



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD

City Hall, Room 303
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NEW BEDFORD, MA
2017 JAN 25 P 2:57
CITY CLERK

NOTICE OF DECISION

Case Number:	40-16			
Request Type:	Site Plan approval for New Ground Sign			
Address:	SW Corner of Swift & Orchard Streets			
Zoning:	Mixed Use Business (MUB) zoning district			
Recorded Owners:	Clarke's Cove Development Co., LLC			
Applicant:	Hunt Real Estate Services, Inc.			
Applicant Address:	5100 W. Kennedy Blvd, Ste. 100, Tampa, FL 33609			
Application Submittal Date	Public Hearing Date		Decision Date	
November 18, 2016	December 14, 2016 and January 11, 2017		January 25, 2017	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
23	292	7233	263	

Application: Request for New Ground Sign located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site 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 January 25, 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

1.25.2017
Date


Kathryn Duff, Vice Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Hunt Real Estate Services, Inc., submitted concurrent applications for **Case 38-16: Site Plan Review**, **Case 39-16: Special Permit for Parking Reduction**, and **Case 40-16: Site Plan Review for New Ground Sign** under Chapter 9 Comprehensive Zoning, §5400 Site Plan Review, §5427-Commercial or Industrial Ground Signs, §5300-Special Permits, §3120-Special Permit for Parking Reduction, and §3130-Table of Parking and Loading Requirements - Appendix C.

The request was submitted for new construction of a 9,180+/- SF single-story Family Dollar retail store at the former manufacturing location known as the Goodyear Site. The 43,500+/- SF proposed development area was created by parceling a lot from an area consisting of approximately eleven (11) acres. The proposed development is located at the southwest corner of Orchard and Swift Streets in the city's historical South End adjacent to Ashley Park and the Devalles School zone.

A current Activity and Use Limitation (AUL) is recorded on the site formerly known as 545 Orchard Street to provide notice to the public and future interested parties of the existence of contamination, and to stipulate permitted activities and uses allowed on this land parcel due to the past history of contamination. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time so long as requisite stipulations are followed. The current Activity and Use Limitation (AUL) on the entire eleven (11) acres requires that earthwork be done under a soil management plan under the supervision of a Licensed Site Professional (LSP).

In 2008, the Southcoast's regional planning agency--SRPEDD (Southeastern Regional Planning and Economic Development District), listed this area as a City of New Bedford Priority Development/Redevelopment Area. The former industrial location is a priority development site under MA Chapter 43D and benefits from certain provisions of the state law (i.e., guarantees local permitting decisions on priority development sites within 180 days).

In 2015, the Department of Planning, Housing & Community Development, in partnership with consulting firm Brovitz Community Planning & Design, embarked on one of the city's largest planning initiatives and launch Form Based Code (FBC) as an alternative to conventional zoning. Objectives of updating the city zoning code are: to improve clarity, streamline process, improve the quality of life for all New Bedford's citizens, and align the code with the city's Master Plan. Public forums were conducted as a first measure in updating the City's zoning code. Charrettes were conducted at three character-based zoning districts, one of which is the Goulart Square/Orchard Street Reinvestment Special District, where the expansive Goodyear site for redevelopment is located. City Planning Board members observed the public outreach sessions and heeded the results of the constituency's input for the proposed districts. As a basis for determining the decision on this concurrent application for redevelopment, the Planning Board unanimously responded in favor of the project on condition that future site development honors the context, character, and architectural legacy of the historical seaport city of New Bedford and this neighborhood.

