



City of New Bedford

Planning Board

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PATRICK J. SULLIVAN

DIRECTOR

February 14, 2018 Meeting of the Planning Board

MEETING MINUTES

PRESENT:

Kathryn Duff, *Chairperson*
Arthur Glassman, *Vice-Chairperson*
Alex Kalife, *Clerk*
Peter Cruz

ABSENT:

None

STAFF:

Jen Carloni, *Staff Planner*

CITY CLERK
2018 MAR 15 P 1:19
CITY CLERKS OFFICE
NEW BEDFORD, MA

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:00 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 January 2018 meeting minutes.
Motion passed unopposed.

Chairperson Duff informed applicants that with only four members present, any approval will require a unanimous vote. She offered applicants with special permits the opportunity to continue their case to the March meeting. No applicants took advantage of the offer.

ADMINISTRATIVE REVIEWS

The board took up the review of a minor plan amendment for the approved Audrey Lane Subdivision showing a road layout realignment for administrative approval.

Addressing the board on the matter was Christian Farland, Farland Corp., who stated a small error in the layout plan that needs recording at the Registry of Deeds. He noted he had reviewed the same with the city planner. DPI noted the error and the plans were so revised to reflect this single change to the property line on the front curve.

Chairperson Duff confirmed there was no effect to the area of the pavement. As such, she agreed this minor change would be corrected administratively.

A motion was made (AG) and seconded (PC) to approve the correction.
Motion passed unopposed.

The board took up the review of a second request for administrative approval regarding a correction of a minor plan amendment to an approved site plan at **Bolton Street parking lot at Howland Place**, showing alternate access.

Rich Rheaume, Prime Engineering, stated the approved plan required 10,000 cubic yards of fill to get the lot up. Since the approval, Howland Place has been sold, along with this lot, and the new owner does not wish to bring in 10,000 yards of fill. As such, it is proposed to have a second entrance come in from the existing Howland Street parking lot, affording two additional trees and some landscape islands. In essence, it eliminates the drive from Bolton and relocates it, with the same number of parking spaces and lighting.

Chairperson Duff was in favor of the additional parking lot screening it would provide on Bolton Street, as well as a slight reduction in the amount of paving with this change. She confirmed no modification to the drainage.

In response to Board Member Cruz, Mr. Rheaume stated there would be no introduction of drainage onto the new parking lot. Mr. Rheaume also confirmed handicap accessible parking had been provided near the building.

A motion was made (AG) and seconded (PC) to approve the minor change.
Motion passed unopposed.

4. PUBLIC HEARINGS

ITEM 1 – Case #18-02 *(continued public hearing)*

Request by Heike Milhench on behalf of Milhench 2001 Nominee Trust, for Site Plan approval pursuant to Section 5400, Site Plan Review, Subsection 5421, industrial expansion over 2000 sf, of the Zoning Ordinance, for the construction of a warehouse addition, relocation of loading docks, addition of parking and associated site work, grading and utilities at the property located at 127 Duchaine Blvd (Map 133, Lots 21 & 12) in the Industrial C (IC) zoning district.

Christian Farland, Farland Corp., stated the continuance results from board requests for additional information on landscaping, lighting and building elevations. He introduced President of Milhench Supply Co., Heike Millhench. He offered her statement for the board.

A motion was made (AG) and seconded (PC) to accept the same.
Motion passed unopposed.

Heike Milhench read her statement into the record.

Mr. Farland offered a picture of the front of the property.

A motion was made (AG) and seconded (PC) to accept the same.
Motion passed unopposed.

Mr. Farland drew the board's attention to how well Millhensch has taken care of their property, noting it is one of the best landscaped sites in the Industrial Park. He noted they have illustrated the new landscaping plan, reflecting additional landscaping as well, shown on Sheet 6 of 9. Mr. Farland drew the board's attention to landscaping proposed on the south side and along the front of the new building, showing existing trees that will remain. He stated they believe the plan not only meets requirements, but goes above and beyond. He expressed hope that the board will agree, and invited board comments.

Mr. Farland then covered the lighting on Sheet 7, showing the new wall packs. He stated power lines discourage some site lighting.

