



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

**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)

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CITY CLERK'S OFFICE  
NEW BEDFORD, MA  
2017 MAY 24 P 2:56  
CITY CLERK

## NOTICE OF DECISION

OFFICE  
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2:56  
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Case Number:	08-17			
Request Type:	Site Plan			
Address:	899 Pleasant Street/ES Foster Street			
Zoning:	Mixed Use Business (MUB) zoning district			
Recorded Owners:	899 Pleasant Street, LLC			
Applicant:	Moftah El- Ghadi, DMD			
Applicant Address:	32 Hillman Street, New Bedford, MA 02740			
Application Submittal Date		Public Hearing Date		Decision Date
February 10, 2017		March 8, 2017, April 12, 2017 and May 10, 2017		May 24, 2017
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
58	300, 301, 302, 304 & 499	11768	17	

**Application:** Request for Site Plan approval for construction of a 2,118+/- SF addition for a dental office and other professional tenants to an existing 1,322 +/- structure on a 25,424+/- SF site at 899 Pleasant and ES Foster Streets (Maps 58, Lots 300-302, 304 & 499) 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 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

Michael W. Josefek, AIA, President of Architectural Consulting Group, Inc., (2206 Acushnet Avenue, New Bedford, MA 02746) submitted the application for Case 08-17: Site Plan Review under **Chapter 9 Comprehensive Zoning, §5400 Site Plan Review**. The request was submitted for construction of a 2,118+/- SF addition to an existing 1,322+/- structure on a 25,396+/- SF site for a dental office and other professional tenants.

Existing conditions of the site area consist of a primary structure known as the Horace Humphrey House, a secondary house/barn, and green space, encompassing a significant portion of the city block in the Foster Hill/Acushnet Heights area bounded by Pleasant Street at the east property line, North Street at the southern property line, Foster Street along the west, and Hillman Street at the north. The former single family dwelling is of Italianate architectural style dating to c.1867. Although the property was highlighted as a contributing structure within the North Bedford National Register Historic District nomination materials, no historic preservation regulations govern these structures. The structures are currently vacant.

Medical offices, Centers or Clinics are permitted by approval of the Zoning Board of Appeals in the Mixed Use Business (MUB) zoning district. Case #4268 was heard by the city's ZBA on March 16, 2017 for a request of change of business use in the MUB zoning district and was approved with conditions which stipulated to approval of the Site Plan by the Planning Board.

The proposal before the Planning Board for Site Plan Approval is consistent with the city's master plan goal to encourage business development and likewise shape the city as a metropolitan center of the Southcoast in the redevelopment of this strategic gateway site.

The applicant is required to appear again before the Planning Board for review of application for Ground Sign once the sign design has been completed.

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### Plans Considered to be Part of the Application

The plan submitted for review by the Planning Board was named on the title sheet as Southeastern New England Dental Group, 899 Pleasant Street [Map 58, Lots 300 & 302 (301, 304 & 499)], New Bedford, MA, and dated March 8, 2017 as revised thru 05/03/2017, prepared for Architectural Consulting Group, Inc., 2206 Acushnet Avenue, New Bedford, MA 02745 by Farland Corp., 401 County Street, New Bedford, MA 02740 consisting of nine (9) sheets:

- **Cover Sheet - C0.0/Sheet 1 of 9**
- **Notes – Sheet C1.0/Sheet 2 of 9**
- **Existing Conditions Plan – C2.0/Sheet 3 of 9**
- **Demolition Plan – C2.1/Sheet 4 of 9**
- **Layout Plan – C3.0/Sheet 5 of 9**
- **Grading & Drainage Plan - C4.0/Sheet 6 of 9**
- **Landscape Plan – C5.0/Sheet 7 of 9**
- **Erosion Control Plan – C6.0/Sheet 8 of 9**
- **Details – C7.0/Sheet 9 of 9**



### **Other Documents and Supporting Materials**

Three staff reports were provided for the Planning Board's review and consideration for this application for Site Plan Review.

The following attachments were included with the March 8, 2017 report:

- Narrative
- Site Plan Review Application
- Letter of Authorization
- Bristol County (S.D) Registry of Deeds Book 11768, Page 17
- Waiver Request
- MA Cultural Resource Information
- Lighting Tear Sheet
- Development Impact Statement
- Plan Set for Southeastern New England Dental Group prepared for 899 Pleasant, LLC, 899 Pleasant Street, New Bedford, MA, dated 2/6/17, by Architectural Consulting Group, Inc., 2206 Acushnet Avenue, New Bedford, MA consisting of 13 pages

The following attachments were included with the April 12, 2017 report:

- Stormwater Management Report and Hydrologic Analysis Received by the Planning Division 03/08/2017
- Applicant Agent's March 27, 2017 Response to Department of Public Infrastructure Comments of March 7, 2017
- Site Detail sheet Received by the Planning Division 03/29/2017
- DPI Memo Dated 03/07/2017 and email from Deputy Commissioner Silva Dated 03/27/2017
- Zoning Board of Appeals Decision #4268

The following attachments were included with the May 10, 2017 Planning Board report:

- ZBA Notice of Decision #4268
- Plan Set Revised thru May 3, 2017
- Site Lighting Plan – E-1 (Received by the Planning Division May 5, 2017)
- Stormwater Management Report and Hydrologic Analysis Received by the Planning Division 05/04/2017

Additional case submittals received into the record on March 8, 2017 include:

- Pre & Post Development Drainage Map for 899 Pleasant Street (Map 58, Lots 300 & 302) prepared for Architectural Consulting Group, Inc., 2206 Acushnet Avenue, New Bedford, MA 02745, dated March 8, 2017, by Farland Corp., 401 County Street, New Bedford, MA 02740 consisting of one (1) sheet.

