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PLANNING BOARD

STAFF REPORT

REPORT DATE
February 4, 2021

PLANNING BOARD MEETING
February 10, 2021

Case #21-03: SPECIAL PERMIT FOR
MARIJUANA
ESTABLISHMENT

Case #21-04: SPECIAL PERMIT FOR
PARKING REDUCTION &
SITE PLAN REVIEW (HLS
IPOD)
115 Coggeshall Street
Map: 86 Lots: 10

Owner: Met Real Estate LLC
10 Bryn Mawr Road
Wellesley, MA 02482

Applicant: Southcoast Apothecary, LLC
PO Box 62727
Newton Lower Falls, MA 02462

Front of 115 Coggeshall Street.
Facing north from across Coggeshall Street.



Overview

Request by applicant for a **Special Permit for a Marijuana Establishment** for the operation of a Marijuana Retailer, and **Special Permit** for parking relief and site plan review for proposed improvements to the site and exterior and interior renovations to the building at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an Industrial-B (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD). Owner Met Real Estate LLC (10 Bryn Mawr Road, Wellesley, MA 02482). Applicant: Southcoast Apothecary, LLC (PO Box 62727, Newton Lower Falls, MA 02462).

Hicks Logan Sawyer Interim Planning Overlay District (HLS IPOD)

The HLS IPOD is a temporary overlay zoning district that supersedes all underlying zoning regulations, except when a development is an expansion of an existing use and does not exceed 500 SF or if the proposed development is located within another overlay district adopted prior to this overlay; or for projects that were issued permits prior to codification of this overlay.

The HLS IPOD is a flexible district allowing for the mix of compatible land uses, such as residential, commercial, and light manufacturing through a Special Permit process.

HSL IPOD allows for:

- Dimensional regulations to be reviewed and reduced on a case-by-case basis by the Planning Board. This includes but is not limited to building height, building-to-lot coverage, total lot coverage by impervious surfaces, building-to-lot setbacks;
- A reduction in parking requirements.

Each project proposed under the HLS IPOD Special Permit process are evaluated for conformance with the HLS district mater plan design policies, principals, and goals:

- | | |
|----------------------------------|-----------------------|
| • Relationship to Public Spaces | • Historic Context |
| • Relationship to the Waterfront | • Environmental Goals |
| • Economic Development Goals | • Master Plan |

Special Permit for Marijuana Establishments

All Marijuana Establishments opening in New Bedford must receive special permit approval from the Planning Board. The requirements for a Special Permit for Marijuana Establishments are in addition to other special permit or site plan review requirements. In the case of Southcoast Apothecary, the applicant is also seeking special permit approval under the HLS IPOD regulations.

Under the Special Permit for Marijuana Establishments review criteria, the Board must find that the plan meets the objectives identified in Section 4150B of the City's (c.9) Zoning Ordinance including:

- Demonstrated compliance with all applicable state laws and regulations, including obtaining all necessary permits.
- The applicant has satisfied all other zoning requirements.
- The proposed use is designed to minimize any adverse visual, economic, security, or health impacts on abutters and other parties in interest.
- The Establishment is within a secured building.
- Total gross floor area is no more than 5,000 square feet.
- All operations shall not be visible from the exterior.
- Except for Marijuana Transporters, a Marijuana Establishment is not located in a trailer, storage freight container, motor vehicle, or similar movable enclosure.
- The hours are set and/or approved by the Planning Board, which must be between 10 AM and 7PM if they dispense marijuana.
- No drive-through service is proposed.
- On-site or social consumption is not allowed.
- No outside storage of marijuana, related supplies, or promotional materials.
- The Establishment is ventilated to ensure that no pesticides, insecticides, or other chemicals used in cultivation/processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or any adjoining use/property.
- A quantitative transportation analysis prepared by a qualified transportation specialist is submitted for review.
- Additional restrictions imposed by the Host Community Agreement previously negotiated between the applicant and the City.

The Host Community Agreement requires the Facility shall be designed, constructed, renovated, or improved to reflect high quality construction standards and seek to improve the general design aesthetic of the neighborhood. The facility shall, at a minimum, reflect the following:

Facade Variation: If a building facade is more than 50 feet in length, it shall include a minimum of 10 feet of variation in the building footprint (setback or projection in the building wall) for every 50 feet of facade length, and related changes in the roofline in order to reduce the apparent mass of the building.

Building Materials: Use high quality, traditional materials that weather naturally on the exterior of the building to reflect regional building traditions. Alternatively, incorporate low-reflective, neutral, and earth tones to retain the subtle character of the region's traditional materials. In areas not visible from regional roadways or distinctive community districts, use of nontraditional materials, forms, and site designs may be appropriate. In such areas, maintenance of adequate landscape buffers on the subject property shall be required to ensure that the proposed development is screened from view.

