



City of New Bedford

Department of Planning, Housing & Community Development

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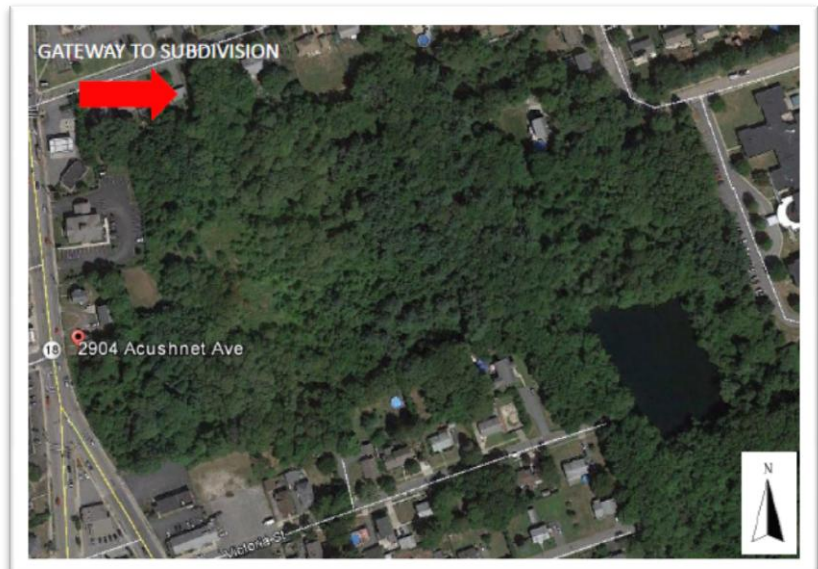
REPORT DATE
January 4, 2018

PLANNING BOARD MEETING
January 10, 2018

Cases # 18-04 FARLAND ESTATES
and #18-05: f/k/a STONEY BROOK FARM and
f/k/a NORTHSIDE FARM
Definitive Subdivision
East of Acushnet Avenue,
between Phillips Road and
Arnoff Street
Map 130D, Lots 117, 379-387
and 392-419

**Applicant/
Owner:** MIH1, LLC
30 N. Water Street
New Bedford, MA 02740

**Applicant's
Agent:** Cavanaro Consulting
687 Main Street
P.O. Box 5175
Norwell, MA 02061



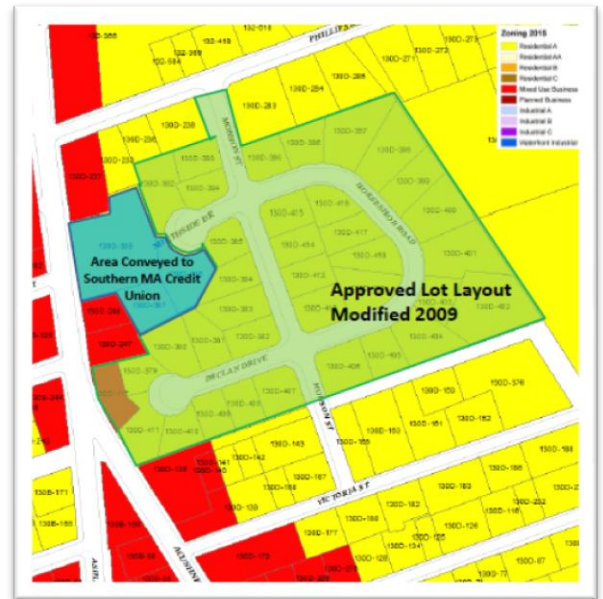
Overview

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. Request is also made 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 so noted.

History

- Northside Farm, by owner/applicant New Bedford Cousins, was initially approved as a 39 lot subdivision by the Planning Board on December 20, 2006.