Additional case submittals received into the record on April 12, 2017 include:

- Plan revisions illustrating parking lot ingress and egress.

### **3) DISCUSSION**

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz, and Associate Member George Smith were present on the March 8, 2017, April 12, 2017 and May 10, 2017 evenings of the discussion. Board Member Alexander Kalife was present at the April 12, 2017 meeting.

Acting City Planner Jennifer Clarke, AICP was present for the March and May hearings. Staff Planner Constance Brawders was in attendance during each proceeding.

Applicant's agent, Michael Josefek, introduced the plan proposal. Mr. Josefek was accompanied by owner Moftah El- Ghadi, DMD at each meeting with the Planning Board.

Discussion related to Site Plan review focused on analysis of the neighborhood context of the site, architectural elevations, disposition of the accessory [barn/garage] structure, landscaping plan, lighting plan, storm water mitigation, parking plan, and traffic access and circulation.

Case #08-17-Southeastern New England Dental Group appeared before the Planning Board on three separate occasions for Site Plan review. On March 8, 2017 the presentation was interrupted because closing time for the meeting place had occurred. Motion to continue case review to the April 12, 2017 Planning Board was approved by a vote of five (5) to zero (0) and moved by Board Member K. Duff with second by Board Member A. Glassman. On April 12, 2017 the hearing was opened on a motion by Board Member K. Duff with second from Board Member A. Glassman with unanimous approval by a vote of all members present (6-0). The board determined at the April 12<sup>th</sup> meeting insufficient technical detail had been provided by the applicant's agent for due consideration by the Planning Board to determine the project's compliance with the city zoning ordinance under Site Plan Review. The applicant's agent was provided with a list of outstanding technical issues/items and reminded that the Department of Public Infrastructure had yet to provide an updated Memorandum and Traffic Commission had yet to provide stipulations for the Planning Board in deliberation of the case. On a motion to accept the request for case continuance by the applicant to May 10, 2017, the motion was moved by Board Member K. Duff and seconded by Associate Member G. Smith. On May 10, 2017 the Planning Board reconvened and duly reopened the discussion and public hearing by unanimous vote on a motion by Board Member K. Duff with second by Board Member A. Glassman.

Speaking in favor of the project on April 12, 2017 were Mr. John Silveira and owner/applicant Mofta El-ghadi, DMD. No one asked to be recorded in favor at the April 12 or May 10 public hearings.

Speaking in opposition on April 12, 2017 was Mr. John Aevazelis. No one asked to be recorded in opposition. No one asked to be recorded against the redevelopment proposal at the April 12 or May 10 hearings.

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 K. Duff, seconded by Board Member A. Glassman with a vote of 5-0.

#### **4) DECISION**

Board Member K. Duff initially made the motion to approve the Site Plan for Case 08-17: Southeastern New England Dental Group, and seconded by Board Member Glassman, with motion amended for clarification of landscaping plan revisions by Associate Member G. Smith, then seconded by Board Member P. Cruz, for construction of a 2,118+/- SF addition to an existing 1,322 +/- structure on a 25,424+/- SF site at 899 Pleasant Street and ES Foster Street (Map 58, Lots 300, 301, 302, 304 & 499) in the Mixed Use Business (MUB) zoning district as shown on plans prepared by applicant's agent Architectural Consulting Group, Inc., 2206 Acushnet Avenue, New Bedford, MA 02745 with the following conditions:

- ☐ That the applicant install car stops at parking spots 21-36 in addition to other car stops as shown on the site layout plan.



- ☐ That the applicant agrees to continue the granite curbing into the property at the two entrances shown [on plans], around the radius, and plus or minus two segments into the property.
- ☐ That the applicant submits the landscaping plan for staff [and/or a board member, should a board member want to weigh in] for review and that the applicant assumes the [plant] species number one and two are interchangeable but that the total quantity remains [constant].
- ☐ That the applicant adds a small section of fence, again subject to planning staff review, on the west side of the property that abuts the residential neighbors to the west.
- ☐ That the sign as shown on the plan is not being approved this evening as part of the site plan approval; the applicant will come before the Planning Board at a later date for sign approval.
- ☐ The project is subject to further conditions and/or approval by the Department of Public Infrastructure (DPI), specifically and at the very least, relative to drainage, street trees, sidewalk, and Traffic Commission review.

**List of General Conditions:**

- ☐ 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 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 Planning Board will incorporate as a condition of approval once available.
- ☐ 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 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.
- ☐ 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 unanimously approved five (5) to zero (0).

Board Member Duff -Yes  
Associate Member Smith – Yes

Board Member Glassman – Yes  
Chair Person Dawicki – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

5/24/17  
Date

  
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Colleen Dawicki, Chair  
City of New Bedford Planning Board