Mr. Farland then addressed building elevations and invited questions. He noted the longstanding New Bedford presence of the company.

Chairperson Duff confirmed that no signage will be added, other than the relocated building sign. She inquired as to the increase in energy efficiency.

Rob Smith, J&B Architects, addressed the lack of insulation on the old brick building, as well as the windows. He stated the office space will be interior insulated and the windows changed out, with the exterior brick remaining. He also mentioned new skylights with automatic light dimming in the warehouse. He responded that the roof will be insulated metal, and the new building will also be metal panels.

Chairperson Duff noted the plan is still awaiting approval from the review with the Conservation Commission. She noted there was wetland reclamation in the plan requiring peer review. Mr. Farland noted no issues with DPI comments, and welcomed a condition subject to Conservation Commission (ConCom) approval.

Chairperson Duff requested Mr. Farland further address runoff strategy. Mr. Farland explained the storm water infiltration, roof runoff and pretreatment, as well as the wetland area, where replication is 1.5 to 1.

Chairperson Duff confirmed the location of the power line easement.

In response to Board Member Cruz, Mr. Farland stated the storm water calculations may have to be revised per the peer review, perhaps slightly changing the some of the drainage areas, which will be sent to planning.

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

In response to Chairperson Duff's invitation to speak of be recorded in favor, Derek Santos, Greater New Bedford Industrial Foundation, stated they had been working with the Milhensch team for several months, along with Eversource, and also addressing the power line easement parcel owned by the Industrial Foundation. Regarding the longstanding presence of the company in New Bedford and the desire to keep them located within New Bedford, the foundation has reviewed the drawings and other plans and found that they complied with all Industrial Park regulations, and received concurrence with the Executive Committee. They also reviewed landscaping and building panels with the city planner. He stated the Industrial Foundation

is intensely supportive of the project. In light of the reappearance of the applicant this month, he requested planning board approval be granted with condition of ConCom approval. He welcomed 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 (PC) and seconded (AG) to close the public hearing.

Motion passed unopposed.

After brief board discussion, including the applicant's response to board requests and conditions, a motion was made (AG) and seconded (PC) to approve Case #18-02, continued from the meeting of January 10th, request for site plan approval for the construction of a warehouse addition, relocation of loading docks, addition of parking and associated site work, grading and utilities at the property located at 127 Duchaine Blvd (Map 133, Lots 21 & 12) in the Industrial C (IC) zoning district.

Subject to:

- Conservation review;
- Subject to all DPI comments;
- Subject to peer engineering review;
- 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;
- That 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

Motion passed 4-0

ITEM 2- Cases #18-04/#18-05 (continued public hearing)

CASE #18-04 - Request by Farland Corp on behalf of MIH1, LLC, for approval of a 27-lot residential subdivision, reconfiguring the previously approved 15-lot Stoney Brook Farm Subdivision, at the property located on the easterly side of Acushnet Ave, between Phillips Rd and Arnoff St (Map 130D, Lots 381-386 & 392-408 & 412-419) in the Residential A (RA) and Mixed Use Business (MUB) zoning districts.

Case #18-05 - Request by Farland Corp on behalf of MIH1, LLC, for Site Plan approval pursuant to Section 5400, Site Plan Review, Subsection 5424, residential subdivision, of the Zoning Ordinance, for the

development of a 27-lot residential subdivision at the property located on the easterly side of Acushnet Ave, between Phillips Rd and Arnoff St (Map 130D, Lots 381-386 & 392-408 & 412-419) in the Residential A (RA) and Mixed Use Business (MUB) zoning districts.

Chairperson Duff mentioned the need for the continuance having been the impact statement, landscaping issues, and a site plan visit.

Christian Farland, Farland Corp., stated the plans had been revised as regards the staff comments, DPI comments and board comments. He stated they have provided a development impact report and conceptual house plans which are expected to be the type of homes developers will be building on the sold lots. He stated the plans have been revised for the southerly property where the sewer and water will be connected, as well as the sewer stub for an abutter. He noted the stone walls were added to the plan, as well as the proposed and existing tree lines on the landscape plan. He noted pictures taken during the site visit of the current trees, which are young. He referenced the site visit, noting the trees to be cleared have no environmental impacts. HE also noted the landscaping plan presented provides even more than the city requires.

