

CITY CLERKS OFFICE
NEW BEDFORD, MA

NEW BEDFORD PLANNING BOARD

New Bedford City Hall 2018 JUN 14 A 9:57

133 William Street

New Bedford, MA

CITY CLERK

May 9, 2018

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*

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:02 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.

A motion was made (AG) and seconded (GS) to address sidewalk café permits out of order. Motion passed unopposed.

4. PUBLIC HEARINGS

ITEM 1 - Case #18-24: Sidewalk Café Permit Renewal for use by Moby Dick Brewing Company, Inc., at the property known as 52 Union Street and 4 South Water Street (Map 47, Lot 37) located in the Industrial A (IA), Downtown Business Overlay District (DBOD) zoning districts, and Bedford Landing Historical District. Applicant: Moby Dick Brewing Company, Inc., c/o David Slutz, 4 South Water Street, New Bedford, MA 02740.

David Slutz, President Moby Dick Brewing Co., stated the plan presented is the exact same plan as last year. There have been no changes. Same everything.

In response to Chairperson Duff, Mr. Slutz confirmed he had met with the Historic Commission. Chairperson Duff instructed Mr. Slutz to comply with the Historic Commission recommendations.

Board Member Smith re-confirmed that the application was the same as last year with no changes.

A motion was made (AG) and seconded (GS) to accept the application for renewal.

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>

Motion passed unopposed.

ITEM 2 - Case #18-25: Sidewalk Café Permit Renewal for use by Greasy Luck Brewpub, at the property known as 791 - 797 Purchase Street (Map 52, Lot 292) the Mixed Use Business zoning district, Downtown Business Overlay District (DBOD), and Central Business District. Applicant: Vault, LLC DBA Greasy Luck Brewpub c/o Mark Martinho, 791 Purchase Street New Bedford, MA.

There being no one present to present the application, Chairperson Duff noted for the board that this was a renewal for the sidewalk café, and she stated she did not believe they had to meet with the Historic Commission. She stated the plan is exactly the same as last year. Chairperson Duff reminded the board that these are intended to be temporary structures/outdoor seasonal seating.

In response to Board Member Smith's inquiry, fees were briefly discussed.

A motion was made (GS) and seconded (AG) to accept the application for renewal.

Motion passed unopposed.

ITEM 3 - Case #19-17: Sidewalk Café Permit Renewal for use by Slainte Irish Pub, at the property known as 34 Union Street (Map 47, Lot 39) in the Industrial A (IA) zoning district and Downtown Business Overlay District (DBOD), and Bedford Landing Historical District. Applicant: Cork County, Inc DBA Slainte Irish Pub c/o Barry Flynn, 34 Union Street, New Bedford, MA 02740.

There being no one present to present the application, Chairperson Duff noted for the board that this was a renewal for the sidewalk café, and the applicant did have to go before the Historic Commission for approval. She suggested the board condition their approval to the extent that the applicant needs to abide by the Historic Commission comments, as well as the Department of Inspectional Services regarding concerns about the fastening of column bases to the sidewalk.

Board Member Cruz asked for a revision that open pedestrian space be 6' rather than 5.6' to allow pedestrians to walk side by side.

A motion was made (AG) and seconded (PC) to accept the application for renewal conditioned on compliance with all Inspectional Services, Historic Commission and increasing the sidewalk width to 6'.

Motion passed unopposed.

ITEM 4 – Case #18-18: — Request by applicant for Site Plan approval for new construction of a 175,200 SF office/warehouse facility with associated site improvements, on a 44+ acre site, located at Flaherty Drive aka ES John Vertente Blvd (Map 133, Lot 61) in an Industrial - C [IC] zoned district. Applicant: Plumbers Supply Company (PO Box 51687 New Bedford, MA) Applicant's Agent: Field Engineering Co., Inc. (11 D Industrial Drive PO Box 1178 Mattapoisett, MA)

Rich Riccio, Field Engineering, along with Brian Jones from Plumber's Supply, stated the applicant seeks to construct the building on an existing vacant lot. He stated this local company has run out of room at their current location and cannot expand at their current site. He stated the near 45 acre site has just under 20 acres of buildable upland outside the wetland buffer zones. He explained the area and surrounding buildings. He displayed a diagram of the site, explaining access drives, the 91 paved parking spaces, and 16 loading docks.

Mr. Riccio noted that all utilities are available on Flaherty Drive. He stated the site will need a private sewer pump station. He stated the site flows from west to east, and the applicant is proposing a large surface infiltration retention basin on the

eastern side of the site. He explained where the roof drains would tie in. He stated they have undergone two rounds of review with the Conservation Commission and addressed their concerns, which will be shown on the final plan set.

