



## PLANNING BOARD

City Hall, Room 303  
133 William Street,  
New Bedford, MA 02740  
(508) 979-1488  
[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

Registry of Deeds/City Clerk Use Only:

### CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

## CERTIFICATE OF ACTION: Definitive Subdivision


Case Number:	24-17			
Request Type:	Definitive Subdivision Plan Approval for Stoney Brook Farm (f/k/a Northside Farm)			
Address:	East of Acushnet Avenue, south of Phillips Road and north of Victoria Street			
Zoning:	Residence A (RA) and Mixed Use Business (MUB) zoning districts			
Recorded Owners:	New Bedford Cousins, LLC, 14 Howard Street, Rockland, MA 02370			
Applicant:	New Bedford Cousins, LLC			
Applicant Address:	P.O. Box 36, Scituate, MA 02066			
Application Submittal Date		Public Hearing Date		Decision Date
May 11, 2017		June 14, 2017 and July 12, 2017		July 26, 2017
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
130D	117, 379-387, 392-419	7734 8526	340 124	

**Application:** Request by applicant for approval of a 15-lot residential subdivision plus one (1) lot mixed use parcel, located on a 12+/- acre site east of Acushnet Avenue, south of Phillips Road and north of Victoria Street (Map 130D, Lots 117, 379-387, 392-419), in the Residence A (RA) and Mixed Use Business (MUB) zoning districts.

**Action:** GRANTED, with conditions and waivers, as described in section four(4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on July 26, 2017. Any person aggrieved by this decision for Definitive Subdivision Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 81BB of Chapter 41 of the General Laws of Massachusetts.

7/26/17  
Date

  
Colleen Dawicki, Chair  
City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

Applicant's agent John Cavanaro, P.E., of Cavanaro Consulting (687 Main Street, Norwell, MA 02061) submitted the request for approval of a 15-lot residential subdivision plan, plus a one (1) lot mixed-use parcel under **Massachusetts General Law Chapter 41, §81K-81GG** (Subdivision Control Law), **City of New Bedford Subdivision Regulations**, and **Chapter 9 Comprehensive Zoning-Site Plan Review §5400**, on a 12+/- acre site east of Acushnet Avenue, south of Phillips Road, and north of Victoria Street (Map 130D, Lots 117, 379-387, 392-419) located in the Residence A (RA) and Mixed Use Business (MUB) zoning districts.

Sixteen (16) lots are shown on the plan, fifteen of which have been arranged off of a proposed cul-de-sac, Stoney (sic) Brook Lane, along a north/south axis, and the sixteenth lot fronting directly onto Acushnet Avenue. Fifteen of 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. Lot 16, located in the Mixed Use Business zoning district, is comprised of an area encompassing 37,970+/- SF fronting 252 +/- linear feet along Acushnet Avenue and noted on plan set (revised thru 06/28/2017) as reserved for future development.

This subdivision is formerly known as Northside Farm (recorded at Bristol County (S.D) Registry of Deeds at Plan Book 160/Page 25, then modified and recorded at Book 164/Page 75, with ANR Plan of Land recorded at Plan Book 160/Page 30). City of New Bedford Solicitors office determined that the Northside Farm definitive subdivision plan had expired [Final completion of the construction of ways and installation of municipal services were to have been completed on or before December 20, 2011]. The rescission was recorded at Deed Book 12091/Page 305 on June 2, 2017.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

(Site Plan Review is applicable for Subdivision Review under §5424.)

The submittal is named on the cover sheet as Proposed Definitive Subdivision Plan, Stoney (sic) Brook Farm, New Bedford, MA 02745, dated 05/11/2017 as revised thru 06/28/2017, prepared for New Bedford Cousins, P.O. Box 36, Scituate, MA 02066, by Cavanaro Consulting, 687 Main Street, P.O. Box 5175, Norwell, MA 02061 consisting of ten (10) sheets:

- Title Sheet (TS) - Sheet 1 of 10
- Existing Conditions (EC) – Sheet 2 of 10
- Lot Layout (LL) – Sheet 3 of 10
- Grading & Drainage Plan (GD) – Sheet 4 of 10
- Drainage Layout (DL) - Sheet 5 of 10
- Roadway Profile (RP) – Sheet 6 of 10
- Detail Sheet I (DTI) - Sheet 7 of 10
- Detail Sheet II (DTII) - Sheet 8 of 10
- Detail Sheet III (DTIII) - Sheet 9 of 10
- Landscape and Lighting Plan (LP) [Street Trees & Lighting] Sheet 10 of 10

### Other Documents and Supporting Materials

A staff report dated June 14, 2017 was provided for the Planning Board's review and consideration for this application for review. The following attachments were included with the report:

- Rescission of Northside Farm by Planning Board
- Easement (Deed Book 9527, Page 232)
- Narrative



- Response to DPI Memo of April 5, 2017
- Application for Approval of Definitive Plan
- Request for Waiver
- Abutters
- Quit Claim Deed Book 7734 Page 340
- Quit Claim Deed Book 8526, Page 124
- Plan Set
- Stormwater Drainage Calculations Dated May 10, 2017
- Plan Book 170, Page 82
- Stormwater Drainage Calculations printed 5/8/2017
- Plan Set dated May 10, 2017

Among waiver petitions sought by the applicant was a waiver from the procedure of preparing and submitting a Preliminary Subdivision Plan under City of New Bedford Subdivision Regulations Article III. Procedure. (A) Submission of Preliminary Plan. The Request for Waiver form listing petitions approved by the Planning Board is found at Attachment 2.

Received into the record on June 14 was a project timeline prepared by the applicant's agent. The Department of Public Infrastructure provided an updated Memo on June 5, 2017 (Attachment 1).

Additional case submittals were received from the applicant on July 29, 2017 and provided as supplementary information to the initial report. These items included:

- Letter of response from applicant's agent Cavanaro Consulting
- Development Impact Statement
- Plan revisions thru June 28, 2017
- A revised Waiver Request form dated June 28, 2017

An earlier Traffic Impact study dated June 5, 2005 done by Vanasse & Associates, Inc., (VAI-10 New England Business Center Drive, Ste. 314, Andover, MA 01810) for Northside Farm was reviewed by Board Member P. Cruz for analysis following the June 14, 2017 meeting.

### **3) DISCUSSION**

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Alexander Kalife and Peter Cruz were present on the June 14, 2017 and July 12, 2017 evenings of the discussion. The Chair was inadvertently delayed and arrived at the July 12, 2017 meeting at 6:15 p.m.

Staff Planner Constance Brawders was in attendance during each proceeding. Acting City Planner Jennifer Clarke, AICP, was present for the July hearing.

Applicant's agent John Cavanaro presented an overview of the project proposal history and current status to the Planning Board. Accompanying Mr. Cavanaro on July 12 was owner Terry Tedeschi, representing New Bedford Cousins, LLC.

Discussion focused on the history and evolution of the subdivision proposal, Development Impact Statement requirement, easements for infrastructure and utility installation, length of cul-de-sac or dead end street, traffic impact and analysis, signage for the subdivision, establishment of a Home Owners' Association, intent by owner/developer for city road acceptance, and use of the MUB zoned lot.

Case 24-17: Stoney (sic) Brook Farm was continued from the June 14, 2017 meeting after the Planning Board's approval to waive presentation of a preliminary subdivision plan. The applicant was instructed to

provide a Development Impact Study, a copy of the 2006 traffic study, a construction schedule, and secure written recommendations of all required departments as per Article III. Procedure. (B)(4) before final approval of subdivision plan and provide revised plans as per the staff report dated June 14, 2017 in advance of the subsequent meeting. The motion (K. Duff / P. Cruz) to continue the case to the July 12, 2017 meeting was unanimously approved five (5) to zero (0) with consent from the applicant.

On July 12, 2017 the hearing was reopened and discussion ensued. (PC/AG 5-0).

Staff provided comments received from the Health Department stating there were no issues with approval of Case 24-17: Stoney (sic) Brook Farm. The City of New Bedford Conservation Commission Agent wrote the subdivision received approval from the Conservation Commission at their June 6, 2017 meeting; an Order of Conditions was issued on June 14, 2017. Other than the Department of Public Infrastructure, whose comments are shown under Attachment 1, no additional comments were received. [Enabling legislation noting the powers of the health officer in subdivision approval are described under M.G.L. Ch. 41, §81M and §81U. Likewise, municipal departments have 45 days to provide comments as described under Article III. Procedure. (B)(4). Failure to so report shall be deemed plan approval.]

