PLANNING BOARD
City Hall, Room 303
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CITY CLERK

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	16-17
Request Type:	Site Plan Approval for New Ground Sign
Address:	70 North Second Street
Zoning:	Industrial A (IA) zoning district, Downtown Business Overlay District zoning district, Bedford Landing Historic District, and Central Business District
Recorded Owners:	OZ, LLC
Applicant's Agent:	Poyant Signs, Inc.
Applicant Address:	125 Samuel Barnet Blvd, New Bedford, MA 02745

Application Submittal Date	Public Hearing Date	Decision Date
April 14, 2017	May 10, 2017	May 24, 2017

Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
53	96	10839	112	

Application: Request for New Ground Sign located at the located at 70 North Second Street (Map 53, Lot 96) on a 2,646+/- SF site in the Industrial A (IA) zoning district, Downtown Business Overlay District (DBOD), Bedford Landing Historic District, and Central Business 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 May 24, 2017. 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

5/24/17
Date

Colleen Dawicki, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Poyant Signs, Inc., submitted the Ground Sign Site Plan Review Application for Case 16-17 under **Chapter 9 Comprehensive Zoning, §5400, 5490B, 5410, 5427 and 3200AA,** located at 70 North Second Street (Map 53, Lot 96) on a 2,646+/- SF site in the Industrial A (IA) zoning district, Downtown Business Overlay District, Bedford Landing Historic District, and Central Business District.

Given that this application sought approval for an existing condition that was installed without benefit of site plan approval for a ground sign, there were no new proposed conditions.

The sign was described as a double face, non-illuminated pylon sign manufactured of high density urethane (HDU) whose color specifications were noted as black and gray. The three (3) foot by two (2) foot rectangular sign face measured six (6) SF in compliance with §3273AA for the Central Business District. Overall height from grade was provided as six (6) feet. The sign is mounted on a two, (2) inch by (2) inch +/- square aluminum posts painted black, exposing four feet between ground and bottom of sign. Sign height in the Central Business District (CBD) is regulated under §3276AA. Although the top of this sign, having an overall height of six (6) feet, extends above the top of the sill of the first level of windows above the first story, the ground sign is placed at a 45 degree angle to the street and does not obstruct the viewshed or site line.

Accompanying the submittal for this limited plan review for a ground sign were waiver requests for the Planning Board's consideration from §5400 Site Plan Review, §5440 Preparation of Plans, and Site Plan Review Application Checklist. A Certificate of Appropriateness for the Whelan Associates business signage was provided by the New Bedford Historical Commission for the Planning Board's information.

The proposal before the Planning Board for Ground Sign Site Plan Approval is consistent with the city's master plan goal to support existing small businesses as part of the strategic approach for economic development.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown as the (DRAFT) Plan of Survey for 70 North Second Street, New Bedford, MA, prepared for Rob Hoyt, dated July 11, 2013, by Prime Engineering, P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347, and presented by Poyant Signs. Inc., 125 Samuel Barnet Boulevard, New Bedford, MA 02745 consisting of one (1) sheet;

and

Whelan Associates, 70 North Second Street, New Bedford, MA, Freestanding Sign Location, dated 10.26.2016 as revised thru 03.24.2017, prepared by Poyant Signs. Inc., 125 Samuel Barnet Boulevard, New Bedford, MA 02745 consisting of four (4) sheets.

Site Plan – Sheet 1 of 1

- **Cover Page**
- **Pylon Sign Option D – Sheet 1D. 1**
- **Pylon Sign Option D – Sheet 1D. 2**
- **Pylon Sign Option D – Sheet 1D. 3**

Other Documents and Supporting Materials

Graphics submitted for consideration:

Photograph depicting signage of previous occupant, Southeastern Massachusetts Convention & Visitors Bureau.
A Staff Report was provided for the May 10, 2017 Planning Board meeting with the following attachments:

1. Site Plan Review Application for New Ground Sign
2. Letter of Authorization
3. Deed - Bristol County (S.D) Registry of Deeds Book 10839, Page 112
4. Certificate of Appropriateness
5. Waiver Petition
6. Site Plan Review Checklist
7. Site Photo
8. Plan Set

Received into the Record

Citation from Department Inspectional Services

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz, and Associate Member George Smith were present on the May 10, 2017 evening of the discussion.

Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during proceedings.

Due to a delay in appearance by the applicant's agent, the case presentation and public hearing was initially continued to the June 14, 2017 Planning Board meeting by a vote of 5-0 on a motion by Board Member K. Duff, with second by Board Member A. Glassman. Upon arrival by Stephanie Poyant Moran of Poyant Signs, Inc., (125 Samuel Barnet Blvd, New Bedford, MA 02745) the Board welcomed the applicant's agent to describe the events that led to installation of a ground sign prior to regulatory review for compliance and reopened the case on a motion by K. Duff with second by A. Glassman by unanimous vote of 5-0.

Discussion related to ground sign review focused on the design, height, and location of the replacement sign with addition of decorative perimeter fencing at the site as compared to characteristics of the preexisting sign and previous conditions. The applicant's agent provided a copy of the citation for the Board issued by the Department of Inspectional Services describing the sign installation violation.

No one spoke or asked to be recorded in favor of the application. No one spoke or asked to be recorded against the application.

4) DECISION

Board Member K. Duff made the motion to approve the request by the applicant OZ, LLC., for the Ground Sign located at 70 North Second Street, New Bedford at Map 53, Lot 96 on a 2,646+/- SF site in the Industrial A (IA) zoning district, Downtown Business Overlay District, Bedford Landing Historic District, and Central Business District presented by applicant's agent Poyant Signs (125 Samuel Barnet Blvd, New Bedford, MA 02745) with the following general conditions:

List of General Conditions:

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

Motion seconded by Board Member Glassman. A roll call vote was taken and unanimously approved four (4) to one (1).

Board Member Duff -Yes
Board Member Glassman – Yes
Board Member Cruz – Yes
Associate Member G. Smith – No
Chair Person Dawicki – Yes

Filed with the City Clerk on:

5/24/17
Date

Colleen Dawicki, Chair
City of New Bedford Planning Board