Mr. Riccio then addressed site lighting, including wall packs and two parking lot lights. He also noted the landscaping shown on the site plan.

Chairperson Duff inquired as to any retail component. Mr. Riccio stated there are offices, but no general public coming in. In response to Chairperson Duff, Mr. Riccio stated the hours of operation are expected to be 5:00 a.m. to 8:00 p.m., Monday through Friday, with a half day operation on Saturday. Mr. Riccio noted that though a sign is shown on the plans, they will come back for a ground sign permit.

Board Member Smith noted the "expansion Phase II" shown on the plan. Mr. Riccio stated they are not seeking any approval for the expansion area at this time, but wanted to show it. He stated they are going to clear that area for a stockpile and staging area during construction. He added that they are required to put a turtle barrier on the property, it being part of National Heritage.

Mr. Riccio displayed and explained a rendering of the front of the building along with back elevations. In response to Chairperson Duff, Mr. Riccio stated the roof will be a white TPO, and there may be solar on the roof as well. He confirmed for Chairperson Duff that currently they are only planning a logo on the building. He stated they expect 50-60 staff within the building. Chairperson Duff raised the issue of Flaherty Drive not being a legal street. Mr. Riccio subdivision endorsement creating the layout of Flaherty Drive. Chairperson Duff explained the board approves subdivisions, but not streets. She noted the applicant is looking to construct a very large public building. And while in support of the expansion of a local business, the applicant is asking the board to approve the site plan for a large public building off a private drive. Mr. Riccio noted that AFC was also built off Flaherty Drive. He stated they are in process for getting the road fully accepted. Chairperson Duff stated there would have to be a condition regarding that issue.

In response to Chairperson Duff, Mr. Riccio stated there is a trash compactor and dumpster on the back of the property, which will be screened most likely by a stockade fence. He stated the trash will be handled by private company probably once a week. Mr. Riccio noted they had no issue with DPI comments. There was some discussion about keeping fill material on site for future Phase II development.

In response to Chairperson Duff, Mr. Riccio addressed the landscape plan and associated trees, such as red maples. He expects a final plan submitted to the staff for review.

Board Member Smith asked for clarification on the landscaping plan submitted versus a complete plan. Mr. Riccio stated the current plan is the proposal but the applicant may do more. In response to Board Member Smith, Mr. Riccio stated they are proposing seven maples in the islands and fourteen cypress in the front screening area, with a number of shrubs et cetera.

Brian Jones stated this will be their corporate headquarters and they want it to be very impressive. Board Member Glassman commented positively on their Church Street property. Mr. Jones clarified to Chairperson Duff that this will replace their Church Street facility.

In response to Board Member Cruz, Mr. Riccio stated the revisions will have no substantial change to the basin, and he stated he will submit a final plan set. There was discussion between Board Member Cruz and Mr. Riccio regarding the turtle barrier and the site drive, with a single existing turtle crossing sign.

There was discussion about the cul de sac as the accepted turnaround, and a sign on the park directory noting Plumbers Supply. Mr. Riccio confirmed that the drainage is not sized for any future development. Mr. Riccio displayed the wetland lines in response to Board Member Cruz. Board Member Cruz confirmed that silt sacks will be utilized.

In response to Chairperson Duff, the wetland flagging process was discussed.

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

In response to Chairperson Duff's invitation to speak or be recorded in favor, Derek Santos, New Bedford Economic Development Council, which staffs the daily operations of the Industrial Foundation, noted this 45 acre parcel is owned by the Foundation and is being sold to Plumbers Supply. He stated this is exactly the type and size facility that was explored sometime ago when Flaherty Drive was extended. He noted the 20 acres of upland, with the rest being wooded and wetlands. He stated they are pleased to keep a longstanding company in New Bedford, when it could easily relocated to one of its other existing areas within New England. He stated that all plans comply with the Foundation's park regulations. He stated they are excited about the project. He also noted the plans are designed for street acceptance in both New Bedford and Dartmouth. He sought to make clear that it is the intention of the Foundation to make certain the street is accepted as a public way. He invited questions.

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 (GS) to close the public hearing.
Motion passed unopposed.

After brief board discussion on the project, board conditions, and correspondence from the city solicitor's office, a motion was made (AG) and seconded (GS) to approve the request by applicant for site plan approval for the new construction of a 175,200 SF office/warehouse facility with associated site improvements, on a 44+ acre site, located at Flaherty Drive aka ES John Vertente Blvd (Map 133, Lot 61) in an Industrial - C [IC] zoned district, subject to the following:

- All DPI and staff comments;
- Acceptance of the road;
- Final landscape plan to be reviewed by staff;
- Update of plans due to Conservation Commission findings;
- All specific and general conditions, to include that the developer will be required to take all necessary actions to insure that the roadway to access the proposed site is legally acceptable and recorded;
- That the dumpster and compact locations be screened with stockade fence.