No one asked to speak or be recorded in favor or in opposition at the June 14 or July 12 public hearing.

After acknowledging there were no further questions, Chair Dawicki asked for a motion to close the public hearing. The hearing was closed on a motion by Board Member P. Cruz, seconded by Board Member A. Glassman with a vote of five (5) – zero (0).

#### 4) DECISION

After concluding that the Planning Board had taken into consideration the testimony of the applicant and the following:

- **Massachusetts General Law Chapter 41, §81K-81GG** (Subdivision Control Law)
- **City of New Bedford Subdivision Regulations**
- **Chapter 9 Comprehensive Zoning-Site Plan Review**
- **§5400 – Site Plan Review**
- **Site Plan Review Application Check List**
- **Waivers**
- **Complete Street Policy**
- **Performance Guarantee**
- **Written recommendation by City Departments**
- **§3130 Appendix C-Table of Parking & Loading Regulations:**

The Chair (having been delayed in arrival to the meeting) made the motion to approve the Definitive Subdivision Plan request, with waivers, by applicant under **Massachusetts General Law Chapter 41, §81K-81GG** (Subdivision Control Law), **City of New Bedford Subdivision Regulations**, and **Chapter 9 Comprehensive Zoning-Site Plan Review §5400** for approval of a 15-lot residential subdivision plus one (1) lot mixed use parcel, located on a 12+/- acre site east of Acushnet Avenue, south of Phillips Road and north of Victoria Street (Map 130D, Lots 117, 379-387, 392-419), in the Residence A (RA) and Mixed Use Business (MUB) zoning districts with the following conditions:

- ☐ That the applicant recheck and resubmit all documents with corrections, [to include all Plan sheets, Special Permit Application, Narrative, and any other conflicting documentation submitted for consideration by the Planning Board (i.e., see Staff Report Site Plan Review).
- ☐ If applicant is introducing a Ground Sign, this will require a separate application.



- ☐ The applicant shall submit an updated Traffic Impact Study at the applicant's earliest convenience for final review and acceptance by the Planning Board or designated agent, the City Planner.

#### **Prior to the Board's Endorsement of the Plan:**

1. The applicant shall submit a standard Covenant for review by the City Planner and City Solicitor prior to endorsement of the approved subdivision plan, in accordance with MGL CH 41 Sect. 81U.
2. The applicant shall submit a declaration of Home Owner's Association, if applicable, which shall be reviewed and approved by City Solicitor.
3. The applicant shall submit a municipal lien certificate demonstrating that all taxes for properties in the subdivision are paid in full.
4. The applicant shall submit all drainage and utility easement documents. All documents shall be reviewed and approved by City Solicitor and Department of Public Infrastructure, evidence of which shall be given to the City Planner.
5. The final set of plans for endorsement shall incorporate a sheet including all of the conditions from the Certificate of Action.
6. The applicant shall submit a final, revised subdivision plan that shows the approved street name "Stoney (sic) Brook Lane" on all appropriate sheets of the plan.
7. The applicant shall submit a complete package of final revised plans and documents which include all of the items listed above as items 1-6.

#### **Prior to the start of construction the applicant is required to comply with the following conditions:**

8. This Subdivision decision and the final approved subdivision plan shall be recorded at the Bristol County (S.D) Registry of Deeds by the applicant, with proof of recording submitted to the Planning Board within 90 days of the filing of the decision with the Town Clerk and within 90 days of the signing of the plans by the Board.
9. The applicant shall record the Covenant, all easement documents, and the Declaration of Home Owner's Association that have been reviewed and approved by City Solicitor. The applicant shall submit proof of recording at the Bristol County (S.D) Registry of Deeds to the Planning Board through the City Planner.
10. The applicant shall submit a construction schedule and attend a pre-construction meeting with the City Planner, Department of Public Infrastructure, and the applicant's general contractor. Notice of the meeting shall be given to the Conservation Agent, Department of Public Infrastructure, and City Planner.
11. The applicant is required to provide the Conservation Agent, Department of Public Infrastructure, and City Planner with a minimum of 48 hours notice prior to the start of construction.