Metal and vinyl siding are prohibited.

Historic Buildings: For all projects located in historic buildings, design guidelines of the Bedford Landing 40C district shall apply.

Lighting: Site lighting and window displays shall be tasteful and conform with dark sky guidelines. No up lights, flashing or colored LED lights allowed on the premises. A photometric lighting plan is required under site plan review and shall not be waived.

Temporary Signage: The only temporary signage allowed shall be banner signage bearing the company logo, no greater than 25 SF, at a designated adults-only City permitted special event and may only remain up for no longer than two days.

On-Site Signage: Ground mounted, pylon, internally lit and/or flashing signs shall not be permitted. Wall signs shall be limited in size to be read at a pedestrian scale. The size and color of all signs shall be in scale and compatible with the surrounding buildings and street. When more than one sign is used, the graphics shall be coordinated to present a unified image. All signage shall, at a minimum, be subject to requirements of New Bedford Code of Ordinances S. 3200 and Cannabis Control Commission. In the event of any conflict between said requirements and this Agreement, the more restrictive requirement shall prevail. Logos shall be tasteful and ambiguous in nature. All proposed signage (Wall, ground, blade, or otherwise) is subject to administrative approval by the Planning department.

Off-Premises Signage: The Company agrees that neither it nor its agents will erect, place or otherwise establish any off-premises sign, other than the temporary signage permitted herein.

Site Landscaping: Use substantial landscape buffers to screen new development. Loading areas should be sited outside primary visual corridors or shielded from view by separate structures, projecting building wings, or distinctive landscaping and fencing. Outdoor storage of any kind is prohibited.

Existing Conditions

The project site is 9,499± SF and consists of a single lot zoned Industrial B on the north side of Coggeshall Street in the HLS IPOD. The site has 56± feet of frontage on Coggeshall Street. There is a 4,052 SF two-story brick structure that is the circa 1910 Office Building of the former Bennett Mills, once located at this site. A circa 1990's 2,026 SF one-story masonry garage addition encompasses the west and north sides of the brick structure. The building is currently unoccupied but has most recently been used by a carpet fringe manufacturer and for automobile repair. The building has a front entrance on Coggeshall Street fitted with a small wooden awning and another entrance on the rear (north side) of the building. There is a single garage bay on Coggeshall Street behind a chain-link gate and four bays on the rear of the building. All first-floor windows have been boarded with plywood, which has been painted black. Second-floor windows appear to be sealed on the inside with some insulating or weather-proofing material.

Behind the building on the north portion of the lot, there is a concrete pad surrounded by a chain link fence. This area is overgrown with vegetation and is littered with discarded bulky items, such as a table, wooden pallets, and a ladder. There is also an open storage trailer on the east side of the lot that appears to store more discarded bulky items. The chain link fence is in disrepair and some parts have barbed wire installed while others open on top.

North of the concrete pad is a line of evergreens and a concrete dumpster area, which is enclosed in wooden stockade fencing. The dumpsters appear to be used by the various establishments in the surrounding plaza, including two fast food restaurants. At the time of the site visit (10 a.m. on a Thursday), the dumpster area was unsecured, all dumpsters were open and overrun with seagulls. Liquid was draining from the dumpsters into the adjoining parking area. There was a noticeable noxious odor from at least six feet away. Two of the dumpsters and some of the wooden fencing appear to be burnt. Some of the wood fencing is broken and hanging off the metal frame.

On the west side of the lot, there is a stone wall separating the site from the abutting property. The stone wall extends along the west side of the lot back to the dumpster pad. Between the building and the wall, there is a small alley that is filled with trash and overgrown vegetation.

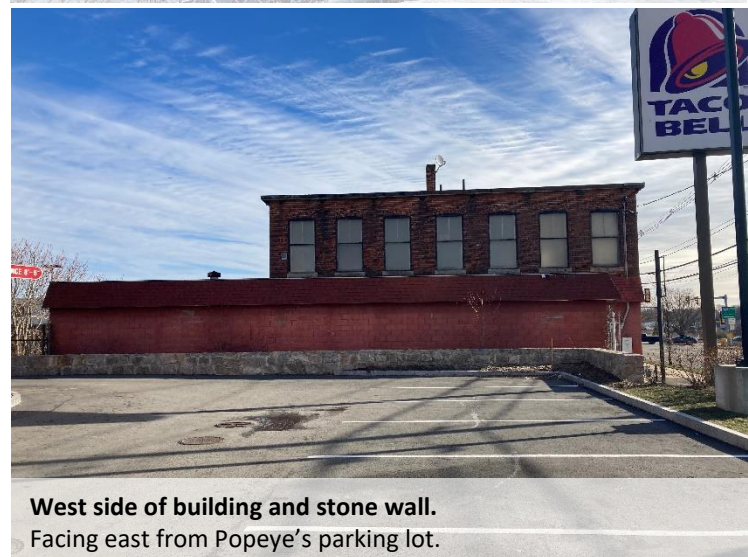
On the south side of the lot, there is a concrete walkway from the sidewalk to the front entrance with asphalt pads on either side. The garage entrance on the south side is setback approximately six feet from the front of the building. There is a short asphalt driveway from the garage door to the sidewalk. West of the driveway is a strip of grass and ground sign for the nearby Taco Bell.