- Expiration date of the recorded Performance Guarantee, in the form of a Covenant, was December 20, 2011.
- The Certificate of Appropriateness (Form C-1) incorporated comments from the Department of Public Infrastructure Memorandum dated November 8, 2006 as stipulations of approval for the definitive subdivision.
- On August 12, 2009 at the time of the economic downturn in the real estate market, the Planning Board approved a plan for subdivision modification reducing the total number of lots from 39 to 35, affecting Lot 1, Lot 2, Lot 3, Lot 29, Lot 30, Lot 31 and Parcel A as shown on recorded plan Book 160, Page 25, in preparation of conveyance of parcels fronting Acushnet Avenue for the construction of Southern Mass Credit Union.
- The Covenant expiration date remained December 20, 2011 under the modification of plan.
- A Certificate of Approval with Modification of a Definitive Plan dated November 17, 2008 consented to the reduction of the length of proposed Northside Drive and for the construction of two subsurface detention ponds.
- The subdivision known as Northside Farm was rescinded by a vote of the Planning Board after duly considering the opinion of the New Bedford City Solicitor at a Public Hearing held on May 10, 2017 (Attachment 1).
- The application for definitive subdivision Stoney Brook Farm before the Planning Board was considered a new application under subdivision regulations and granted final approval on July 12, 2017.
- The Planning Board granted an extension of Subdivision approval at the December 13, 2017 meeting.
- The entirety of the subject parcel was purchased by MIH 1, LLC, who then filed this request to amend the subdivision and increase its density from 15 lots to 27 lots.



Existing Conditions

The applicant/owner seeks to develop the site historically known as Spooner Farm. Proposed access to the subdivision is from the south side of Phillips Road (please note that on the plans, south is up rather than north), east of Acushnet Avenue. The area of development gently slopes southerly from Phillips Road toward the Arnoff Street alignment north of Victoria Street. This wooded parcel is mostly enveloped by stone walls which remain intact along much of the land perimeter. The eastern boundary of the site contains bordering vegetated wetlands and perennial stream which feeds a pond located between the site development area and New Bedford Healthcare Center at adjacent Fitzgerald Drive.

This undeveloped parcel of land is located within a neighborhood of single-family dwellings, within walking distance to Elwyn G. Campbell Elementary School, Trucchi's Supermarket, Walgreens, G&S Pizza, Pa Raffa's Italian Restaurant, and Mikey B's restaurant. Other commercial establishments in proximity to the site include Southern Mass Credit Union, a Sunoco Gas Station, and Orthodontic Specialists of Southeastern Massachusetts.

Proposed Conditions

The proposed plans show 27 lots arranged off of a P-shaped loop road, Farland Circle, which has one point of access off Phillips Road. The lots are located within the Residence A zoning district where single-family residential dwellings with minimum lot size of 8,000 SF and 75 linear street frontage are permitted by right.

A utility easement, consistent with what was previously approved under the 15-lot Stoney Brook Subdivision, connecting sewer and water service for the benefit of the subdivision will be dedicated crossing Lots 11 and 12, and connecting to an existing recorded easement over the Arnoff Street layout, and then via Monson Street to a city sewer main and water main at Victoria Street.

Review Comments

Waivers

Under **MGL Ch 41, §81R**, which gives Planning Boards authority to grant a waiver to any of their rules and regulations, a Board must find by granting of the waiver, the petition is in the public interest and not inconsistent with the purpose of Subdivision Control Law, as described by **Ch 41, §81M**. Any waiver approval shall be specified in the decision and noted on the definitive plan.

The applicant is requesting the following three waivers of the Subdivision Regulations:

- Article VI (B-2) Test Pits - to allow test pits provided in lieu of one per lot.
- Article VB11 (B-2) Street Improvements - to allow a 28-ft-wide paved roadway where 34-ft is required
- Article VB11 (B-2) Street Improvements - to allow a sidewalk on one side of the street instead of both sides

Staff does not recommend the test pit waiver as requested, although could see a modified waiver. The purpose of data retrieved from on-site test pits is to determine the highest groundwater level so as to indicate the elevation of the lowest point of all proposed foundations. This is also important information for the roof recharge systems required for each future home. The previous test pits were too few and done in 2005 and 2006 so may no longer be valid. Staff recommends that new data be collected from test pits that reasonably cover the area of the lots, not necessarily each lot, but a good cross section of the site so that we can gain an understanding of the site's overall groundwater profile. The test pits and data with a narrative explanation should be included in the plan set.

The other two waivers are more reasonable. Regarding street width, staff would actually recommend that the paved surface be further reduced to 22 ft or 24 ft in width, given the number of subdivision lots being served by the road. This would also help to slow the speed of traffic and prevent on-street parking. If the right-of-way remained the same, there would then be room for sidewalks on both sides of the street, if this is something that the Planning Board generally requires.

The applicant is requesting the following waivers of the Site Plan Review Regulations:

- Sections 5350 & 5455 Development Impact Study
- Section 5451d Architectural Plans
- Section 5452 Construction Completion Sequence

Staff recommends a Development Impact Statement be provided by the applicant for the Planning Board's review and consideration.