With respect to the application for New Ground Sign, the Planning Board called for a revision of the proposed pylon sign plan and stipulated installation of a monument ground sign, in keeping with the residential neighborhood character. The business will also feature one (1) internally illuminated wall sign attached at the south elevation primary entrance, facing the parking lot, and two (2) additional wall signs of equal size and dimension placed at the north (Swift Street) and east (Orchard Street) elevations. The smaller wall signs will be illuminated by wall mounted light fixtures as per site plan notes.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The plan submittal was named on the Title Sheet as Proposed Family Dollar Retail Store, Orchard Street, New Bedford, MA Issued for Special Permit, dated November 4, 2016, prepared for Hunt Real Estate Services, Inc., Ste. 100, Tampa, FL 33609 by Prime Engineering, P.O. Box 1088, 350 Bedford St, Lakeville, MA 02347, consisting of ten (10) sheets:

- **Cover Sheet**
- **Existing Conditions Plan – C1.0**
- **Demolition Plan – C2.0**
- **Plan to Accompany Zoning Variance Request – C3.0**
- **Grading & Drainage Plan - C4.0**
- **Utilities Plan – C5.0**
- **Landscape Plan - C6.0**
- **Erosion Control Plan – C7.0**
- **Details – C8.0**
- **Detail - C9.0**

and

Family Dollar, SW Corner Swift & Orchard St, Bedford (sic), MA, dated 11.03.16, Project #712332, Prototype #2016-01, prepared by FWH Architects. 3336 Grand Blvd, Ste. 201, Holiday, FL 34690, consisting of six (6) sheets:

- **Ext. Elevation Ext. Finish Sched. and Notes – R1.0**
- **102 x 90 Floor Plan & Notes - A1.0**
- **Ext. Elevation Ext. Finish Sched. and Notes – A2.0**
- **Ext. Elevation - A2.1**
- **Photometric Site Plan – PH-1**
- **Fixture Information – PH-2**

Other Documents and Supporting Materials

A Staff Report was provided for the December 14, 2016 and January 11, 2017 Planning Board meeting with the following attachments:

- Site Plan Approval Application
- Special Permit Application
- Site Plan Approval Application for New Ground Sign
- Development Impact Statement
- Letter to the Planning Board dated November 17, 2016
- Request for Waivers
- Deed – Bristol County (S.D) Registry of Deeds Book 7223, Page 263
- ANR Plan of Land Book 159, Page14
- Notice of Activity and Use Limitations Bristol County (S.D) Registry of Deeds Book 7863, Page 305
- Plan Set Dated 11.04.2016
- Sign Graphic
- Building Department Application for Plan Examination and Building Permit
- Department of Public Infrastructure Memorandum Dated 12/07/2016
- Drainage Report

Additional case submittals received into the record on January 11, 2017 include:

- Letter of Response to Comments from Applicant Dated December 30, 2016
- Color Rendering & Ext Finish Schedule dated 11.03.2016
- Revised Plan Sheets:
 - Existing Conditions Plan - C1.0
 - Demolition Plan - C2.0
 - Site Layout Plan - C3.0
 - Grading & Drainage Plan - C4.0
 - Utilities Plan - C5.0
 - Landscape Plan - C6.0
 - Erosion Control Plan - C7.0
 - Details – 1 C8.0
 - Details – 2 C9.0
- Four (4) Photos of Area Signage
- Truck Turning Radius Plan

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the December 14, 2016 and January 11, 2017 evenings of the discussion.

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

Applicant's agent, Richard J. Rheume, P.E., LSP (Prime Engineering, P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347) led the introduction of the plan proposal. Mr. Rheume was accompanied by Ms. Kathleen J. Hess (Vice President of Construction, Hunt Real Estate Services, Inc.) on December 14 and Mr. Mackenzie "Mac" Simpson (Hunt Real Estate, Northeast Acquisitions) on December 14 and January 11.

Discussion related to New Ground Sign review focused on analysis of the neighborhood context of the site which includes a public park, minimization of visual intrusion by additional signage, height of proposed pylon sign, number and placement of signs advertising the business, scale of signage, and placement of trees so as not to obstruct visibility of the signage.