East side of building.
Facing west from adjacent plaza parking.

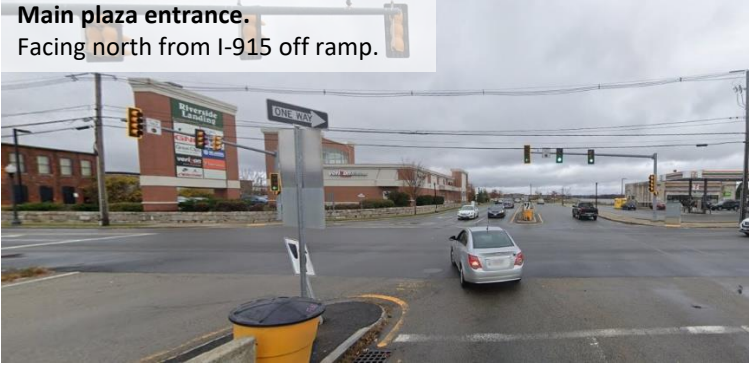


North side of building.
Facing southeast from adjacent stone wall.



West side of building and stone wall.
Facing east from Popeye's parking lot.

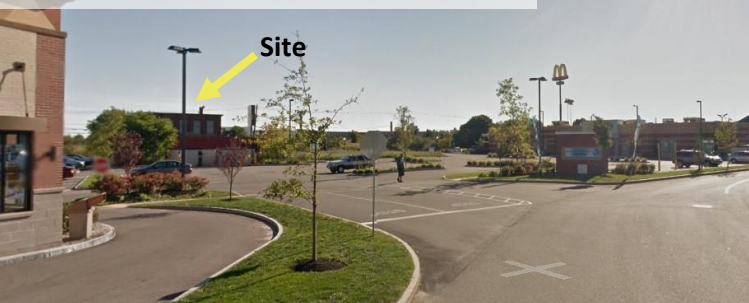
Main plaza entrance.
Facing north from I-915 off ramp.



Plaza entrance between Popeye's and AFC Urgent Care.
Facing northeast from Coggeshall Street.



Plaza entrance north of the site.
Facing southwest from a plaza access way.



On the east side of the lot, there is a small grassy area that extends from the sidewalk along the building and back to the dumpster pad along the chain link fence that surrounds the overgrown concrete area. The grass is well kept. Parking for the adjacent plaza abuts this lawn and it is bordered by a concrete curb.

The immediate surrounding neighborhood consists of the Riverside Landing commercial plaza, which surrounds the site on the north, east, and west. Directly abutting the site to the west is a Popeye's restaurant with a drive through. Across the parking lot further west is AFC Urgent Care. Directly abutting to the east in the plaza is a parking area and retail strip containing a Little Caesar's Pizza, a Great Clips hair salon, and an Expressions shoe store. To north, the site is directly abutted by a parking area for the plaza and a Taco Bell restaurant with a drive through. The entrance to this section of the plaza can also be entered via Coggeshall Street between Popeye's and AFC Urgent Care.

The main entrance to the Riverside Landing plaza is at the intersection of Coggeshall Street and an on/off-ramp for I-195 westbound. The plaza also contains a Market Basket grocery store with its own parking area, which is north of the site.

Further east on the north side of Coggeshall Street there is a 711 gas station and convenience store and the Howland Road-Coggeshall Street Bridge over the Acushnet River. Further west on this side of Coggeshall Street, there is a McDonald's with a drive through, a Subway restaurant, and a PetroMart gas station.

Directly across from the site on the south side of Coggeshall Street is a grassy, low-laying area that abuts the westbound lanes of the highway. Further west on this side of Coggeshall Street, there is a Sunoco gas station.

Proposed Conditions

The applicant has proposed improvements to the site and renovations to the interior and exterior of the building, which they propose to use as a Marijuana Retailer. The applicant is proposing to raze the one-story masonry addition and replace it with a slightly smaller, similarly shaped structure. This will reduce the gross floor area of the building from 6,078 SF to 4,777 SF. Along the west side, the new section will house a vault for product storage and a secure loading area for marijuana deliveries, which will be accessed by a garage entrance on the south side of the building. The north side of the new one-story section will house a restroom, a security office, and a lobby. A new main entrance will be constructed on the north side of the addition. The new main entrance will have a glass and metal façade. Customers and staff will enter the main brick structure through a door off the lobby.