As one of the elements the Planning Board considers is how buildings are presented in site development, Staff recommends the applicant provide a graphic representation of the typical architectural style, or design, which exemplifies the vision the applicant sees for the development of Farland Estates I.

The Board may wish to inquire as to the project schedule, even if it doesn't require a written construction completion sequence.

The applicant is requesting the following waivers of the Site Plan Review Checklist:

- Traffic Impact & Access Study
- Stormwater Report

Staff recommends that a new Traffic Impact & Access Study be prepared by the applicant for review and consideration by the Planning Board. A traffic Memorandum was submitted on November 15, 2005 by Vanasse & Associates for the 39 Lot subdivision. New business development has occurred in subject area since the 2005 projection.

Staff recommends that an updated Drainage Report be prepared by the applicant for review and consideration by the Planning Board. A Drainage Report dated May 10, 2017 states Cavanaro Consulting has analyzed the existing structures on and adjacent to the site. As in the most recently approved plan, the amended subdivision plan will make use of a subsurface recharge system on Lot D-1, which also serves the adjacent commercial properties. This amended plan also shows an infiltration basin on Lot 8. Since the street layout has changed, an updated drainage report (rather than a full stormwater report) would be appropriate.

Signage

Based on the submitted information, staff assumes there is no monument ground sign distinguishing the subdivision at the gateway entrance. If a monument sign is to be erected, the developer/applicant must apply for Site Plan Review for Ground Sign, including the location of and specs for the ground sign.

Consistency with Master Plan

Subdivisions should conform to the zoning ordinance and the Master Plan. As stated in A City Master Plan: New Bedford 2020, there is very little buildable land (219 acres) remaining in a large area encompassing 20.2 square miles (Shaping the City 4-2). Staff is mindful of the need to invite sustainable, quality development that will strengthen neighborhoods and develop a built environment that protects community assets. Strategic planning for neighborhood design creates vibrant and close knit communities.

The plan under the current loop road design falls short of the goals and objectives to coordinate the ways in the subdivision with the public ways in the city and with the ways in neighboring subdivisions. This plan does not promote connectivity, which is one of the factors that tends to strengthen neighborhoods and develop a built environment that protects community assets.

Plan Sheets

Title Sheet - Sheet 1 of 9

- ☐ no comments

Existing Condition – Sheet 2 of 9

- ☐ All trees 12 inch dbh and greater that are located within 20 feet of the proposed subdivision road should be shown and listed.
- ☐ FIRM map data (Flood Zone and Panel Number) should be added to the plan.

Layout – Sheet 3 of 9

- ☐ Parks and Playground have not been shown on plans as per Article V. General Requirements for the Subdivision of Land (18) and MGL Chapter 41 §81U.
- ☐ Add all Construction Notes as stipulated in under Section 3d. of the Site Plan Review Checklist:

- Any minor modifications to the information shown on the approved plans shall be submitted to the City Planner and City Engineer as a Minor Plan Revision for approval prior to the work being performed.
- Any work and material within the City right-of-way shall conform to the City of New Bedford requirements.
- All handicap parking, ramps, and access shall conform to AAB & MAAB requirements.
- All erosion control measures shall be in place prior to construction. Erosion Control shall conform to the City of New Bedford Conservation Commission requirements as stated in the Order of Conditions. (Refer to Erosion Control Plan if part of submission)
- All pavement markings and signs shall conform to MUTCD requirements.

Utilities and Grading Plan – Sheet 4 of 9

- ☐ Test pit locations are shown but no data is provided
- ☐ Add notes:
 - The contractor shall obtain a Street Disturbance & Obstruction Permit prior to any construction within the right-of-way.
 - All water and sewer material and construction shall conform to the City of New Bedford requirements.
 - All water and sewer construction shall be inspected by the City Of New Bedford before being backfilled.
 - The City shall be notified at least 24 hours prior to the required inspections.

Landscaping and Lighting - Sheet 5 of 9

- ☐ Street trees are spaced an average of 80 ft on center. This is too far apart to be an effective street tree planting, providing rhythm and shade to the street. For shade trees, a spacing of 40 ft on center is more appropriate.
- ☐ It is possible that there are some large trees within or adjacent to the road layout that should be preserved and could count as street trees. These should be surveyed and added to the plan, per the staff note about for Sheet 2.
- ☐ Staff defers to the DPI with regard to street lighting

Profile – Sheet 6 of 9

- ☐ Staff defers to the Department of Public Infrastructure.

