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PLANNING BOARD

STAFF MEMO*

REPORT DATE
March 17, 2021

PLANNING BOARD MEETING
March 17, 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

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).

*Memo

This memo is a supplement to the previous Staff Report for Case #21-03 and Case #21-04 dated February 8, 2021. This memo addresses a traffic impact analysis peer review released on March 8, 2021, revised plans submitted by the applicant on March 13, 2021, and the applicant's response to the traffic impact analysis peer review submitted on March 15, 2021.

Since the last meeting

At the February 10, 2021 meeting, the Planning Board continued both cases in order to provide the applicant time to revise plans to address comments made by the Board and Department of Public Infrastructure (DPI) in their memo dated February 10, 2021, and for the City to contract a consultant to conduct a peer review of the traffic impact analysis submitted by the applicant. Since the close of meeting, following materials have been received:

1. Traffic impact analysis peer review, completed by CDM Smith on February 24, 2021 and released to the applicant and the Planning Board on March 8, 2021
2. Revised site plans, dated March 12, 2021
3. Applicant response to the peer review, submitted March 15, 2021
4. DPI comment memo, dated March 17, 2021

In the transmission of the updated site plans, the applicant noted that they are still working to resolve the majority of comments received from DPI in their February 10, 2021 memo.

The late submission of materials limits City staff's ability to provide a timely review and comment. It is at the discretion of the Board whether to review this item at the hearing.

Traffic Impact & Access Study

As required by the zoning ordinance, the applicant has provided a transportation analysis, which was submitted for interdepartmental review. In their February 10 memo, DPI requested that the traffic impact analysis undergo peer review. The City's consultant, CDM Smith was engaged shortly after the meeting to conduct the peer review. CDM Smith's review was released to the applicant and the Planning Department on March 8, 2021.

CDM Smith found that the applicant's traffic impact analysis conformed to industry standards. They recommended that the applicant revisit the analysis and address the following:

1. Increase the study area to include the signalized intersection of Belleville Avenue at Sawyer Street if the traffic increases exceed 5% of existing volumes
2. Provide the methodology and calculations for the seasonal adjustments, pandemic adjustments, and background traffic growth
3. Compare the ITE trip generation rate calculations with locally collected retail marijuana facility data and use the higher (more conservative) to determine redevelopment impacts
4. Update the trip distribution as necessary
5. Update the crash summary with more recent data
6. Provide additional transit route, frequency, and operating hours information

Prior to submitting a response, the applicant was advised on March 12, 2021 that it would be challenging for City staff to review and comment on any materials submitted the same week as a scheduled meeting. On March 16, 2021, the applicant provided a response to CDM Smith's review to the Planning Department and DPI. Planning Staff defer to DPI and CDM Smith to verify that the applicant's response is satisfactory. **In a memo sent on the afternoon of March 17, 2021, CMD Smith confirmed that the applicant addressed the comments of their review.**

Both DPI and Board members expressed concern that the delivery entrance proposed on Coggeshall Street did not have adequate turnaround space for trucks to exit back on to Coggeshall after making a delivery. In order address this concern, the applicant has revised the site plans to move the garage door delivery entrance back three feet further from Coggeshall Street than the existing conditions and originally proposed plan. The applicant also details turning calculations and real-world turnaround attempts conducted by the company's delivery drivers in the response letter.

Originally proposed dumpster location (YELLOW) and parking space (BLUE).

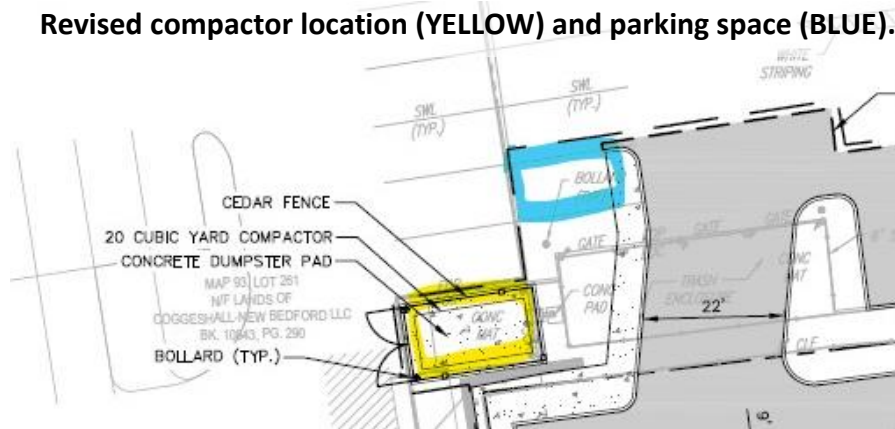


Circulation

The response to Board member and Planning staff concerns about the parking space adjacent to the west of the proposed parking area, the applicant has revised the site plan to extend the walkway and curbing on the westside of the parking area entrance.