As proposed, a portion of the new structure would have corrugated metal siding. Southcoast Apothecary's Host Community Agreement specifically states that "metal and vinyl siding are prohibited." **The Board must condition that the applicant uses another material for the exterior of the new one-story section that complies with the HCA guidelines and that the applicant submit revised plans to the Planning Department for administrative review.**

While the entrance design is nontraditional, the HCA states, “In areas not visible from regional roadways or distinctive community districts, use of nontraditional materials, forms, and site designs may be appropriate.” This design would also follow the Bedford Landing 40C district guidelines which stated that new additions to historic buildings should differentiate from the older building.

Two concrete stairs with sloped walkways on either side are proposed leading up to the main entrance. **The Board should condition that these sloped walkways will be ADA compliant.**

For the two-story brick building, the applicant has proposed to strip all exterior paint and re-point the masonry if necessary. A customer exit door will be included on the north side of the building, east of the new main entrance and the addition. The windows on the first floor will be replaced with frosted glass windows to obscure the view of operations as required by the ordinance. The second-floor windows will be replaced with new, historically appropriate clear glass windows. The first-floor interior of the brick building will house the sales floor. Customers will enter the sales floor from the north side of the building after first going through the lobby in the addition. The current entrance on the south side of the building will be maintained. The applicant has indicated this door will remain secured. **The Board should confirm that this entrance will be for emergencies only and that it will be marked appropriately.** On the west side of the sales floor, there will be a door to access the storage vault and secure delivery area. The existing stairs to the second floor on the east side of the sales floor will be maintained. **The Board should confirm that the stairway and second floor will be designated for staff only.**

The second floor of the brick building will house office space, an employee break room, and restrooms. The applicant has also proposed a larger vault for product storage in the northwest corner of the building. **The Board may wish to inquire as to which vault will be used to store products long-term and the protocol for transporting marijuana products between vaults, while considering the potential security concerns of discussing this at a public meeting.**

The applicant proposes to remove the overgrown concrete pad on the northern section of the site and replace it with a nine (9) spot parking area connected to the adjacent plaza parking. The parking area would be bordered by a concrete sidewalk on the west and south, and a grass and landscaped area to the west.

In order to create an entrance to the new parking area, the applicant proposes relocating the dumpsters directly northwest of their current location to an area occupied by five (5) parking spots. As proposed, the new dumpster area will match the existing area.

Site Preparation (Demolition & Erosion Control)

Site preparation would include the demolition of the one-story masonry addition, the concrete pad north of the building, dumpster area, the parking spaces northwest of the dumpster area, the grass area to the east of the building, and the paved area and sidewalk in front of the building. As disturbed areas will be rough graded and stabilized before construction begins. Subsurface infrastructure such as utilities and drainage structures will be constructed first, then buried. Stormwater drainage and infiltration systems will be constructed prior to the impervious surfaces that drain to them.

The plans include measures to control erosion and contain sediment on site. Filter fabric and 6” minus stone will be used to construct an anti-track apron construction entrance. An inlet protection system will be installed to collect any sediment draining into the stormwater system. Backfilled sandbags will be placed on impervious surfaces to contain sediment and staked Siltsoxx will be used on pervious surfaces for the same purpose.

Operations

In total, the proposed establishment is expected to employ 35 people. The proposed hours of operation are between 10 a.m. and 7 p.m., seven days a week. The applicant estimates that they will serve 400 customers per day. At this time, the applicant has indicated that there is no set delivery schedule. **The Board should inquire as to why deliveries are randomized and if deliveries are anticipated during business hours.**

Parking & Loading

The applicant proposes to remove the overgrown concrete pad on the north half of the site and replace it with a new parking area. This new parking area will have a 22' wide entrance at the north property line, row of five (5) 9'x20' parking spaces on the west side of the lot, and a row of four (4) spaces on the east side, including one handicapped space. The two parking rows will be separated by a 22' wide aisle. The newly constructed parking area will be bordered with a concrete curb.