Details - Sheets 7 and 8 of 9

- ☐ Staff defers to the Department of Public Infrastructure and Conservation Commission.

Notes and Legend - Sheet 9 of 9

- ☐ No comments

Input From Other City Departments

This amendment to the prior subdivision approval was distributed to the City Clerk, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department. No additional comments have been received as of the production date of these Planning Staff Comments. If comments are received, they will be provided to the Board at the public hearing.

Performance Guarantees

Before final approval of a plan, the Planning Board shall require provision for the construction of ways and the installation of municipal services with construction and installation to be secured by one, or in part by one and in part by the other, of the following methods:

- ☐ As per City of New Bedford Subdivision Regulations Article IV. Performance Guarantee (A) (1), any original security instrument elected by the applicant shall be valid for one year. If work is not satisfactorily completed on the construction of ways and the installation of principal services within this time period the Planning Board, upon written request, permit the applicant to extend the original security agreement(s) in order to complete the necessary ways and municipal services. No extension shall exceed a six (6) month period, unless the Planning Board, at its discretion, approves such a request.
- ☐ As per Subdivision Regulations Article IV. Performance Guarantee (A) (2), a Covenant, with date of subdivision completion date, shall be executed by the owners, recorded at the New Bedford (S.D) Registry of Deeds, and referenced on the approved subdivision plan.
- ☐ As per Subdivision Regulations Article IV. Performance Guarantee (A) (3), Tripartite Agreement between the Applicant, Lender and Planning Board securing the subdivision improvements via a holdback of mortgage funds.

The amount secured must bear a direct and reasonable relationship to the costs of the work, including inflation and contingency. The Department of Public Infrastructure shall provide a cost estimate to the Planning Board once the definitive subdivision plan receives approval. Method of surety may be selected, and from time to time, varied by the applicant. The secured amount may be reduced periodically to reflect the actual work remaining.

Before the Planning Board votes to release the developer and security from obligation, the Planning Board shall determine that subdivision requirements have been fulfilled and that the final plan is in conformance with the City of New Bedford Master Plan according to the stipulations of Article IV. Performance Guarantees. (B) Release of Performance Guarantee. The bond may be enforced, and security applied by the Planning Board, with enforcement actions taken in Superior Court within one year of failure by applicant to fulfill their obligations.

Approval and Appeal Period

Upon approval of final plan, all public utility easements and other easements intended for public purpose shall be accompanied by the appropriate easement agreement documents which shall be executed by both parties upon approval of the final plan and bear the approval by the New Bedford City Solicitor as stipulated under Article VI C (2).

Approval must be evidenced by a certificate of the planning board action filed with the city or town clerk. Under MGL C 41 § 81BB any person, whether or not previously a party to the proceedings, or any municipal officer or board, aggrieved by a decision of a board of appeals under §81Y, or by any decision of a planning board concerning a plan of a subdivision of land, or by the failure of such a board to take final action concerning such a plan within the required time, may appeal to the superior court for the county in which said land is situated or to the land court; provided, that such appeal is entered within twenty days (20) after such decision has been recorded in the office of the City Clerk.

Staff Recommendations

Staff recommends that the Planning Board continue the public hearing to the meeting of February 14 and request the following of the applicant:

1. That the applicant confer with the department of Public Infrastructure and Assessor's Office regarding abandonment of approved subdivision street names and the proposed new street name.
 2. That new data be collected from test pits that reasonably cover the area of the lots, not necessarily each lot, but a good cross section of the site. The test pits and data should be included in the plan set.
 3. That the paved surface of the roadway be further reduced to 22 ft or 24 ft in width and that, if the Board agrees, a sidewalk be shown on both sides of the street.
 4. That a Development Impact Statement be provided.
 5. That a graphic representation of the typical architectural style, or design, which exemplifies the vision for the development of Farland Estates I be provided.
 6. That a new Traffic Impact & Access Study be provided.
 7. That an updated Drainage Report be provided.
 8. That plans are amended as noted above in the sheet by sheet discussion
 9. That the applicant secure written recommendations of all required departments as per Article III. Procedure. before final approval of subdivision plan.
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