



City of New Bedford Department of City Planning

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PLANNING BOARD

STAFF REPORT

REPORT DATE
June 8, 2021

PLANNING BOARD MEETING
June 9, 2021

Case #21-24: SITE PLAN REVIEW

WS Phillips Road
Map: 136 Lot: 468

**Owner/
Applicant:** Michael Panagakos
133 Faunce Corner Road
Dartmouth, MA 02747

Agent: SITEC/CEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747

Overview

Request by applicant for **Site Plan Review** for the construction of a new commercial building and associated site improvements; located on the WS of Phillips Road (Map: 136 Lot: 468) on a 1.9-acre site in an Industrial C (IC) zoned district.

Existing Conditions

The site is a 1.9-acre wooded parcel in an Industrial C zoned district with 504± feet of frontage on the west side of Phillips Road. The site is located between a power line easement to the south and the intersection with Barley Road/Theodore Rice Boulevard to the north. The site is abutted to the west by a lot in the New Bedford Business Park/Massachusetts Lottery Commission and RMV. Across Phillips Road to the east is a Santander Bank branch. Abutting to the south is a vacant wooded lot. Further south on the east side of Phillips Road, there is an apartment complex. A Mobile gas station with a Dunkin' is located across Theodore Rice

Proposed location of new commercial building.
Looking northwest on Phillips Rd.



Daytime Parking on Phillips Road frontage.
Looking south from Phillips Rd. and Theodore Rice Blvd.



Boulevard to the north. The Business Park occupies all the land to west, and the neighborhood becomes primarily residential to north, east and south.

The site slopes down from east to west starting at 96 feet on the eastern property line with Phillips Road and ending at 85 feet at western property line. Vegetated wetlands are located along the rear of the property.

During a site visit, Planning staff observed that the parcel's frontage on Phillips Road is used for daytime parking. At 11:30 AM on a Tuesday, there were 18 cars parked from the entrance of the Business Park south to the utility easement. It is believed that these are carpool commuters utilizing the nearby Route 140 exit.

There is a SRTA bus stop nearby at the entrance to the Industrial Park served by the Route 4 and North End Shuttle route.

Prior Permitting

The applicant recently filed a Request for a Determination of Applicability with the Conservation Commission and delineated the buffer for the wetlands on the south and west sides of the site. The applicant has a Notice of Intent application before the Conservation Commission that will be heard on June 15, 2021.

Proposed Conditions

The applicant proposes to construct a new 3,500 square foot (70'x50') commercial building, parking area, and associated improvements at the site along Phillips Road. The applicant proposes orienting the building with the main entrance facing

north to the proposed parking area. A second egress is proposed for the south side (rear) of the building along the planned loading area.

As proposed, the interior will be an open floor plan with two bathrooms and a floor sink located in the southeast corner.

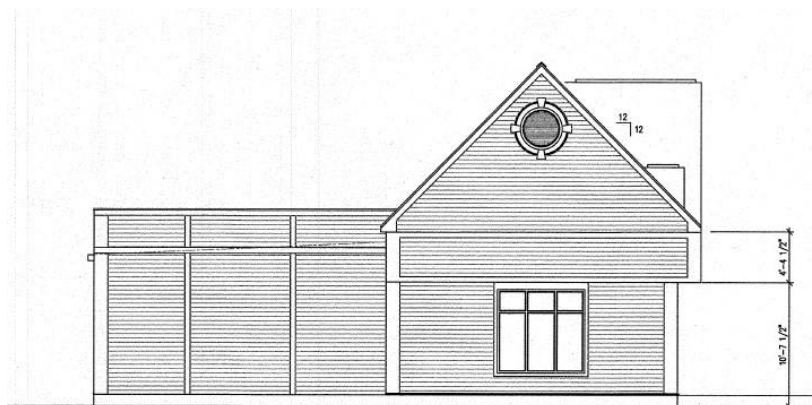
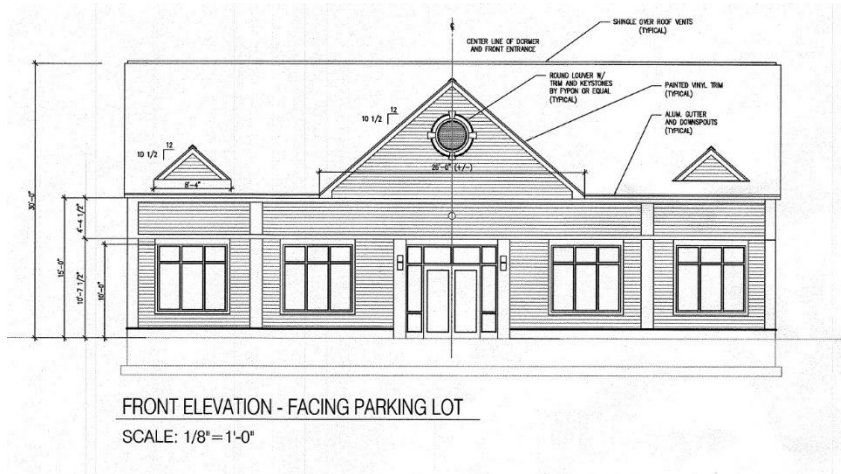
Architectural plans do not indicate the type of material planned for siding on the building. **The Board may wish to inquire as to the siding.**