With regard to the sidewalk waiver request, Mr. Farland stated the sidewalks as presented on one side of the street are safe and adequate for pedestrian traffic, and also add impervious area. He noted there will be handicap accessibility, and DPI had no opposition. Mr. Farland presented an aerial photo of the surrounding area.

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

Mr. Farland noted the surrounding and abutting neighborhoods all have sidewalks on one side only. He believes the waiver request is appropriate and is consistent with the neighborhood. He then invited questions.

In response to Chairperson Duff regarding the roadway width, Mr. Farland stated Manny Silva was opposed to reducing the roadway. He also noted they had met with DPI on-site. Chairperson Duff had Mr. Farland point out the stone wall locations. He confirmed they would be using the wall materials at the wetland 25' no touch line. He also pointed out locations on the landscaping plans. He assured the board they would keep a buffer to abutting properties.

With regard to the site visit, Board Member Kalife stated it was a beautiful site appearing very large. Board Member Glassman noted there was a lot of brush on the large, peaceful site. He did not believe there were any historic woodlands present.

There was board discussion about setting any precedent in allowing sidewalks on one side only. Board Member Glassman agreed the inner loop, in this case, did not need an additional sidewalk. Mr. Farland reminded the board that waiver requests are decided on a case by case basis. He noted subdivisions Audrey Lane and Ava's Way being granted.

Board Member Cruz requested sidewalks on both sides at the site entrance to avoid a mid-block crossing.

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

After board discussion on motion content, a motion was made (AG) and seconded (AK) to approve Case #18-04 Request by Farland Corp on behalf of MIH1, LLC, for approval of a 27-lot residential subdivision, reconfiguring the previously approved 15-lot Stoney Brook Farm Subdivision, at the property located on the easterly side of Acushnet Ave, between Phillips Rd and Arnoff St (Map 130D, Lots 381-386 & 392-408 & 412-419) in the Residential A (RA) and Mixed Use Business (MUB) zoning districts.

Additionally, we vote to approve Case #18-05 site plan approval for the development of a 27-lot residential subdivision at the property located on the easterly side of Acushnet Ave, between Phillips Rd and Arnoff St (Map 130D, Lots 381-386 & 392-408 & 412-419) in the Residential A (RA) and Mixed Use Business (MUB) zoning districts.

Subject to:

- All DPI comments and staff comments, Conservation Commission findings, and all general conditions;
- Sidewalks on both sides of the Phillips Ave entrance;
- Easterly stone wall to be retained and re-used as a no activity area to marked off;
- 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 certifying no appeal has been brought against the project approval be provided for the Planning Division case file folder;
- That 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;
- That 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 date granted or they will lapse.

ROLL CALL VOTE:

Chairperson Duff – Yes
Board Member Kalife- Yes

Vice Chairperson Glassman - Yes
Board Member Cruz – Yes

Motion passed 4-0

ITEM 3 – Case # 18-06

Request by Joseph Cruz for a Special Permit pursuant to Section 5300 Special Permits and Section 3100 Parking and Loading, of the Zoning Ordinance, for a reduction in the number of parking spaces from six

required spaces to two proposed spaces at the property located at 1607 Acushnet Avenue (Map 103, Lot 383) in the Mixed Use Business (MUB) zoning district.

Joseph Cruz stated he was relocating his business on Acushnet Avenue due to a sale of the property. He noted he had a parking area and garage at the back of the building, with meters on the street, as well as available side street parking. Due to the amount of chairs he seeks to put in his establishment, he needs the parking reduction. He explained the alternating hours of his employees.

In response to Chairperson Duff, Mr. Cruz stated that most of his customers are from the neighborhood within walking distance. Mr. Cruz stated the old tile will be removed from the front of the building and replaced with stucco to enhance the building appearance. He stated he will address signage at a later time. Mr. Cruz stated the rear driveway between the buildings is long to the back garage, with an overhang along the drive, which will be used for employee parking.