#### **During construction the applicant is required to comply with the following conditions:**

12. All construction activities shall take place between the hours of 7:00 AM to 6:00 PM Monday through Saturday. No construction is allowed on Sunday.
13. During construction, the applicant shall ensure adequate protection against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.
14. The applicant shall establish a staging area on-site for storage of construction equipment and other vehicles. The staging area shall be located as far away as possible from sensitive resource areas. This area shall be used for the storage of top soil, trucks and heavy equipment. Straw bales and silt fencing shall be installed around any storage stockpiles of earth materials or fill. The site construction general contractor shall be provided with a copy of this document at the pre-construction meeting.

15. The applicant must provide temporary stabilization of all slopes within two business days of initial site grading.
16. During construction the applicant is required to control erosion. Silt sacs shall be installed in all catch basins and cleaned as needed. All disturbed areas must be stabilized prior to November 30<sup>th</sup> of every year to prevent erosion during winter months.

**General conditions:**

- ☐ The project shall be completed according to the plans, notes, reports (to include a current Traffic Report) and specifications submitted for consideration and final approval by the Planning Board.
- ☐ 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 project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure, which the Planning Board incorporates as a condition of approval (Attachment 1).
- ☐ 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 formatand shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
- ☐ Following the completion of construction, the applicant shall submit an as-built drawing to the Planning Board prior to the release of the surety bond. The as-built drawing must show all roads, right-of ways, utilities and drainage system components.
- ☐ The applicant shall ensure that a copy of the Certificate of Action, 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.

A roll call vote was taken and approved five (5) to zero (0).

Board Member Duff -Yes

Board Member Glassman – Yes

Board Member Cruz – Yes

Board Member Kalife – Yes

Chair Person Dawicki – Yes

Filed with the City Clerk on:

7/26/17  
Date

  
\_\_\_\_\_  
Colleen Dawicki, Chair  
City of New Bedford Planning Board






**CITY OF NEW BEDFORD**  
Jonathan F. Mitchell, Mayor

**Department of Public Infrastructure**

**Euzebio Arruda**  
Commissioner

Water  
Wastewater  
Highways  
Engineering  
Cemeteries  
Park Maintenance

**MEMORANDUM**

TO: City of New Bedford Planning Board  
FROM: Euzebio Arruda, Commissioner, D.P.I.   
DATE: June 5, 2017  
RE: Stoney Brook Farm Subdivision- Definitive Plans

The Department of Public Infrastructure has reviewed the definitive plans for the proposed subdivision to be known as "Stoney Brook Farm", and offers the following comments:

1. The Department of Public Infrastructure agrees to grant all 3 waivers requested on the front sheet of the plans:
  - No island required at cul-de-sac
  - Proposed 660 feet dead end street
  - Proposed 28 feet roadway width
2. All proposed driveways, sidewalk and wheelchair ramps to be constructed with cement concrete and in accordance with A.D.A and City of New Bedford standards.
3. All driveways to be a maximum of 18 feet wide and constructed with a 3 foot transition granite curb on each side, and perpendicular to the street layout (6" cement concrete and 1/2 inch lip).
4. 11 foot ribbon cement sidewalk on both sides of the roadway (6" granite curb, 3.5' grass, 4' cement concrete, 3' grass)
5. Show bench marks on plans. ( on permanent structures like hydrants, poles etc )
6. The proposed drainage system and storm water management plan should be approved by the New Bedford conservation Commission before final approval of the Department of Public Infrastructure.
7. It's the responsibility of the Developer for the long term maintenance of the detention pond. Contact the Department of Public Infrastructure to discuss this issue.
8. A 4 foot high fence and access way shall be constructed around the detention pond. The access way would be used to facilitate periodic maintenance of the detention pond. Install 8' wide gate near easement.
9. All drain lines should have a minimum of 3 foot cover measured from top of pipe to finished ground.
10. Water main to be installed at a maximum depth of 5.5 feet