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 5- Case #18-19: Request by applicant for Site Plan approval for an expansion of an existing bank drive-thru with parking improvements, on a 0.45 + acre site, located at 160 County Street (Map 30 Lots 247 & 320) in a Mixed Use Business [MUB] zoned district. Applicant: Fall River Five Cents Savings Bank d/b/a BankFive (79 N. Main Street Fall River, MA). Applicant's Agent: Richard Rheame, Prime Engineering (PO Box 1088 350 Bedford Street Lakeville, MA).

CP Duff read into the record, correspondence from the applicant, withdrawing their special permit request on Case #18-20.

A motion was made (GS) and seconded (PC) to accept and place the same on file.
Motion passed unopposed.

A motion was made (GS) and seconded (PC) to accept the withdrawal without prejudice.
Motion passed unopposed.

Rich Rheume, Prime Engineering, introduced bank president Bob Collins. Mr. Rheume displayed the plan and explained the property location. He noted there are currently only two drive-thru lanes on the site, with no bypass lane, making parking awkward. He stated the bank had therefore purchased a tenement building. He explained that the brown represents the tenement building that was taken down, and the gray represents a paved parking lot that existed. He stated the brown represents the existing Bank 5 building and the yellow is currently concrete. He stated the proposal is to add an additional drive-thru lane and a bypass lane, as well as to reconstruct the parking lot making it handicap space compliant and to improve access. He explained location of employee spaces, the redo of the County Street sidewalks at pedestrian grade. He noted a DPI comment for a grass ribbon on Rivet Street. He stated the grass ribbon is only 4' from the building with power lines 12' above, with trees being trimmed by the power company. He stated the current canopy is for two spaces, but the canopy will be removed, with a first lane ATM and night drop-off mounted into the building and the second lanes teller operated.

He stated they are increasing impervious site area by 1,100 s/f, and the drainage system as designed has an overflow for a hundred year storm. DPI has refused any connection to the city storm system, even though currently all the flow goes into the city system. As such, he stated the plan will be revised.

In response to Chairperson Duff and Board Member Cruz, there was further discussion on the DPI denial of connection and overflow in the event of a 100 year storm, and drainage plans.

Mr. Rheume addressed required bank parking spaces, noting ATMs and online banking. He stated that the bank owns a lot across the street containing 20 parking spaces and can meet the city requirement.

In response to Chairperson Duff, Mr. Rheume explained site lighting, with bright lights only at the ATM and night drop-off. He confirmed there would be no substantial changes to the building, but for the taking down of the canopy and the addition of the extra drive-thru lane.

Board Member Smith confirmed that there was no exit to Purchase Street. Mr. Rheume explained the heavy traffic entering at the drive-thru. He noted that they cannot approach Traffic Commission until after the board's approval. There was further discussion about the existing exits onto County and Rivet Streets.

In response to Chairperson Duff, MR. Rheume explained that banks do not have exterior dumpsters. Mr. Rheume stated there is minimal room on the site for snow storage.

In response to Board Member Cruz, Mr. Rheume explained the sidewalk rebuild areas along County and Rivet Streets. He noted that DPI conditions require a handicap accessible ramp at the corner. Board Member Cruz inquired as to the applicant's willingness to install one across the street at the church corner. Mr. Rheume stated that the applicant would comply with that as a condition from the board.

In response to Board Member Smith, Mr. Rheume stated there was a traffic flow report within the submission.

Chairperson Duff inquired as to any bus stop and suggested moving the same to the east of the parking lot access on Rivet Street.

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 (PC) to close the public hearing.
Motion passed unopposed.

After brief board discussion on the project, a motion was then made (AG) and seconded (GS) to approve the request by applicant for site plan approval for expansion of an existing bank drive-thru with parking improvements, on a 0.45 + acre site, located at 160 County Street (Map 30 Lots 247 & 320) in a Mixed Use Business [MUB] zoned district with the following conditions:

- Subject to all DPI and staff comments
- Addition of a handicap access on the southeast corner
- Coordination with SERTA for sign placement

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 6 = Cases #18-21/18-22:

Case #18-21: 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.

Applicant: Po Yam Chan (8 Whitelock Street New Bedford, MA). **Applicant's Agent:** Michael Walker Design/Builder, LLC (500 Horseneck Road Dartmouth, MA).