On December 14, 2016 Chairperson Dawicki asked for a motion to open the Public Hearing which was moved by Board Member K. Duff then seconded by Board Member A. Glassman. Motion carried unanimously five (5) to zero (0). On a motion to accept the request for case review continuance by the applicant to January 11, 2017 the Planning Board voted five (5) to zero (0) to approve the request, again moved by Board Member K. Duff and seconded by Board Member A. Glassman. On January 11, 2017 the Planning Board reconvened and duly reopened the discussion and public hearing by unanimous vote on a motion by Board Member P. Cruz with second by Board Member A. Glassman.

As part of the general concurrent application discussion, speaking in favor of the project were Mr. Derek Santos, Executive Director of the New Bedford Economic Development Council (December 14, 2016 and January 11, 2017), and owners Mr. John Pereira and Atty. John Williams (December 14, 2016). No one asked to be recorded in favor of the project submittal at the meetings.

Speaking in opposition on each evening of the hearing was Mr. Helder F. Almeida; no one asked to be recorded in opposition of the proposal at either meeting.

4) DECISION

Board Member K. Duff made the motion to approve the New Ground Sign for **Case 40-16** located at the SW Corner of Swift & Orchard Streets (Map 23, Lot 292) on a 0.999+/- acre site in the Mixed Use Business (MUB) zoning district with the following conditions:

- ☐ The (pylon) sign be reduced to a monument sign, be designed within the guidelines of the city Ground Sign regulations, with (final) sign design to be approved by the Planning Staff for the City of New Bedford.
- ☐ The monument sign base material is to be consistent with the base Nichiha material used in the building design.

List of General Conditions:

1. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure dated December 7, 2016 and that the Planning Board incorporates the DPI memo as part of these conditions (Attachment 1).
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 formatand shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
4. 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.
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 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.

Motion seconded by Board Member Glassman. A roll call vote was taken and unanimously approved five (5) to zero (0).

Board Member Duff -Yes
Board Member A. Kalife – Yes

Board Member Glassman – Yes
Chair Person Dawicki – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

1.25.2017

Date



Kathryn Duff, Vice Chair
City of New Bedford Planning Board



Euzebio Arruda
Commissioner

CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

TO: City of New Bedford Planning Board

FROM: Euzebio Arruda, Commissioner, D.P.I.

DATE: December 7, 2016

RE: Site Plan – Family Dollar Retail Store
Orchard St.
P.23 L.292

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

1. Driveway permits are subject to Traffic Commission approval.
2. Driveways to be built in accordance with City of New Bedford regulations and with 4 foot transition curb on both side (No radius curb thru sidewalk area)
3. Permits for sidewalk, driveways, water, sewer and storm drain must be obtained from the Department of Public Infrastructure Engineering Division.
4. Drainage design must comply with Phase II, Mass Department Stormwater Management standards.
5. Show how the proposed 24 inch HDPE Storm water pipe connects to the City System.
6. What type of curb is proposed around the perimeter of the Parking Lot?
7. All utilities to be installed in accordance with City of New Bedford Standards.
8. Owner to explore the possibility of running a water main on Swift St and then connect the Fire Supply and domestic services to it.
9. A 10 foot minimum separation between the Water and Sewer services is required.
10. Developer to plant 2 more trees (one on the Orchard St. west sidewalks and the other on the Swift St. south side)
11. Owner must contact DPI to assign address for the proposed building.
12. An easement must be recorded for the proposed 24 inch Stormwater pipe, south of the proposed site.
13. The Department of Public Infrastructure requires a final set of approval plans to be submitted that reflects all revisions made prior to the start of construction.
14. Developer and site Contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of Construction.

PLANNING

DEC 07 2016

DEPARTMENT

1105 Shawmut Avenue, New Bedford, MA 02746 Telephone 508-979-1556 Fax 1-508-961-3054

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CASE 38-16, 39-16
+ 40-16

ATTACHMENT 1

15. Upon Completion, Engineer must submit "As Built Drawings" in CADD format prior to the Certificate of Occupancy being issued.

/ct

Cc: Department of Inspectional Services
Environmental Stewardship
Prime Engineering
Hunt Real Estate Services, Inc.
Clark Cove Development Co, LLC.