The proposed parking on site does not meet the parking requirements, which mandates that 24 parking spaces be provided. **Under the HLS IPD regulations, the Board has the authority to approve parking reductions if they find sufficient arrangements have been made.**

In order address the deficiency, the applicant has secured a parking agreement with the Riverside Landing LLC, the owner of the adjacent plaza and parking area. The parking agreement designates 15 parking spaces in the lot immediately behind the site's rear property line for exclusive use by the applicant. **The Board should condition that all signage used for designating these spaces be submitted to the Planning Department for administrative review.** One of these parking spaces is directly adjacent to the entrance of the proposed parking area. **The Board may wish to condition that this parking spot designated as a "no parking area" to prevent accidents or that the entrance to the parking area be shifted east.**

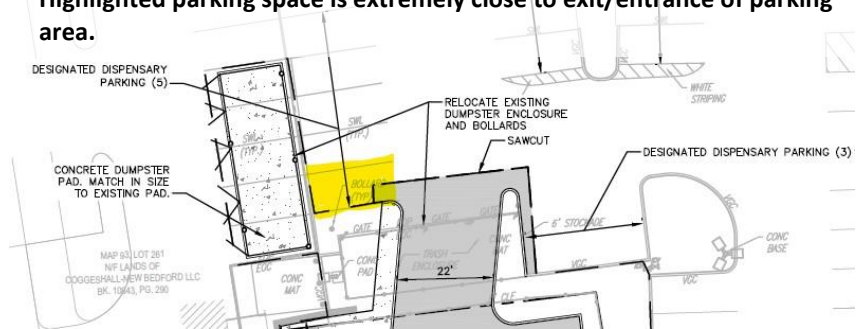
The parking agreement also allows that "employees, customers and guests" of Southcoast Apothecary have the right to the shared use of the remaining 150 spaces in the plaza. **The Board may wish to confirm that the applicant has observed the parking lot during peak hours to ensure there will be enough parking to satisfy the anticipated demand of 400 customers per day.**

There will be a 9.5' x 16' loading area on the southwest corner of the site, with a 16' wide driveway connecting to Coggeshall Street. As proposed, this loading area and driveway will also provide access to the secure loading area to be built out in the existing garage as part of the building renovations. **The Board may wish to condition that this loading area be clearly**

Proposed location for parking area.
Facing northeast from adjacent stone wall.



Highlighted parking space is extremely close to exit/entrance of parking area.



Proposed location for loading area and secure garage for deliveries.
Facing east from Coggeshall Street.



marked “for deliveries only.” The Board may also wish to inquire if any products will be delivered other than marijuana and if there is a plan for receiving deliveries from other vendors, such as those using trucks too large for the loading area.

The proposal also includes four (4) bicycle racks along the southwest corner of the parking area near the main entrance.

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	One (1) space per each 200 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 sq. ft. gross floor area, one space per 400 sq. ft.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area
<u>Parking Calculations</u>		
23.8 parking spaces (4,777 SF/200 GFA)		1 Loading space
24 Total parking spaces required		1 Loading space required
<u>Proposed Parking</u>		
9 Total parking spaces proposed		1 Loading space proposed

Traffic Impact & Access Study

As required by the zoning ordinance, the applicant has provided a transportation analysis, which was submitted for interdepartmental review. At the time of writing this report, no comments have been received.

Circulation

The parking agreement with owner of Riverside Landing states that the plaza will provide ingress and egress over its access ways for use of all customers, guests, and employees of Southcoast Apothecary. Accordingly, customers accessing the site from Coggeshall Street may use the main entrance east of the site at the intersection of Coggeshall Street and the I-195 westbound ramp, which has a dedicated lane and traffic light cycle for left turns into the plaza, or the entrance west of the site which has no traffic light. **The Board may wish to condition that signage directing customers to use the main entrance to Riverside Plaza be installed.**

The applicant notes that deliveries will be received at the front garage entrance, which will have a 16’ wide driveway connecting it to Coggeshall Street. Plans show that the sidewalk directly in front of the southern property line will be replaced to the nearest joint.

Landscaping/Screening

The plans propose to replace some paved areas with landscaping. The asphalt pads in front of the building would be replaced with small lawns and rows of plantings. The lawn along the east side of the building will remain. The plans also call for the use of plantings and trees as a screen along the eastern and northern edges of the parking area.

Proposed plantings throughout the site include:

- Autumn flame red maple
- Blue atlas cedar
- Kelsey Redosier dogwood
- Fire light panicle hydrangea
- Little quick fire panicle hydrangea
- Little bunny dwarf fountain grass

The plans indicate that the existing chain link fencing will remain along the east side of the building and enclose the parking area. Upon site visit, areas of the fencing were found to be in disrepair. **The Board should confirm whether the damaged fencing will be replaced and if it is not proposed, should condition that any damaged fencing be replaced or repaired.**

Site plans also show that the alley between the stone wall west of the site will be filled with decorative crushed stone. This area is currently overgrown with weeds and litter. **The Board should confirm that the applicant has a plan for maintaining this section of the property.**