Case #18- 22: 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. **Applicant:** Po Yam Chan (8 Whitelock Street New Bedford, MA). **Applicant's Agent:** Michael Walker Design/Builder, LLC (500 Horseneck Road Dartmouth, MA).

Michael Walker stated the applicant seeks to utilize a current open ground floor space which has been vacant for a number of years. He explained the property dimensions and configuration. Mr. Walker stated they are proposing an alteration to the property, which currently contains twelve rooms on the second and third floors. He stated they are seeking to build apartments in a portion of the currently vacant ground floor commercial space.

Mr. Walker stated they propose to enclose the rear trash area, leaving space for two cars. He stated previous signage will be removed. He stated the replacement of windows and a door is the only planned exterior work, with all other renovations being interior.

Mr. Walker stated he didn't believe there was any visual downside to the proposed work, as it is all inside. He noted all utilities are present in the basement.

In response to Chairperson Duff, Mr. Walker stated he could not tell if there was a curb cut to access the back alley space, as it appears to have been overlaid several times on Ellen Street. Board Member Cruz noted there is a pretty tight curb cut. Mr. Walker stated there are several properties on Ellen Street with front and back parking. Chairperson Duff expressed concern with parking room in addition to trash barrels for the multiple units. Mr. Walker stated the requirement is two spaces per unit, in this case twelve spaces, with an additional space for the restaurant. Chairperson Duff corrected the applicant that it would be five spaces for the restaurant, adding that would result in adding some sixteen spaces to the already overwhelmed street parking. Mr. Walker responded that while there is heavy parking, the project provides two generous apartments into the housing market.

Board Member Cruz was interested as to any good faith effort to rent or lease the space out before going forward with this conversion. Board Member Cruz also noted the lack of sunlight. Mr. Walker stated operable sash is required for 10% of the area of the room where the window is installed, or mechanical ventilation in the alternative. Mr. Walker stated he has also proposed skylight installation. He felt this was a workable solution.

There were further concerns and discussion regarding compromising mixed use space for residential units, as well as the parking space problem, noting the proposed addition is only for two more apartments than those already existing.

Board Member Cruz stated he has no plans before him that demonstrate any effort to address maximizing on-site parking. Mr. Walker directed Board Member Cruz to the second page, which was missing in some of the board packets. Mr. Walker explained the history of the Chans acquiring the property and their inability to rent the lower space.

Angela Chan stated the two spaces they seek to make into apartments are currently vacant. She stated that they have tried for decades to put the commercial on the market for rent. She felt this would create some value for that which they have been paying taxes on for some ten years. Board Member Glassman noted that it was formerly the Trolley Stop. Ms. Chan stated the Golden Star Restaurant is generally walk-in take-out traffic, with no real parking problem.

There was continued discussion on parking issues/potential solutions.

Ms. Chan inquired as to what the board would recommend as a use for this vacant property in the alternative. Chairperson Duff noted that is not within the board's purview, but encouraged Ms. Chan to explore resources for a business assessment, noting the building has been modified many times throughout the years. She expressed concerns about the character of the building proposal within the neighborhood and community benefits. Mr. Walker expressed reasons for his disagreement.

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

Chairperson Duff read into the record correspondence dated 4/27/18 from Councilor Joseph Lopes, expressing his opposition.

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.

Chairperson Duff also suggested the applicant speak with the Economic Development Council.
Board Member Smith raised the possibility of the applicant withdrawing in order to present the matter again.
Chairperson Duff also suggested the possibility of continuing the matter if the applicant was amenable. Chairperson Duff, Board Member Smith and Ms. Carloni explained some of the applicant's questions on the better course of action for them, including their future appearance at the Zoning Board of Appeals. The applicant elected to continue the matter.

A motion was made (GS) and seconded (PC) to continue this matter.
Motion passed unopposed.

ITEM 7 Case 18 - 23: Request by applicant for a Special Permit for a reduction in the number of parking spaces required for the addition of a fast food carry-out restaurant to an existing mixed use building containing an existing convenience store and laundromat, on a 0.39 + acre site, located at 330 - 332 Hathaway Boulevard (Map 82 Lot 225) in a Mixed Use

Business zoned district. Applicant: Rahmanz, Inc. (330 Hathaway Boulevard New Bedford, MA). Applicant's Agent: Quality Construction, Inc. (120 Lewin Street #29 Fall River, MA).

Hosam Mabmaod, Quality Construction, noted the applicant already has two such food stores in New Bedford. He stated the applicant is going to utilize the grease trap and hood by separating the store for rental to Crown Fried Chicken. He stated they are seeking the reduction of twelve parking spots, as the city engineer represents only 30 parking spots are presently available.