Architectural plans do not show the south, or rear, elevation. **The Board may wish to request details about the south elevation and condition that the applicant submit revised architectural plans that show the south elevation to the Planning Department for administrative review**

Parking & Loading

Site plans show that the proposed parking area will have 31 parking spaces, which is 13 more than required. However, the application for Site Plan Review indicates that 34 spaces are proposed. **The Board may wish to clarify the number of parking spaces proposed.**

As shown in the site plans, two parking rows will be separated by a 22-foot-wide drive aisle, with a seventeen (17) space row along the east side of the lot and eight (8) spaces along the west side. A row of six (6) parking spaces, including two (2) handicapped spaces will be on the south side of the lot, facing the proposed entrance. A loading area is proposed south of the building.



SIDE LEFT ELEVATION - FACING PHILLPS ROAD

SCALE: 1/8" = 1'-0"

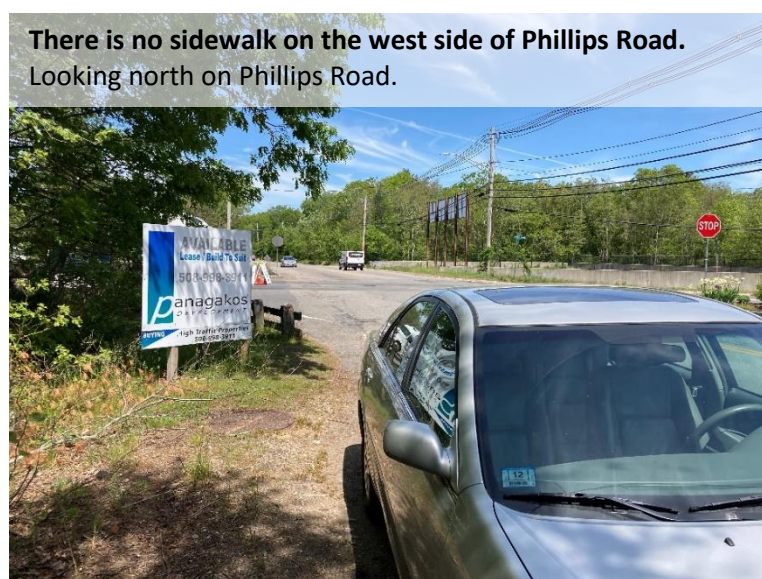
A concrete curb will border the parking and loading areas.

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 & Loading Calculations</u>		
18 parking spaces retail (1 per 200 GFA: 3,500 Sf/200)		1 Loading spaces
18 Total parking spaces required		1 Total loading spaces required
<u>Proposed Parking & Loading</u>		
31 Total proposed parking spaces		1 Proposed loading area

As noted above, there is considerable daytime parking on this section of Phillips Road. The three (3) proposed driveway entrances will remove a total 90 feet of street parking from this section of Phillips Road. **The Board should discuss this with the applicant and determine the impact that construction and the addition of the driveway entrances will have on street parking.**

Traffic Impact Study

While a traffic study is not required unless determined necessary by the Board, this area of Phillips Road is prone to traffic backups during rush hour and traffic related to developments in the Business Park have been the source of community concern in the past. **The Board may wish to discuss trip generation numbers and the potential traffic impacts of likely uses with the applicant.**



There is no sidewalk on the west side of Phillips Road.
Looking north on Phillips Road.

