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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

NOTICE OF DECISION

Case Number:		30-14 and 31-14		
Request Type:		Amend Site Plan Approval		
Address:		177 Cove Street		
Zoning:		MUB		
Recorded Owner:		Michael W. Panagakos		
Applicant:		Michael W. Panagakos		
Applicant Address:		133 Faunce Corner Road, Dartmouth, MA 02747		
Application Submittal Date		Public Hearing Date		Decision Date
July 28, 2015		August 12, 2015		August 12, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
20	346	11096	108	

Application:

Request by applicant, Michael Panagakos of Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747), to amend the Site Plan Review approval granted on September 10, 2014 to: Extend hours of operation of 7:00 a.m.-11:00 p.m. to 5:00 a.m.-12:00 a.m.; Extend outdoor lighting hours of operation to 12:30 a.m. for employee security; and Extend sign illumination for additional business hours of operation.

Action: Granted

A copy of this Decision was filed with the City Clerk of the City of New Bedford on August 24, 2015. Any person aggrieved by this decision 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.

8/24/15
Date

Jill Maclean
Jill Maclean, City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

Request by applicant, Panagakos Development, to amend the Site Plan Review approval granted on September 10, 2014 to: Extend hours of operation of 7:00 a.m.-11:00 p.m. to 5:00 a.m.-12:00 a.m.; Extend outdoor lighting hours of operation to 12:30 a.m. for employee security; and Extend sign illumination for additional business hours of operation at 177 Cove Street (Map 20, Lot 346), in the Mixed Use Business zoning district. Applicant's Agent: SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown in a Plan set for Michael W. Panagakos and Panagakos Development dated May 27, 2014, revised through October 29, 2014, located at 177 Cove Street (Map 20, Lot 346) and prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 consisting of:

1. Site Layout
2. Locus Map
3. Landscaping & Lighting Plan

Other Documents and Supporting Material

- Staff Comments with attachments:
 - Applicant's Agent Letter to the Planning Board Dated June 11, 2015
 - September 22, 2014 Decision by the Planning Board
 - Generic Sign Plan
 - Tear Sheet for Pole Lighting
 - Memorandum Dated June 9, 2015 from SITEC
 - Memorandum Dated July 21, 2015 from SITEC
 - Minutes of the September 10, 2014 Planning Board Meeting

3) DISCUSSION

Applicant's agent, Steve Gioiosa, described the scope of plan, with the intent to amend hours of operation to create a viable site that would attract a quality tenant. Applicant Michael Panagakos was present for discussion.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member A. Glassman. Unanimously approved.

Speaking in favor of the project was City of New Bedford Councilor-at-Large, Linda M. Morad.

Speaking opposed were members of the constituency, Jessica Costa and Maria Botelho, who expressed their concern for excessive noise levels and waste management at the site, in a neighborhood of tenement homes, with any change in hours of operation.

Motion to suspend the public hearing was made by Board Member K.Duff; second by Board Member A. Glassman. Unanimously approved.

Applicant's agent and applicant addressed the concerns raised by the public. The applicant and agent invited the constituency to contact Mr. Panagakos at his office with any issues of concern that may arise in the future with tenants. Duly noted in this hearing, the record shows that no drive thru permit was approved with site plan review on September 10, 2014.

Discussion ensued among Board members regarding the importance of maintaining consistency in considering approval of hours of business operation and illumination periods for exterior lighting with project proposals.

Motion was made by Board Member P. Cruz to close the public hearing; second by Board Member A. Glassman by a vote of Five (5) – Zero (0).

4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

Voted and approved with no conditions or restrictions cited.

5) DECISION

Board Member K. Duff motioned to grant the request to amend Site Plan Approval for Case #30-14 and 31-14, to extend hours of operation from 7:00 a.m. – 11:00 p.m. to 5:00 a.m. – 12:00 a.m.; for employee security, extend the hours of outdoor lighting from 7:00 a.m. – 11:00 p.m. to 5:00 a.m. – 12:30 a.m.; and to change hours of operation of signage illumination from 9:00 a.m. – 9:00 p.m. to the hours of business operation. Board Member A. Glassman; second. Vote to approve: Five (5) – Zero (0).

Filed with the City Clerk on:

8/24/15
Date

Jill Maclean
Jill Maclean, City Planner, Agent for the Planning Board