p.m.;
- That all the general conditions apply to this decision.

ROLL CALL VOTE:

Chairperson Duff – Yes

Vice Chairperson Glassman - Yes

Board Member Kalife- Yes

Board Member Cruz – Yes

Board Member Smith - Yes

Motion passed 5-0

ITEM 2 - Case #18-16 - Request by applicant for a Special Permit for a reduction in the number of parking spaces required for two residential units and a business (recording studio), located at 14 South Sixth Street (Map: 46 Lot: 256) on a .12 + acre parcel in a Mixed Use Business [MUB] zoned district. Applicant: Trevor J. Reilly (14 S. Sixth Street New Bedford, MA

Trevor Reilly, explained that at their purchase the property was operating as a boarding house which they converted into a two-family, with plans to make a small recording studio on the first floor. He stated their driveway can accommodate three vehicles, including a handicap space, and with a possible fourth space. He stated he anticipates a lot of traffic at the studio, and expects that the associated vehicles can share resident spaces during the day.

In response to Chairperson Duff, Mr. Reilly stated driveway improvements are planned as soon as financially possible.

Board Member Glassman confirmed that four cars are possible on the property, along with street and metered parking.

Chairperson Duff was not in favor of a fourth parking spot in lieu of green space. She noted available parking on pleasant and Union Streets.

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

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

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

Board Member Smith complimented the applicant's presentation and then inquired as to soundproofing.

After brief board discussion, a motion was made (AG) and seconded (GS) to approve the request by applicant for special permit for reduction in the number of parking spaces required for two residential units and a business (recording studio), located at 14 South Sixth Street (Map: 46 Lot: 256) on a .12 + acre parcel in a Mixed Use Business [MUB] zoned district. The reduction will be from 9 spaces to 3, a reduction of 6 spaces, subject to all general conditions of this decision.

ROLL CALL VOTE:

Chairperson Duff – Yes
Board Member Kalife- Yes
Board Member Smith - Yes

Vice Chairperson Glassman - Yes
Board Member Cruz – Yes

Motion passed 5-0

ITEM 3 – Case #18-17 - Request by applicant for a partial release of remaining funds held by the city to ensure the completion of the Cardinal Place subdivision, as shown on the plan of land entitled “Definitive Plan of Cardinal Place in New Bedford, MA”, prepared by Prime Engineering PO box 1088 350 Bedford Road Lakeville, MA 02347, dated April 22, 2013, revised through May 19, 2014, and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 172 Page 20.

Hugh Rowlett, of Petrel Properties, described the property location and history dating back to groundbreaking on 2014. He explained that all infrastructure has been completed on the seven lot subdivision, with four built and occupied homes to date. He noted the remaining three homes are nearing completion. He stated the packet presented to the board has a DPI remaining estimate contingency of \$26,000.00 and explained the five items to be finished; cement drives, city fee for taking over the retention basis, as built plans, clean structures, and miscellaneous. Mr. Rowlett requested reduction of the \$111,000.00 plus interest held by the city for surety guarantee to \$26,000.00 to be held by the city until the subdivision streets are accepted.

Board Member Cruz inquired as to what structure is to be cleaned. Mr. Rowlett stated it is primarily the catch basins and storm sewer system. As opposed to flushing, Mr. Rowlett stated a vacuum system is used to clean out dirt if necessary. Board Member Cruz inquired as to what is included in the amount listed for taking over the detention basin. Mr. Rowlett stated he believes this is a city fee to fund maintenance of the basin for weeds, fencing, et cetera.

There was brief board discussion regarding the cleaning of the ponds in the past to ensure they are completely clean when the city takes over, which Board Member Cruz does not feel is represented by the \$6,000.00. Mr. Rowlett agreed it was for future use by the city, and assured the board the city will receive a clean area.

In response to Board Member Smith regarding street acceptance, Mr. Rowlett stated he is currently paying for garbage/recycle and snow removal to the four occupied homes. In response to Board Member Smith, Mr. Rowlett estimated completion of the project within a couple of months.

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

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

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

After brief discussion, including the line items within the DPI estimate, a motion was made (AG) and seconded (GS) to grant a partial release of the remaining funds held by the city to ensure the completion of the Cardinal Place subdivision, as shown on the plan of land entitled “Definitive Plan of Cardinal Place in New Bedford, MA”, prepared by Prime Engineering PO box 1088 350 Bedford Road Lakeville, MA 02347, dated April 22, 2013, revised through May 19, 2014, and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 172 Page 20. The reduction will be from \$111,000.00 to \$26,000.00, a reduction of \$85,000.00. This is subject to all DPI requests.

ROLL CALL VOTE:

Chairperson Duff – Yes
Board Member Kalife- Yes
Board Member Smith - Yes

Vice Chairperson Glassman - Yes
Board Member Cruz – Yes

Motion passed 5-0

5. OLD/NEW BUSINESS:

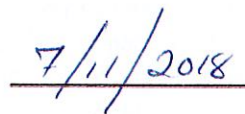
Ms. Bryan informed the board of abutting community notices.

6. ADJOURNMENT:

There being no further business, a motion was made (GS) and seconded (AG) to adjourn at 7:49 p.m.
Motion passed unopposed.



Alexander J. Kalife, Clerk



Date