Circulation

The parking area will have two, two-way 22-foot-wide driveway entrances—one at the north end of the parking area and one on the south end. The loading area proposed on the southeast corner of the site will have a 22-foot-wide entrance off Phillips Road.

The applicant proposes a concrete pedestrian walkway in front of the main entrance extending east to Phillips Road. The dimensions of the walkway are not indicated. **The Board may wish to clarify the width of the walkway.** The walkway will have a handicap ramp from the parking area.

The west side of Phillips Road has no sidewalk, and the applicant does not propose creating one. **The Board may wish to inquire as to how the applicant anticipates pedestrians accessing the site.**

Landscaping

The applicant proposes to create landscaped areas at the end of each row of parking spaces, along the western edge of the parking lot, and south of the loading area by the dumpster area. The applicant also proposes to seed the remaining disturbed land from property line on Phillips Road to the edge of the wetland area on the west side of the site.

The following species are proposed for landscaped areas:

- Trees: October Glory Red Maple (7)
- Shrubs and flowering plants: Compact Pfitzer Juniper (31), Little Henry Sweetspire (22) plants, Knockout Rose (9)

Aside from the reseeding, no landscaping or fencing is proposed to screen the parking area from Phillips Road. **The Board may wish to suggest that plantings be added to the lawn area between the parking area and Phillips Road to screen the parking lot.**

The applicant proposes increasing the grade of site where the parking area, landscaping, loading area, and building will be constructed to 95 feet. A retaining wall is proposed along the east of these improvements adjacent to the 25-foot buffer zone for the adjacent wetlands. The retaining wall is not detailed in the plans, but the applicant indicated that it would consist of interlocking concrete blocks topped by a short fence. **The Board may wish to confirm the materials to be used for the wall and fence.**

Snow Storage & Waste Receptacles

The applicant proposes a snow storage area to the north of the parking area. Plans appear to show part of the snow stockpile area on the down-sloping area north of the parking lot. The Conservation Commission noted that the snow storage plan is acceptable, so long as runoff is captured by the stormwater system. **The Board may wish to confirm that runoff from the snow stockpile area will be captured by the stormwater system.**

A screened dumpster pad is proposed south of the loading area in the rear of the building. Site plans indicate that the dumpster area will be screened but do not provide details regarding the screening proposed. **The Board may wish to determine the type screening proposed for the dumpster area and condition that the dumpster screening details be added to the plan set.**

Stormwater

The proposed site conditions include adding impervious surfaces, which will alter the drainage of the site. The applicant proposes to install a new stormwater collection and recharge system for onsite treatment of stormwater and flow mitigation. The roof drain will connect to the stormwater infiltration system proposed beneath the parking area. A smaller catch basin is proposed for beneath the loading area. Both the infiltration system and the catch basin have overflow drains that direct water to the low-lying wetland area east of the building site.

Planning staff defers to the Department of Public Infrastructure regarding compliance with the City's stormwater management standards.

Site Preparation (Demolition and Erosion Control)

To prepare the site, the applicant proposes removing vegetation from Phillips Road west to the 25-foot wetland buffer throughout the area of proposed site improvements. The area east of the proposed retaining wall will be filled to 95 feet. North of the proposed parking area, there will be a slope down from 95 feet to 92 feet.

The applicant proposes to erect a silt fence to control erosion and sediment running north to south along the edge of 25-foot wetland buffer zone prior to the start of construction. An 18' by 12' construction entrance made of course aggregate, and a filter cloth is proposed at the center of the parcel off Phillips Road.