In response to Chairperson Duff, Mr. Mabmaod stated the proposal is for a take-out restaurant, there being no nearby food establishments.

He stated the operation will run from 10:00 a.m. to 11:00 p.m. He noted peak times for the CFC, the convenience store and the laundromat, as impacts parking needs. Mr. Mabmaod stated he is amenable to the staff comments, as well as a buffer of street trees.

In response to Board Member Glassman, Mr. Mabmaod stated he would put in a bike rack as well.

Board Member Smith noted the presence of the rentable U-Haul trucks on the site. Mr. Patel, convenience store owner and building landlord, stated he is a commission agent for the trucks, and though permitted for seven trucks, he only intends to keep four to five at the most.

In response to Board Member Cruz, Mr. Mabmaod stated he expects to add the CFC sign on the building and not on the pylon sign at this time.

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 (PC) to receive and place on file correspondence received.
Motion passed unopposed.
Chairperson Duff read into the record correspondence received regarding this matter expressing support.

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

There was discussion regarding the maintenance of the property trash clean up, as well as the grease dumpster.

After brief board discussion and review of conditions, including the creation of handicap parking, a motion was made (AG) and seconded (GS) to approve the request by applicant for a Special Permit for a reduction in the number of parking spaces required for the addition of a fast food carry-out restaurant to an existing mixed use building containing an existing convenience store and laundromat, on a 0.39 + acre site, located at 330 - 332 Hathaway Boulevard (Map 82 Lot 225) in a Mixed Use Business zoned district, with the following conditions:

- Reduction in the number of the required forty-two spaces to thirty, a reduction of twelve spaces;
- Approval per staff and DPI comments;
- Installation of four recommended street trees;
- Installation of a bike rack;
- That the lot be maintained with bumper stops, a screened dumpster, and restriping of the lot

ROLL CALL VOTE:

Chairperson Duff – Yes

Vice Chairperson Glassman - Yes

Board Member Kalife- Yes
Board Member Smith - Yes

Board Member Cruz – Yes

Motion passed 5-0

5. APPROVAL OF MINUTES

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

6. OLD/NEW BUSINESS:

Ms. Bryan addressed the ongoing process to streamline café approval process. She stated the authority for conditional approval by the city planner of café permits is being sought this evening. She noted the developed changes are going through process with the city council, including a name change to "Outdoor Café Ordinance". She also delineated proposed changes to the application process, giving jurisdictional authority for granting licenses to the Department of Inspectional Services. In response to an inquiry by Board Member Smith, Ms. Bryan could not address any fee changes. In response to Board Member Cruz, regarding requirements absent review/proposed changes by the planning board, Ms. Bryan could not speak to specifications but noted there will be inter-departmental review/approval.

A motion was made (GS) and seconded (PC) to grant the city planner authority to conditionally approve sidewalk café permits.
Motion passed unopposed.

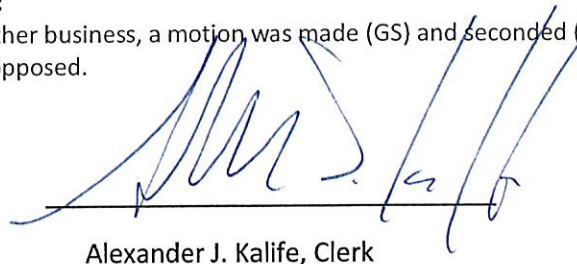
Ms. Bryan addressed the board's March 2018 vote to recommend to the city council approval on the moratorium on recreational marijuana establishments in effect until September 30, 2018. She stated the council has formed a cannabis committee working with the solicitors' office and planning office to draft a zoning ordinance for the same, which will be brought before the board as it develops.

Ms. Bryan then informed the board of neighboring town/city matters that are available for review during business hours.

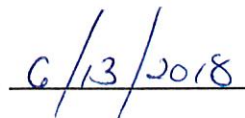
Chairperson Duff noted a letter from Mary Myers submitted to the Planning Board regarding house going up on Phillips Road, with complaints of cars speeding, et cetera. Ms. Bryan noted this was a Form A that did not come before the Planning Board. Mr. Glassman offered input, including that this was not a subdivision and as such the board could take no action. In response to Chairperson Duff, Ms. Bryan stated she would gather information and respond to Ms. Myers. Chairperson Duff stated this might trigger a review of the current process.

7. ADJOURNMENT:

There being no further business, a motion was made (GS) and seconded (PC) to adjourn at 8:52 p.m.
Motion passed unopposed.



Alexander J. Kalife, Clerk



Date