Snow Storage & Waste Receptacles

Currently, there is a dumpster pad at the rear of site enclosed in 6' stockage fencing. At the time of site visit, the dumpster area, which contains three dumpsters used by plaza tenants, was unsecured and animals were scavenging in the open dumpsters. As part of the proposal, the applicant will be relocating the dumpsters to an adjacent spot in the parking area. **The Board should inquire about the plans for this enclosure and should condition that every effort be made to create a waste area that is secure and is not a public nuisance.**

Plans do not identify any snow storage areas. **The Board should condition that plans be updated to include snow storage locations for the loading area, walkways, and parking area for administrative review.**

Odor Control Plan

The applicant has provided an odor control plan to address concerns about the potential odor created by a Marijuana Retailer. The proposed location forgoes an engineered odor control system, and as required by the application, the applicant has provided a memo explaining why such a system is not needed. In the memo, the applicant notes that they do not “anticipate any specific odor-emitting activities associated with this use.” The memo goes to note that no marijuana cultivation will occur on site and that all marijuana products will arrive to the site “pre-packaged and specifically sealed so as not to emit odors” and that upon purchase, products will be “repackaged in an exit bag to reduce any odor.” The applicant also states that, once received, marijuana products will be immediately stored in a secure vault. **The Board may wish to inquiry as to the characteristics of the vault relative to odor control.**

The applicant attached a specification sheet for the carbon filters to be used as part of their HVAC system in order to control odors. The filters contain activated carbon, which according to the product sheet, attracts and holds odorous gases and vapors. **The Board may wish to confirm that this type of filtration system is the industry standard for marijuana dispensaries.**

Additionally, the applicant proposes to enact a complaint tracking system for odor-related complaints in order to catalogue any complaints received and detail how the issue was resolved.

The Board of Health is also required to review applicant's odor control plan. In order to incorporate any potential concerns in this report, the Health Department has been provided with a copy of the odor control submitted. At the time of writing

Some sections of the existing fence are in disrepair.
Facing southwest from adjacent parking area.



The current dumpster area is unsecured and in disrepair.
Facing southwest from adjacent parking area.



this report, no comments have been received. **The Board may wish to ask Director Chaplin to detail any concerns that he has regarding odor control and consider conditioning approval on these concerns being addressed.**

Security and Emergency Management Plans

In order to submit an application for a special permit, all proposed Marijuana Establishments must receive a sign off from the Police Department on both the security and emergency management plans, and from the Fire and Health Departments on the emergency management plan. The applicant submitted all required signoffs. Additional comments were requested from all department heads who approved on these plans.

Regarding security, the applicant has noted, “The project will include various security and safety equipment and technology, including but not limited to secure sally port, or access control vestibules, customer entrance protocols, and redundant security alarms and controls. In addition, all personnel will be trained extensively and the operation will fully comply with Massachusetts regulations and guidelines.”

Signage

The Host Community Agreement between the City and Southcoast Apothecary states:

Ground mounted, pylon, internally lit and/or flashing signs shall not be permitted. Wall signs shall be limited in size to be read at a pedestrian scale. The size and color of all signs shall be in scale and compatible with the surrounding buildings and street. When more than one sign is used, the graphics shall be coordinated to present a unified image. All signage shall, at a minimum, be subject to requirements of New Bedford Code of Ordinances S. 3200 and Cannabis Control Commission. In the event of any conflict between said requirements and this Agreement, the more restrictive requirement shall prevail. Logos shall be tasteful and ambiguous in nature. All proposed signage (Wall, ground, blade, or otherwise) is subject to administrative approval by the Planning department.

State marijuana regulations also cover signage:

- A Marijuana Establishment may develop a logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
- Installation of any neon signage or any illuminated external signage which fails to comply with all local ordinances and requirements is prohibited.
- Installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing is prohibited.

The proposed signage for the exterior of the building is a 9’x 14” LED illuminated wall sign reading “ASCEND” mounted above the main entrance on the north side of the building and a hanging blade sign for the southeast corner of the building. The applicant notes that final plans for the hanging sign have yet to be submitted and that they will submit these plans for approval once they are complete. **The Board must condition that all signs be either lit externally or unilluminated, and that all additional and revised signage plans be submitted to the Planning Department for administrative approval. The Board should also condition that signage only be illuminated from 30 minutes before sundown (or later) until 7 p.m., or not at all if sundown is after 7 p.m.**

Lighting

The applicant provided a lighting exhibit and light specifications. The plan calls for the installation of one new light pole on the east side of the entrance to the parking area and wall-mounted lights on the north, east, and south sides of the building. An existing light pole on the west side of the parking entrance will remain.

