



Planning Board
City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508)979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 AUG 22 P 12:12
CITY CLERK

**NOTICE OF MODIFICATION
of SITE PLAN APPROVAL
and SPECIAL PERMIT APPROVAL**

Case Number:	25-16			
Request Type:	Modification of Case #15-13 Special Permit and Site Plan Approval			
Address:	Riverside Landing/Coggeshall Street			
Zoning:	Hicks-Logan-Sawyer District Interim Planning Overlay District & Underlying Mixed Use Business Zoning Districts			
Recorded Owner:	D.W. New Bedford, LLC			
Applicant:	D.W. New Bedford, LLC			
Applicant Address:	1266 Furnace Brook Parkway, Ste. 310, Quincy, MA 02169			
Application Submittal Date	Public Hearing Date		Decision Date	
July 15, 2016	August 10, 2016		August 22, 2016	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
93 a/k/a 93-2	261 & 292 a/k/a 261 & 264		10843	287

Application: Request by applicant for modification of Special Permit and Site Plan approval of Case #15-13 from medical ambulatory facility and drive-thru bank to medical ambulatory facility and drive-thru fast food restaurant at Riverside Landing.

Action: GRANTED, WITH CONDITIONS AND WAIVERS, as described in section five (5).

A copy of this decision was filed with the City Clerk of the City of New Bedford on August 22, 2016. 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. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

8/22/16
Date

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

1) APPLICATION SUMMARY

The applicant and owner, D.W. New Bedford, LLC, submitted an application for modification of an approved combined site plan and special permit, through its agent Prime Engineering (P.O. Box 1088, Lakeville, MA 02347), for plan modifications necessary to allow for the construction of a proposed 2, 265 +/- SF, one-story, forty-six (46) seat fast food restaurant known as Popeye's Louisiana Kitchen.

The medical ambulatory facility has been constructed at the pad site and is in operation. However, the applicant has revised the proposal for a 1,722 +/- SF undetermined bank with drive-thru and presented a plan for a drive-thru fast food restaurant at the pad area designated for the bank design layout of Phase Three for development of Riverside Landing.

The application for Site Plan and Special Permit Modification considered by the Planning Board for a fast-food drive-thru restaurant was determined by Planning Staff as having met the criteria set forth under the **Hicks-Logan-Sawyer Master Plan**, adopted by the Planning Board on April 30, 2008, and Hicks-Logan-Sawyer Interim Planning Overlay District (IPOD) under **Chapter 9-Comprehensive Zoning § 4610**.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal is named on the Title Sheet as Riverside Landing-Multi-Use Development at the Former Fairhaven Mills Site, Coggeshall Street, New Bedford, MA, Phase III Modification Site Plans Issued for Special Permit Modification dated June 13, 2016, revised thru 8/4/2016, as prepared by Prime Engineering, P.O. Box 1088, 350 Bedford Street, Lakeville, MA 02347, consisting of eleven (11) sheets;

and

Riverside Landing Popeye's, Coggeshall Street, New Bedford, MA dated 07.28.2016, issued for Popeye's Louisiana Kitchen, 400 Perimeter Terrace, Suite 1000, Atlanta, GA 30346, as prepared by Michael Sudano, Architect P.C., 90 Senix Avenue, Center Moriches, NY 11934 consisting of three (3) sheets.

Title Sheet (TS) - Sheet 1

Existing Conditions - Sheet 2

Layout Plan - Sheet 3

Grading and Drainage - Sheet 4

Utilities Plan - Sheet 5

Lighting Plan - Sheet 6

Landscape Plan - Sheet 7

Erosion Controls Plan - Sheet 8

Details – 1- Sheet 9

Details – 2 - Sheet 10

Details – 3 - Sheet 11

Floor Plan – K-1

Front and Rear Elevations – K-2

Left & Right Exterior Elevations – K-3

Other Documents and Supporting Material

Staff Report with attachments:

1. Decision for Case 15-13
2. Minutes of Meeting Dated July 10, 2013
3. Modification for Special Permit Application
4. Modification for Site Plan Approval Application
5. Impact Report Dated July 14, 2016
6. Deed – Bristol County (S.D) Registry of Deeds Book 10843, Page 287
7. Approval Not Required Plan (ANR)-Bristol County (S.D) Registry of Plan Book 170, Page 6
8. Photos
9. Approved Layout Plan for Riverside Landing Phase III Dated 06/20/2016, revised thru 07/01/2013
10. Plan Set Revised thru August 4, 2016
11. Elevations & Floor Plan Dated 07/28/2016
12. Drive- thru Circulation Plan
13. Department of Public Infrastructure Memorandum Dated August 1, 2016
14. Waiver Request
15. Design Materials-exterior sample boards accepted into the record 08/10/2016
 - Boral Bricks - Wheat
 - Boral Bricks - Crimson

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alexander Kalife were present on the evening of the discussion. Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during proceedings for the subject case review.

Applicant's agent Richard Rheaume, P.E., LSP, of Prime Engineering, Inc, introduced the plan modification. In attendance was principal developer Mark White.