Signage

Site plans indicate a pylon ground sign is planned for the northeast corner of the site. No ground sign plans were submitted as part of this site plan review. **If the site plan is approved, the Board may wish to condition that a ground sign is not approved as part of this application and will require a separate permit review.**

Utilities

The applicant submitted a utility plan as part of the site plan set, which calls for water and sewer lines to be connected to the City service lines in Phillips Road to the east of the building. The plans do not detail how or where gas and electric will utilities will be connected. **The Board may wish to inquire as to how gas and electric utilities will be connected to the new building and condition that the applicant coordinate with the Department of Public Infrastructure and Eversource regarding utility connections.**

Lighting

Two pole-mounted lights are proposed to the east of the parking area. The site plan notes that these lights will be 18-foot RAB Lighting Model ALED3T260/D10, which is 29,888 lumens and dark sky compliant.

One wall-mounted light is proposed for the rear of the building by the loading area entrance. The site plan notes that this light will be an E-Conolight Model E-WP8, which 2,900 lumens and down shielded.

As shown in the lighting plan, the lighting proposed does not bleed out beyond the property line.

No lighting fixtures are shown on the plans for the main entrance or by any of the entrances to the parking or loading areas. However, the foot candle line in the plan appears to indicate that lighting will be present on the east side of the lot. **The Board may wish to discuss the lighting plan with the applicant and determine whether lighting is proposed for the east side of the parking area and for the loading area. If they deem it necessary, the Board should condition that a revised lighting plan be submitted for administrative review.**

Review Comments

As required under city ordinance, the 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 Conservation Commission has required the applicant to file a Notice of Intent. That case is currently under review and will be heard on June 15. The Conservations Agent shared a peer review of the stormwater system, which identified possible conflicts between the length of the proposed riprap discharge areas and the 25' wetland buffer and commented that all work—including the construct of the riprap and the retaining wall—should done outside of the 25' buffer. **The Board should discuss the Conservation Commission's peer review with the applicant and determine whether the comments within will require changes to the plans.**

No other departmental comments were not received as of the publication of this report; any comments received will be made available at the public 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 submission is shown as "Proposed Commercial Building Phillips Road, New Bedford, Massachusetts" dated March 26, 2021, prepared by Sitec of Dartmouth, MA. The plans are stamped by Steven D. Gioiosa CE. The plan set includes the following sheets:

- Sheet 1 – Site Layout
- Sheet 2 – Locus Map

- Sheet 3 – Site Grading
- Sheet 4 – Landscaping and Lighting Plan
- Sheet 5 – Site Utilities
- Sheet 6 – Existing Conditions
- Sheet 7 – Erosion Control Plan
- Sheet 8 – Detail Sheet #1
- Sheet 9 – Detail Sheet #2

The architectural elevations submission is shown as “Proposed New Building Phillips Road, New Bedford, Massachusetts” dated April 23, 2021, prepared by Design Concepts of New England of Bridgewater, MA. The plans are unstamped and initialed by JLC. The elevations are a single sheet.

Site Plan Criteria

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:

- **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:**
 - 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.



Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

- That the following **specific conditions** be applied to this decision:
 1. The applicant shall submit revised architectural plans that show the south elevations to the Planning Department for administrative review prior to the issuance of a building permit.
 2. The applicant shall revise landscape plans to include a landscape screen between the parking area and Phillips Road and submit revised plans to the Planning Department for administrative review prior to the issuance of a building permit.
 3. The applicant shall submit revised plans to the Planning Department for administrative review that include details for dumpster screening prior to the issuance of a building permit.
 4. A ground sign is not approved as part of this site plan. Any future proposals for a ground sign will require the applicant to reappear before the Planning Board for approval.
 5. The applicant shall submit a revised lighting plan to the Planning Department for administrative review that indicates all fixtures prior to the issuance of a building permit.
 6. The applicant is aware a change of use at the site may require additional permitting in conformance with the local zoning ordinance and other regulations as applicable.
- That the following **general conditions** also be applied to this decision:
 7. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
 8. The project shall be undertaken in a manner consistent with any departmental memos received in relation to plan and placed on file for Planning Board consideration. The conditions of such memos shall be considered to be part of these conditions.
 9. The applicant shall submit final plan revisions to the Department of City Planning 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.
 10. 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 Department of City Planning case file folder.
 11. That 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, be recorded at the Registry of Deeds.
 12. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
 13. The applicant shall present any proposed modification from the approved plans for consideration to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review.
 14. 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.
 15. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

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: Jennifer Carloni, Director of City Planning

WS Phillips Road Map: 136 Lots: 468

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