The proposed site lighting includes:

- A. 1 – LED Array Light – Gardco PWS PurForm LED wall sconce brand, 47watts, wall-mounted, down shielded.
 - a. North side of building by main entrance
- B. 2 – LED Array Light – Gardco 101L Sconce LED brand, 28 watts, wall-mounted, down shielded

- a. East and south side of building
- C. 1 – LED area light – Gardco Gullwing G13 brand, 86 watts, light pole, down shielded
 - a. Parking lot entrance

The lighting plan shows the lighting illumination levels across the site based on the proposed lighting locations. The highest lighting levels are shown around the parking lot and along the building's exterior. The lighting levels seem reasonable given the site layout and location in an industrially zoned and retail plaza area.

Architectural Plans

The proposed elevations show that the single-story masonry portion of the building will be demolished and replaced with a similarly sized structure with a metal exterior along the west side of the building and a glass and metal exterior on the north side of the two-story brick building. The plans show a new main entrance constructed on the north side of the building. The plans show that the garage bay on the south side of the building will be replaced with a new garage bay to be used as delivery entrance. **The Board should condition that final plans be labeled with compass directions to indicate which elevation is being detailed.**

The plans show that first floor windows on the brick building will be fitted with laminated frosted glass windows to obscure interior operations, as per the zoning code. Second floor windows will receive new clear glass windows. Existing doorways on the north and south will be maintained and doors will be replaced. All doors and windows will be replaced with new, "custom historical" models.

The Host Community Agreement states any façade over 50 feet include a minimum of 10 feet of variation in the building footprint. The front of the building has a façade of 54± feet and has a portion that is setback 7± feet for the garage entrance. **While this does not conform to the requirements, staff recognizes that the site has limited area for variation to and recommends that the Board allow the façade as planned under the IPOD design exceptions.**

Stormwater

The proposed plans show alterations to existing impermeable surfaces. The applicant proposes constructing an infiltration system beneath the new parking lot to handle drainage from the parking area. This will be connected to the box culvert under Coggeshall Street via a drainpipe along the east side of the building.

The applicant included a storm water management plan with their application packet. Planning staff defers to the Department of Public Infrastructure (DPI) regarding the systems compliance with the city stormwater regulations. The Planning Department has not received comments as of the publication of this report.

Utilities

The project will replace existing electric and gas meters and coordinate with DPI and Eversource prior to construction to connect to the existing service lines. The drain service is to be upgraded and connected into the city system.

Review Comments

Case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department. The Planning Department has not received comments as of the publication of this report. Any comments received prior to the meeting will be made available at the meeting.

Master Plan Goal

The proposal is consistent with the master plan's goal to expand workforce opportunities and communicates a positive message for business development.

Materials for Consideration

The engineered plan set submission is shown as “Ascend Cannabis Dispensary, 115 Coggeshall Street, New Bedford, Massachusetts, Special Permit Submission.” The plans are dated January 8, 2021, prepared by Fuss & O’Neill of 108 Myrtle St. Suite 502, Quincy, MA 02171, and stamped by Kevin C. McCarry, PE.

The plan set consists of the following sheets:

- GI-001: Cover Sheet
- CN-101: General Notes, Boundary & Topographic Survey
- CP-101: Site Preparation Plan
- CE-101: Erosion and Sediment Control Plan
- CS-101: Site Layout Plan
- CG-101: Grading, Drainage, and Utility Plan
- LP-101: Landscape Plan
- SL-101: Site Lighting Plan
- CD-501: Erosion and Sediment Control Details
- CD-502-503: Site Details
- CD-504-505: Stormwater Management Details
- CD-506: Utility Details
- CD-507: Landscape Details

The architectural plan set submitted is shown as “Ascend Cannabis Dispensary, 115 Coggeshall Street, New Bedford, MA.” The plans are dated 9/18/20 and were prepared by BKA Architects of 142 Crescent Street, Brockton, MA 02302. The plans are not stamped. The plan set consists of the following sheets:

- AD-100: First Floor Demolition Plans & Notes
- AD-101: Second Floor Demolition Plans & Notes
- A-102: First Floor Fixture, Furniture & Equipment Plans
- A-103: Second Floor Fixture, Furniture & Equipment Plans
- A-300 & 301: Exterior Elevations

The signage plan set submitted is shown as “Ascend, 115 Coggeshall Street, New Bedford, MA 02746.” The plans are dated 11/16/20 and prepared by Ace Sign Co. of 2540 South 1st St., Springfield, IL. The plan set consists of the following sheets:

- A: Trimless Letters, Raceway Mounted
- B & C: Window Vinyl
- D: Illuminated Projecting Sign

Site Plan Criteria
<p>In considering Site Plan Approval for the proposed project, the Board must find that the plan meets a number of objectives identified in Section 5470 of the City’s (c.9) Zoning Ordinance including:</p> <ul style="list-style-type: none"> ▪ Adequate access to each structure for fire and service equipment; ▪ Adequate provision for utilities and stormwater drainage; ▪ Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to: <ul style="list-style-type: none"> ○ Minimize cut/fill volumes, removal of 6” caliper trees and larger, removal of stone walls, displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution; ○ Maximize pedestrian/vehicular safety to/from the site; ○ Minimize the obstruction of scenic views from publicly accessible locations; ○ Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas; ○ Minimize glare from vehicle headlights and lighting fixtures; ○ Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity; ○ Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances; ○ Ensure compliance with the Zoning Ordinance; ○ Minimize damage to existing adjacent public ways; ○ Promote orderly and reasonable internal circulation within the site so as to protect public safety.