1105 Shawmut Avenue, New Bedford, MA 02746 Telephone 508-979-1550 Fax 508-979-1551

**PLANNING**  
**JUN 12 2017**  
**DEPARTMENT**  
OKB 2A-17

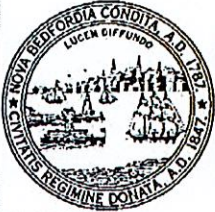
**ATTACHMENT 1**

11. Curb stops to be 1.5 feet from face of curb.
12. All water meters to be installed at point of entry into building. No water service to run under slab.
13. Sheet RP: Label all drainage pipes with the correct size and slope (slope of .5% minimum is preferred)

/ct

Cc: Department of Inspectional Services  
Environmental Stewardship  
New Bedford Cousins LLC  
Cavanaro Consulting





*City of New Bedford*  
**REQUEST FOR WAIVER**

**CASE #:** 24-17

**APPLICATION FOR WAIVER FROM SITE PLAN REVIEW REQUIREMENTS**

In certain instances, after consulting with the City Planner, the applicant may submit, in writing, a request for waiver for any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans. The Planning Board will take a separate vote on written waiver requests by the applicant. Each request for waiver must be submitted individually to be considered by the Board. Please provide one (1) original and fifteen (15) copies of the request.

**Any granted waivers must be disclosed on the final submitted and approved site plan.**

<b>SUBJECT PROPERTY</b>			
ASSESSOR'S MAP PLOT#	See Attached	LOT(S)#	See Attached
REGISTRY OF DEEDS BOOK:	7734	PAGE #	340-347
PROPERTY ADDRESS: See Attached			
ZONING DISTRICT: Residential A & Mixed Use - Business			
<b>OWNER INFORMATION</b>			
NAME: New Bedford Cousins LLC - Terrence Tedeschi Tr.			
MAILING ADDRESS: P.O. Box 36 Scituate, MA 02066			
<b>APPLICANT/CONTACT PERSON INFORMATION</b>			
NAME (IF DIFFERENT): Terrence Tedeschi			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	781-254-0470		
EMAIL ADDRESS:	tct9067@yahoo.com		

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the waiver(s) must be noted on the approved Site Plan and acted upon within one year.



Signature of Applicant/s

6.28.17

Date

**PLANNING**

**JUN 29 2017**

**DEPARTMENT**

**If the applicant differs from the owner, this section must be completed/signed by the property owner/s:**

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the waiver(s) must be noted on the approved Site Plan and acted upon within one year.

\_\_\_\_\_  
Signature of Owner/s

\_\_\_\_\_  
Date

DESCRIPTION	Ordinance Section		CLEARLY Describe why this request is being made.
	1	***Example*** 5451. b. Topography and Drainage Plan	***Example*** There currently exists a structure and pavement on the site. No excavation of the site is being proposed, therefore topography and drainage will not be altered.
	2	See Attached	
	3		
	4		

Additional pages describing the waiver request may be attached to this form following the same chart format, if necessary.



Please check here if additional pages are attached.



Number of Waiver requests submitted for consideration:

7



Waivers Requested:

New Bedford Subdivision Regulations:

1. Article II(A)(8) Dead End Street – definition  
15 foot Diameter Island required;  
Proposed none.
2. Article II(A)(8) and Article V(4) Dead End Street  
Maximum 400 feet;  
Proposed 660 feet.
3. Article VII(b)(2) Street Rights of Way  
Required 34 feet;  
Proposed 28 feet.
4. Article III(A) Submission of a Preliminary Plan

Why Request is being made:

DPI requested no Island at  
Cul-de-sac

A connection to the closest  
adjacent roadway would  
require additional roadway/pavement.

The applicant feels the 28 foot roadway is  
adequate for the proposed 15 lot  
subdivision.

A subdivision and a modification had  
previously been approved at the same  
location.

New Bedford Site Plan Review Application Checklist waivers requested:

3.b Existing Conditions Plan:

5. Existing Trees over 12" caliper

Most of the clearing will take place in  
former farmed areas with no major trees.

6. Test Pits on Every Lot

Adequate test pits (9) have been performed  
onsite to determine groundwater.

New Bedford Zoning Waivers requested:

7. 5451d. Provide Architectural Plans

Owner does not plan to construct individual  
dwellings as part of this project.

PLANNING  
JUN 28 2017  
DEPARTMENT

24-17