The applicant also addressed the Board's suggestion of adding of a ramp to connect the walkway east of the parking area with the adjacent parking area, where a stairway is currently proposed. According to the applicant, this was not feasible. **The Board may wish to seek more details.**

Revised compactor location (YELLOW) and parking space (BLUE).



Snow Storage and Waste Receptacles

At the February 10, 2021 Planning Board meeting, Board members expressed concerns about the relocation of the dumpster adjacent to the site and requested that the applicant consider alternative locations that would provide better access for trash pickups. The revised site plan shows a new location for waste and now shows a 20-cubic yard compactor in the place of the three dumpsters originally proposed. **The Board should clarify that this compactor is adequate to handle the waste generated by**

all users.

The previous staff report noted that snow storage areas were not indicated on the plans. The revised site still does not indicate snow storage areas. **The Board should condition that revised plans be submitted to the Planning Department that show snow storage on site or that the applicant provides documentation of an agreement to store snow in the adjacent plaza.**

Signage

In a memo dated February 9, 2021, the Historical Commission identified conflicts between the applicant's proposed blade sign on the south side of the building and the host community agreement and 40C design guidelines. As proposed, the sign exceeds the size and shape required by these guidelines. The applicant has not yet submitted a revised sign plan that addresses these issues. **The Board should condition that a revised sign plan be submitted to the Planning Department for administrative review.**

Planning staff and the Board expressed concerns about how customers will access the site from Coggeshall Street. It was suggested in the previous staff report that directional signage be added that instructs customers to use the main entrance to Riverside Plaza to access the site. A revised sign plan has not been submitted. **The Board should condition that directional signage be used and proposed directional signage be submitted to the Planning Department for review.**



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. 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.
3. Prior to the issuance of a building permit, the applicant shall submit a revised sign plan to the Planning Department for administrative review that addresses comments in the February 9, 2021 memo from the Historical Commission.
4. Directional signage shall be installed to direct customers to use the main plaza entrance to access the site. The applicant shall submit any proposed directional signage to the Planning Department for administrative review prior to the issuance of a building permit.
5. Odor control plan is subject to approval by the Board of Health.
6. The applicant shall submit any changes to their security plan to the New Bedford Police Department for approval prior to implementing.
7. 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.

And the following general conditions:

8. The project shall be in compliance with all applicable state and federal laws.
9. 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.
10. Final architectural plans shall be stamped and have building elevations labeled to identify which side of the building is detailed.
11. 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.
12. 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.
13. 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.
14. The applicant shall ensure that a copy of the recorded decision is provided for the Planning Department Case file folder.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.
21. 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.



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

1. Any signage to be used for marking reserved parking spaces shall be submitted to the Planning Department for administrative review prior to the issuance of a certificate of occupancy.
2. The applicant shall revise site plans to identify all snow storage areas on site or provide documentation of agreement to store snow off site and submit these materials to the Planning Department for administrative review prior to the issuance of a building permit.
3. Plans shall be updated to reflect that all ramps will be ADA compliant and submitted to the Planning Department for administrative review prior to the issuance of a building permit.
4. The project shall be undertaken in a manner consistent with the Department of Public Infrastructure memos dated February 10, 2021 and March 17, 2021, and the Historical Commission memo dated March 9, 2021.

And the following general conditions:

5. The project shall be in compliance with all applicable state and federal laws.
6. 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.
7. Final architectural plans shall be stamped and have building elevations labeled to identify which side of the building is detailed.
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Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2021/>

Staff Memo prepared by: Michael McCarthy, Staff Planner

Reviewed by: Anne Louro, Acting City Planner

115 Coggeshall Street Map: 86 Lot: 10

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