Special Permit for Marijuana Establishment. Having reviewed the submitted materials, Planning staff recommends the following specific conditions should the Board act favorably:

1. The applicant must abide by all terms of the September 5, 2019 Host Community Agreement negotiated between the applicant and the City of New Bedford.
2. Architectural plans must be modified to demonstrate that an acceptable material will be used for the one-story building addition and submitted to the Planning Department for administrative review.
3. Signage plans should be updated to reflect that all signage will be either externally lit or unilluminated and submitted to the Planning Department for administrative review.
4. All externally lit signage shall only be illuminated from 30 minutes prior to sundown to 7 p.m., or not at all if sundown is later than 7 p.m.
5. The entrance on the north side of the building shall be marked with signage to indicate it is for staff only and/or emergencies only.
6. Directional signage shall be installed to direct customers to use the main plaza entrance to access the site.
7. Odor control plan is subject to approval by the Board of Health.
8. The applicant shall submit any changes to their security plan to the New Bedford Police Department for approval prior to implementing.
9. The applicant shall submit any changes to their emergency plan to the New Bedford Police Department, Fire Department, and Health Department for approval prior to implementing.



Special Permit for the HLS IPOD. Having reviewed the submitted materials, Planning staff recommends the following specific conditions should the Board act favorably:

10. Plaza parking spot directly northeast of the site's parking area entrance shall be marked as no parking or the parking entrance shall be realigned.
11. Any signage to be used for marking reserved parking spaces shall be submitted to the Planning Department for administrative review.
12. The loading area shall include signage indicating "for deliveries only."
13. Site plans shall be updated to include all snow storage areas on site and submitted to the Planning Department for administrative review.
14. Enclosure specifications for the dumpster area shall be provided to the Planning Department for review and reflect an improvement to the existing dumpster area.
15. If it is to remain, all damaged fencing shall be repaired or replaced.
16. Plans shall be updated to reflect that all ramps will be ADA compliant and submitted to the Planning Department for administrative review.

And the following general conditions:

17. The project shall be undertaken in a manner consistent with any departmental memos received relative to this project.
18. The project shall be in compliance with all applicable state and federal laws.
19. The applicant shall appear before this Board to obtain a new special permit or a modification of its existing special permit for each additional use that is proposed after the initial permitting process or for modification of the approved plans.
20. Final architectural plans shall be stamped and have building elevations labeled to identify which side of the building is detailed.
21. The applicant shall submit final plan revisions to the Planning Department in the following formats: one (1) -11" x 17" Plan Set and 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.
22. 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.

23. The applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval is recorded at the Registry of Deeds.
24. The applicant shall ensure that a copy of the recorded decision is provided for the Planning Department Case file folder.
25. 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.
26. The special permit granted for a Marijuana Establishment is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Establishment or a Medical Marijuana Treatment Center. A special permit issued for a Marijuana Establishment or Medical Marijuana Treatment Center shall not be transferable or assignable to a different location or to a different type of Marijuana Establishment or Medical Marijuana Treatment Center. A change of the licensee or ownership of the Marijuana Establishment or Medical Marijuana Treatment Center shall require submission of an application for a new special permit application or modification of the existing special permit to the Planning Board for approval.
27. The applicant shall be required to remove all material, plants, equipment and other paraphernalia within ninety (90) days of ceasing operations or immediately following the expiration, revocation, or voiding of its state license. A Marijuana Establishment or Medical Marijuana Treatment Center shall notify the Planning Board and Zoning Enforcement Officer in writing within forty-eight (48) hours of any cessation of operations or expiration, revocation, or voiding of any state license or registration.
28. The special permit for a Marijuana Establishment shall lapse if the applicant does not commence construction or operation of the proposed Marijuana Establishment or Medical Marijuana Treatment Facility within one year of the special permit's issuance.
29. 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.
30. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.
31. Any changes made by or at the request of the Cannabis Control Commission relative to the building or site shall be subjected for review by Planning Board Staff.

Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2021/>

Staff Report prepared by: Michael McCarthy, Staff Planner
Reviewed by: Anne Louro, Preservation Planner

115 Coggeshall Street Map: 86 Lot: 10

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.