In response to Board Member Cruz, Mr. Cruz stated all the debris present from the garage and basement will be removed. He responded that the garage area, accessed from Davis Street, is the location of the two employee parking spots.

In response to Board Member Glassman, Mr. Cruz estimated 10 metered parking spaces on both sides of the street.

In response to Chairperson Duff, Mr. Cruz stated he had met with his neighbors.

There being no further board questions, a motion was made (AG) and seconded (PC) 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 (AK) to close the public hearing.

Motion passed unopposed.

There being no further board discussion, a motion was made (AG) and seconded (PC) to approve Case #18-06 request for special permit for a reduction in the number of parking spaces from six required spaces to two proposed spaces at the property located at 1607 Acushnet Avenue (Map 103, Lot 383) in the Mixed Use Business (MUB) zoning district.

Subject to the following:

- 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 certifying no appeal has been brought against the project 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 date granted or they will lapse.

ROLL CALL VOTE:

Chairperson Duff – Yes

Vice Chairperson Glassman - Yes

Board Member Kalife- Yes

Board Member Cruz – Yes

Motion passed 4-0

ITEM 4: Case #18-07

Request by 102-104 Rockdale, LLC, for Site Plan approval pursuant to Section 5400 Site Plan Review of the Zoning Ordinance, for the reactivation of a drive-thru window after being closed for a period of 10 days or more, at the property located at 102-104 Rockdale Avenue (Map 17, Lots 23 & 24) in the Mixed Use Business (MUB) and Residential B (RB) zoning districts.

Michael Walker, registered architect, stated they were unable to finish their renovation within ten days, and as such need to reinstate the drive-thru use. He covered the background of the donut shop, permitted in 1982, noting the drive-thru has operated since that time.

Mr. Walker described the site, to include the 16' aisle way for exiting vehicles. He added police report review has never shown an accident in the parking lot. He stated the city had replaced the Hemlock Street sidewalk which has removed the problem of vehicles parking in that area. He invited questions.

In response to Chairperson Duff, Mr. Walker stated there were no planned improvements to the site plan, other than the city installed sidewalk and plantings. He noted the 3' landscape buffer on the property's west side, and a fence separating the abutter on the south side.

Chairperson Duff noted she did not see any existing screen trash container. Mr. Walker agreed to have the dumpster screened at least with a stockade fence.

In response to Board Member Glassman, Mr. Walker stated renovations would be made to the inside of the building, replacing only the wood trim work on the exterior and rejuvenating the façade.

In response to Board Member Cruz, Mr. Walker stated the pavement markings are present, but have not been freshened up. Jackie Webb, business manager, stated the markings have been updated. She responded that there had been no signage updates or changes pre-approval. She assured that permits would be sought to modify the existing drive-thru sign should approval be granted. In response to Chairperson Duff, Ms. Webb confirmed the existence of marked handicap accessible spaces. Ms. Webb was unsure if the roof had been updated, but Mr. Walker stated the roof had not been replaced.

After brief board discussion, a motion was made (AG) and seconded (AK) to open the public hearing. Motion passed unopposed.

In response to Chairperson Duff's invitation to speak or be recorded in favor, Melody Webb indicated she was in favor of the approval, noting the public appreciates the family business they have brought

back to New Bedford, as they too are appreciative.

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

There being no further board discussion, a motion was made (AG) and seconded (PC) to approve Case #18-07, request for site plan approval for the reactivation of a drive-thru window after being closed for a period of 10 days or more, at the property located at 102-104 Rockdale Avenue (Map 17, Lots 23 & 24) in the Mixed Use Business (MUB) and Residential B (RB) zoning districts.

With the following conditions:

- That the dumpster be suitably screened;
- That the current signage requirements are brought up-to-date;
- The project shall be completed according to the plans, notes and specifications submitted for consideration and final approval by the planning board;
- That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the New Bedford City Clerk certifying no appeal has been brought against the project approval be provided for the Planning Division case file folder;
- That 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;
- That 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 date granted or they will lapse.

