



PLANNING BOARD

City Hall, Room 303
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New Bedford, MA 02740
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www.newbedford-ma.gov

Registry of Deeds/City Clerk Use Only:

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	18-03			
Request Type:	Site Plan Approval for a Ground Sign			
Address:	1389 Phillips Road			
Zoning:	Mixed Use Business Zoning District			
Recorded Owners:	Karmal Management			
Owners Address:	9265 Estero River Circle Estero, FL 33928			
Applicant:	Heather Dudko, National Sign Corporation			
Applicant Address:	2 Phoebe Way Worcester, MA 01605			
Application Submittal Date	Public Hearing Date	Decision Date		
December 15, 2017	January 10, 2018	January 10, 2018		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
132	585	10111	135	

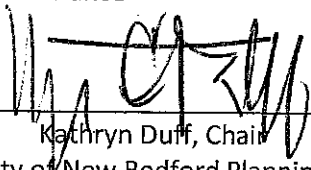
Application: Request by National Sign Corporation on behalf of Karmal Management, LLC, for **Site Plan** approval pursuant to Section 3200, Sign Regulations, of the Zoning Ordinance, to alter an existing ground sign at the BP/7-11 property located at **1389 Phillips Rd** (Map 132, Lot 585) in the Mixed Use Business (MUB) zoning 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 March 1, 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

3/1/2018

Date


Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

National Sign Corporation (2 Phorebe Way Worcester, MA 01605) submitted an application under Chapter 9 Comprehensive Zoning §5400 Site Plan Approval for a New Ground Sign and Section 3200, Sign Regulations for Karmal Management, LLC (9265 Estero River Circle Estero, FL 33928), to alter an existing ground sign at the BP/7-11 property located at 1389 Phillips Rd (Map 132, Lot 585) in the Mixed Use Business (MUB) zoning district.

The applicant proposes to alter an existing ground sign for the purpose of advertising a commercial business.

This proposal is consistent with the master plan's goal as it would support the active use of an existing commercial building and this location is not inconsistent with the master plan's goal of establishing a sound foundation for future growth [that builds upon its coastal location, preserves its historic legacy], and expands cultural and workforce opportunities.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

- ❑ BP/7-Eleven #32439, Brand Conversion Details, prepared by LSI Graphic Solutions, last revision date December 6, 2016
- ❑ Fueling Architectural Site Plan, prepared by unknown, last revision date May 12, 2017
- ❑ Sheet L-1 Landscaping Plan, prepared by AEG Advanced Engineering Group, P.C, last revision date February 8, 2018

Other Documents and Supporting Materials

- ❑ Department of Planning, Housing & Community Development Staff Report dated January 4, 2018
- ❑ Site Plan Review Application for a Ground Sign, stamped received by City Clerk's Office December 15, 2017
- ❑ Certified Abutters List
- ❑ Bristol County (S.D) Registry of Deeds Book 10111, Page 135
- ❑ Light Bar Installation Instructions, by Lighting Fixtures, LTD, last revision date April 28, 2015

3) DISCUSSION

Heather Dudko, National Sign, 2 Phoebe Way Worcester, MA, stated the request to alter the existing free-standing sign relates to a functioning 24 hour 7-11 store. The resigning of the site is to reflect the new gas provider BP Petroleum. She stated they have a permit to replace the wall signs and redesign the canopy with the BP logos. They are petitioning the board for the ground sign only.

Ms. Dudko stated the poles and foundation will stay in place. The existing cabinets will be removed and three new cabinets will be replaced. She stated each illuminated cabinet is 25 SF, which is the existing panel size presently. She stated the existing overall height of 20' will remain the same. In reference to light bars mentioned in the staff recommendations, she stated they were asked to include it in the application, but BP is willing to remove that.

Chairperson Duff inquired if the height off of grade on the proposed sign is the same as the existing sign bottom. Ms. Dudko confirmed it was. Ms. Dudko informed the board of an upcoming Zoning Board appearance for variance on the sign size, which is considered a preexisting non-conforming sign. In

response to Chairperson Duff, Ms. Dudko stated the lighting hours of the sign will be maintained as they are presently at this 7 day a week, 24 hour a day store. Ms. Dudko noted the posts will be painted.

In response to Board Member Cruz, Ms. Dudko stated they are prepared to examine the structural foundation at the point of permit, when engineering information will be presented to the building inspector. Mr. Dudko noted there is no trenching planned for new wiring unless it's in disrepair.

Chairperson Duff expressed she was in favor of removing the light bars. She also inquired of any landscaping plans. Ms. Dudko stated there are no landscaping plans, but they could be recommended. Chairperson Duff also mentioned street trees and dune grass or other sustainable options.

A motion was made (PC) 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.

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 brief board discussion and input from Ms. McPherson, a motion was made (AG) and seconded (GS) to approve the request for site plan approval, pursuant to Section 3200, to alter an existing ground sign at the BP/7-11 property located at 1389 Phillips Rd (Map 132, Lot 585) in the Mixed Use Business (MUB) zoning district, subject to ZBA approval, subject to all staff comments and subject to removal of the side bars on the sign, with a recommendation for sustainable native plantings. The approval included conditions.

Motion passed 5-0.

4) DECISION

Board Member Glassman made the motion, seconded by Mr. Smith, to approve the request for site plan approval, pursuant to Section 3200, to alter an existing ground sign at the BP/7-11 property located at 1389 Phillips Rd (Map 132, Lot 585) in the Mixed Use Business (MUB) zoning district, subject to ZBA approval, subject to all staff comment conditions, general conditions and subject to removal of the side bars on the sign, with a recommendation for sustainable native plantings.

- ❑ All general conditions shall be applied to this decision.
- ❑ The digital price cabinet portion of the sign shall not contain flashing lights and shall be changed no more than one time in any 24 hour period.
- ❑ Removal of the side bars on the sign.

General Conditions:

- ❑ That the project shall be undertaken according to the plans submitted with the application with adherence to all notes on plans as reviewed by the Planning Board on this date as modified by the conditions of this decision.
- ❑ The applicant shall ensure that any plan corrections identified by the Planning Division shall be completed and presented on the final plan set and/or case documents.

- The applicant shall submit final plan revisions to the Planning Division in the following formats:
 - One (1) -11" x 17" Plan Set
 - 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 provide a copy of the Notice of Decision certifying no appeal has been brought forward by the office of the City Clerk 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 Site Plan 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 they were granted or they will lapse.

The Planning Board finds this request to be in accordance with City of New Bedford Code of Ordinances Chapter 9 §5400 Site Plan Review. 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 five (5) to zero (0).

Board Chair Duff -- Yes

Board Member Kalife-Yes

Board Member Cruz -- Yes

Board Member Glassman -- Yes

Board Member Smith - Yes

Filed with the City Clerk on:

3/1/2018

Date


 Kathryn Duff, Chair
 City of New Bedford Planning Board