Signage for the fast-food drive-thru restaurant will be added to the existing monument sign at the lower two panels, located at the pad site ingress/egress. The restaurant architectural design incorporates the proposed business' trademark signage at the front elevation.

Two waiver petitions from site plan requirements were presented: 1) size of parking space (to reduce the length of parking spaces addressing the Coggeshall Street frontage from twenty (20) feet to eighteen (18) feet to allow for additional pervious landscaping) and 2) stormwater calculation submittal (as the previous stormwater report had been approved and the amount of impervious area has not changed). A photograph of the site facing north from Coggeshall Street and two (2) sample boards of exterior finish materials featuring color range of Boral Bricks in wheat and crimson were accepted into the record.

Chair Dawicki requested a motion from the Board to open the public hearing; motion moved by Board Member K. Duff, with second by Board Member A. Glassman by vote of five (5)-zero (0).

No one asked to speak or be recorded in favor of the project submittal.

No one asked to speak or be recorded in opposition of the proposal.

With no other comments received, motion was made by Board Member K. Duff, with second by Board Member A. Glassman to close the hearing. Motion carried five (5) to zero (0).

4) BOARD FINDINGS

In order for any Special Permit to be approved, the New Bedford Planning Board is required to make a written finding that the proposed development is consistent with the objectives of the HLS IPOD Ordinance and the HLS District Master Plan as adopted by the New Bedford Planning Board. To this point the Planning Board discussed and found the following:

HLS IPOD Ordinance

A. Relationship to Public Spaces

The vision articulated within the HLS ordinance and HLS Master Plan is the implementation of the tenets of Smart Growth principles and the provision for diverse types and mixtures of land uses; therefore, the management of the transitions among private uses and between private and public spaces is recognized as being critical. Twelve specific design goals are stipulated in this section ranging from the orientation of buildings and new developments to off-street parking.

The Board found that of particular relevance to the project development was the applicant's statement under 4.1 of the prepared Narrative that specific attention has been given to pedestrian access by integrating the proposed waterfront walkway with the other on-site walkways providing excellent north-south and east-west pedestrian paths throughout the site. Furthermore, the applicant reported the landscape strips constructed along the site's boundaries and building edges will frame the site, street edge and public spaces.

B. Historic Context

The objective set forth under the HLS IPOD relative to historic context speaks to the importance of adaptive reuse of some or all of the existing historic buildings.

The Board noted that the adaptive reuse of some or all of the remaining mill building was determined to be infeasible during the overall site assessment.

C. Relationship to the Waterfront

This precept articulates the importance of providing for connectivity to the waterfront. Public access to the waterfront and a community boathouse are anticipated in the final phases of multi-use development.

The Board carefully reviewed pedestrian and vehicular circulation and found that the proposed development would be consistent with the HLS Master Plan and IPOD ordinance.

D. Environmental Goals

The HLS IPOD's environmental goals include compliance with Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards. Green roof or alternative energy methods should be incorporated into the building design.

The Board found that the building and parking lot lighting proposed in the application narrative are designed for energy efficiency to the extent practicable and that further, the proposed development will convert a vacant site to a landscaped, functional facility.

E. Economic Development Goals

The HLS' Master Plan and IPOD goals include the promotion of construction jobs and creation of permanent retail service sector jobs in the district.

The Board found that based on the applicant's representation, the proposed development will promote economic development by creating construction jobs and mixture of permanent restaurant and retail jobs in the HLS IPOD.

F. Master Plan Approach

All applications for development should be presented using the IPOD Master Plan approach and IPOD master plan goals which address various development phases and infrastructure improvements to coordinate and maximize the benefits of redevelopment and infrastructure improvements as much as possible.

The Board found that the project is part of a larger, evolving multi-phased development with which it is familiar and that based on the applicant's representation the proposed development, the proposed project was consistent with the IPOD Master Plan approach and IPOD goals.

HLS Master Plan

Nine design principles are articulated within the IPOD Master Plan. The nine design principles share equal weight and are as follows: History, Water Connection, Context, Framework, Mixed-Use, Street Grid, Parking, Reuse, and Pedestrian Friendly.

In reviewing the proposed development, the Board found the design principles had generally been met by the continued phased development of Riverside Landing Multi-Use project.

5) DECISION

Chair Dawicki called for a motion on the Modification of Special Permit and Site Plan Approval. Board Member Duff moved to approve, with conditions, a request by applicant for [Modification of] a Special Permit and Site Plan Approval of Case #15-13, *from* medical ambulatory facility and drive-thru bank *to* medical ambulatory facility and drive-thru fast food restaurant at Riverside Landing (Map 93, Lots 261 & 292; a/k/a Map 93-2, Lots 264 & 261) in the Hicks-Logan-Sawyer District Interim Planning Overlay District.

The Planning Board finds this request to be in accordance with City of New Bedford Code of Ordinances Chapter 9 §4610. As a result of such consideration, the Board moves approval on the subject application with the following conditions:

- ☐ That the applicant agreed to install a four (4) foot wide concrete walk from the urgent care property to the new proposed Popeye's with striping across the drive area at the entrance to the Popeye's.