ROLL CALL VOTE:

Chairperson Duff – Yes
Board Member Kalife- Yes

Vice Chairperson Glassman - Yes
Board Member Cruz – Yes

Motion passed 4-0

ITEM 5: Case #18-10

Request by SITEC, Inc., on behalf of DPM Development, for the release from Covenant of lots 7-16 of the Definitive Subdivision known as The Settlement, Seth Daniel Drive (Map 136, Lots 477-486) in the Residential A (RA) zoning district.

Steve Gioiosa, SITEC, for DPM Development, introduced Dan Moniz of DPM. Mr. Gioiosa stated this north end subdivision had been previously approved by the city years ago, and has been under construction. He stated that last May they had received approval to release the first six lots in the project. He explained the project location. Mr. Gioiosa noted significant progress with road construction, and stated the first six lots have been sold and built upon. He stated many of the remaining road issues, such as final paving, will be completed when the bulk of the house construction is done.

Mr. Gioiosa stated they are requesting the release of Lots 7-16, in the 19 lot subdivision, leaving three lots as unreleased. He displayed the location of the requested lots for release. He stated, after consultation with several departments, they formulated a cost estimate for remaining work.

In response to Board Member Cruz, Mr. Gioiosa stated that all lots in the project are about the same 8,000 s/f size.

Chairperson Duff noted a DPI e-mail the board had received with a cost estimate of \$264,000 for the work remaining. Their recommendation is to release only seven lots.

Mr. Gioiosa then revised the request to release Lots 7-13. Dan Moniz stated in order to keep the development continuous, for such things as curbing and trees, they are looking to cluster their way out in completion. In light of that, they again revised their request for release of Lots 10-16. Mr. Gioiosa explained where construction vehicles are stored and coming into the site.

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

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

In response to Chairperson Duff's invitation to speak or be recorded in opposition, Steve Kocur of Dartmouth, an abutter, indicated where his property is located, and referenced a letter he had sent to the board.

Chairperson Duff read the 2/6/18 letter from Steven and Nancy Kocur into the record.

Mr. Kocur stated his hope is to build his retirement home on this abutting lot, noting that Mr. Moniz's Lot 17 blocks some of the Kocur's access. Mr. Kocur reiterated their refusal to sell their land.

In response to Chairperson Duff, Mr. Kocur affirmed that the road he references was put in by the subdivision. He stated they are not being allowed any access to Seth Daniel Drive, but they will eventually submit to have access.

Chairperson Duff noted this is a private subdivision. Mr. Kocur stated he understood, but was inquiring about the plan for Lot 17. Chairperson Duff indicated her assumption was that, like all the other lots, the plan would be to put a home on it.

Mr. Kocur requested it be put in writing that there will be a house on it. Chairperson Duff indicated the subdivision plan is drawn to show Lot 17 as a house lot. She indicated the plan is not before the board for any modification.

Mr. Kocur continued to seek assurance that Lot 17 would be a buildable lot. Board members attempted to explain that the board presently has no control over that.

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

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

There being no board discussion, a motion was made (AG) and seconded (PC) to accept Case #18-10, a request for the release from covenant of Lots 10-16 for a total of seven lots, subject to DPI's request, at the Definitive Subdivision known as The Settlement, Seth Daniel Drive (Map 136, Lots 477-486) in the Residential A (RA) zoning district.

ROLL CALL VOTE:

Chairperson Duff – Yes

Vice Chairperson Glassman - Yes

Board Member Kalife- Yes

Board Member Cruz – Yes

Motion passed 4-0

5. OLD/NEW BUSINESS:

Chairperson Duff stated the remaining issue of the clerk session agenda would not be addressed, as the city planner is no longer employed with the city.

Board Member Glassman updated the board on his CPA service after having attended a few of the meetings. He stated there are several great applications for project funding. He stated he was disappointed that many of the projects seems to be going to the same areas, like Wards 3 and 5, due to an absence of applications in the other areas. He acknowledged the great work former Chairperson Dawicki had done serving in this capacity.

6. ADJOURNMENT:

There being no further business, a motion was made (PC) and seconded (AG) to adjourn at 8:11 p.m.

NEXT PLANNING BOARD MEETING SCHEDULED FOR MARCH 14, 2018



Alexander J. Kalife, Clerk



Date