- ☐ That the applicant agree to install appropriate signage at the Popeye's; a "Do Not Enter" on the exit area and the appropriate "Stop" signage as well.
- ☐ That the applicant agree to modify the curbing around the accessible parking area in the southwest corner of the parking in front of the proposed Popeye's to allow for drainage in the event of water and/or if ice should pool in that corner.
- ☐ The project shall be undertaken according to the plans submitted with the application with adherence to all notes on plans as reviewed by the Planning Board on this date.
- ☐ 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.
- ☐ That the Board grant and incorporate the petition for waiver and that these waivers be noted on the final plan revision for historical reference (See Attachment 1).
- ☐ That the applicant have the elevation plans stamped by a registered architect as stipulated under §5440 of the city's ordinance for final consideration, review and approval by the Planning Board's agent.
- ☐ That the hours and frequency of deliveries to the fast food restaurant be clarified and provided to the city planner prior to the issuance of a certificate of occupancy.
- ☐ That the Memoranda from the Department of Public Infrastructure dated August 1, 2016 [Attachment 2] be incorporated as part of this decision.
- ☐ That the conditions of the previously issued Notice of Decision by the Planning Board for Case #15-13 date stamped by the Office of the City Clerk on July 23, 2013 remain in effect as relevant to this application.
- ☐ That the applicant shall ensure installation and show evidence of all relevant ADA parking requirements on revised plans as set forth by the Department of Inspectional Services.
- ☐ That 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.
- ☐ That 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.
- ☐ 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 Modification of 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. Motion carried unanimously five (5) to zero (0).

Board Member Kalife – Yes
Board Member Duff - Yes

Board Member Glassman – Yes
Chair Dawicki - Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

8/22/16
Date

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



City of New Bedford
REQUEST FOR WAIVER

CASE #:25-16

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.

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	93	LOT(S)#	261 & 292
REGISTRY OF DEEDS BOOK:	10843	PAGE #	287
PROPERTY ADDRESS: Former Fairhaven Mills Site, Coggeshall Street			
ZONING DISTRICT: HLS IPOD			
OWNER INFORMATION			
NAME: D.W. New Bedford LLC			
MAILING ADDRESS: 1266 Furnace Brook Parkway, Quincy, MA 02169			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
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 #	(617) 770-1955		
EMAIL ADDRESS:	mark@dickinsondev.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

AUG. 4, 2016

Date

PLANNING

AUG 05 2016

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	Size of parking spaces - 18 feet long, instead of 20 feet long.	Allows additional pervious landscaping (see attached Narrative).
	3	Submission of new Stormwater Report.	Previously submitted Stormwater Report has already been approved (see attached Narrative).
	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: 2

- **Basis for Waiver Request for Reduction in Size of Parking Spaces**

It is proposed to have the southernmost row of parking spaces to be 9 feet wide by 18 feet long, rather than the 9 feet wide by 20 feet long as typically required. This will allow an additional 180 square feet of landscaping along Coggeshall Street and will still accommodate a 20 foot long vehicle, since there can be 2 feet of vehicle overhang over the landscaped area.

- **Basis for Waiver Request for Not Submitting a Second Drainage Report**

A Drainage Report was already submitted and approved, when the Special Permit and Site Plan Review approval, was issued in July 2013. Over eighty percent of the approved site work was initiated and completed, thereby validating the Special Permit, which is still active. All of the approved stormwater system has already been installed and is fully functional. Since there will be no significant change in the approved runoff characteristics, it is requested to not be required to submit a second report. When the Special Permit was approved, almost the entire site was covered by impervious concrete slab with no stormwater controls. Since then, the slab was removed and the approved stormwater system, with a water quality treatment system, has been constructed. In addition, a significant amount of pervious landscaping has been added.

PLANNING
AUG 05 2015
DEPARTMENT



Department of Public Infrastructure

Euzebio Arruda
Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Forestry
Energy

CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

MEMORANDUM

TO: City of New Bedford Planning Board

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

DATE: August 1, 2016

SUBJECT: Site Plan - Riverside Landing
Phase III Modification
Coggeshall Street
Lot 93 Lots 264 & 261

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

1. All utilities to be installed in accordance with City of New Bedford standards.
2. Developer or engineer must contact the Department of Public Infrastructure about water services to the proposed building.
3. Owner to donate 10 trees to the City of New Bedford to be planted in the vicinity of the proposed project.
4. Owner/Developer must contact the Department of Public Infrastructure Engineering Division to assign a new address for the proposed building.
5. The Department of Public Infrastructure requires a final set of approved plans to be submitted, reflecting all revisions made, prior to the start of construction.
6. Developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of the construction.
7. Upon completion, engineer must submit "As-Built Drawings" in CADD format prior to the Certificate of Occupancy being issued.

CC: Department of Inspectional Services
Environmental Stewardship
Prime Engineering, Inc
DW New Bedford LLC

PLANNING
AUG 05 2016
DEPARTMENT