

**PLANNING BOARD**

City Hall, Room 303
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www.newbedford-ma.gov

OFFICE OF THE CITY CLERK
 NEW BEDFORD, MA

2021 JUN 23 AM 8:35

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	21-24			
Request Type:	Site Plan Review			
Address:	WS Phillips Road			
Zoning:	Industrial C			
Recorded Owners:	Panagakos Development			
Owner Address:	133 Faunce Corner Road, Dartmouth, MA 02747			
Applicant:	Panagakos Development			
Applicant Address:	133 Faunce Corner Road, Dartmouth, MA 02747			
Application Submittal Date	Public Hearing Date(s)		Decision Date	
May 12, 2021	June 9, 2021		June 9, 2021	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
136	468	13336	226	

Application: 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 zoned district. Owner/Applicant: Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747). Agent: SITEC/CEC, Inc. (449 Faunce Corner Road, Dartmouth, MA 02747).

Action: **GRANTED, WITH CONDITIONS, as described in section four (4).**

A copy of this decision was filed with the City Clerk of the City of New Bedford on June 23, 2021. 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.

6/23/2021

Date

Kathryn Duff, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-24: WS Phillips Road – 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 zoned district. Owner/Applicant: Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747). Agent: SITEC/CEC, Inc. (449 Faunce Corner Road, Dartmouth, MA 02747).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

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.

Other Documents and Supporting Materials:

- ❑ Site Plan Review Application Packet
- ❑ Request for Determination of Applicability Plan
- ❑ Department of City Planning Staff Report 6/8/2021
- ❑ Department of Public Infrastructure Comment Memo 6/9/2021
- ❑ Conservation Commission Comment Memo 6/3/2021
- ❑ Conservation Commission Stormwater Impact Peer Review
- ❑ Letter in Support of Case #21-24 from Councilor Abreu

3) DISCUSSION

Due to the COVID- 19 outbreak, the following meeting were held fully remotely in accordance with the Governor of Massachusetts’ March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G. L. c. 30A, Section 20.

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the June 9, 2021 online meeting. City Planner Jennifer Carloni, Deputy City Planner Anne Louro, and Staff Planner Michael McCarthy were also in attendance.

Case #21-24 was heard as part of new business. Chair Duff opened the case and discussed a memo from the Department of Public Infrastructure regarding the proposed site plan that was sent to the Planning Board and the applicant prior to the meeting.

Chair Duff then asked if a representative for the applicant was present to discuss the case. Mr. Steven Gioiosa of SITEC introduced himself as the applicant's agent. Mr. Gioiosa said that he had reviewed the DPI memo and he did not take issue with their comments. Mr. Gioiosa then began describing the proposal and addressing comments made by DPI and Planning staff in the staff report. He also discussed the related case before the Conservation Commission and remarked that he felt the outcome of that Conservation Commission case would not significantly impact the site plan before the Planning Board.

Mr. Gioiosa said that the parking proposed exceeded the amount required by the ordinance, because at this time the applicant has not found a tenant for the building and creating a 31-space parking area would allow the applicant more flexibility in finding a tenant. Mr. Gioiosa added that the parking area had two driveway entrances to prevent "dead end parking" and related internal circulation impacts.

Mr. Gioiosa then discussed the stormwater system and noted that the project was designed in accordance with the Massachusetts Department of Environmental Protection's stormwater standards. Mr. Gioiosa noted that the peer review commissioned by Conservation resulted in "minor comments" that required some changes to drainage and the retaining wall, which would not impact the overall site layout.

Mr. Gioiosa discussed the landscaping plan and said that he was agreeable to adding a landscaping screen between the parking area and Phillips Road.

Regarding comments from Planning staff on lightning, Mr. Gioiosa said that the lighting described on the site plan was accurate and would provide adequate lighting for the site without over illuminating.

Reviewing the architectural plans with the Board, Mr. Gioiosa said that the floor plan was left open so that the building could be built out to suit the needs of any tenant. He noted that exterior elevations for this project were similar to recent commercial properties built by the applicant around New Bedford. Mr. Gioiosa added that he had seen the comment from Planning Staff regarding the missing south elevation in the plans and said that it would be added to the final plan set if the Board wished to make it a condition of approval. Responding to an inquiry from Chair Duff, Mr. Gioiosa said that cement board clapboard would be used for the siding.

Mr. Gioiosa detailed the plan for erosion control, saying that a silt fence would be placed along the 25-foot wetland buffer line and no work would occur outside of that line.

Mr. Gioiosa then addressed DPI's request for the applicant to install granite curbing, a ribboned sidewalk, and street trees along Phillips Road. He said that this request was fairly standard and there were no objections.

Addressing other Planning staff comments, Mr. Gioiosa said that utility connections would be coordinated with DPI and Eversource, and that snow disposal could be relocated to unused parking spaces, as they were providing more parking than required. Regarding traffic and parking on Phillips Road, Mr. Gioiosa argued that a small commercial site like this would not add to traffic at peak times and estimated that the project would only eliminate space for "three or four cars" on the street.

Board Member Glassman commented that based on the site plan there did not appear to be room for a drive-through to be added. Mr. Gioiosa confirmed that as designed there was not room for a drive-through to be added, and acknowledged that he would have to reappear before the Board for approval if the applicant requested the plans to be altered to include one.

Board Member Glassman then asked about how the applicant planned on addressing the existing slope at the site. Mr. Gioiosa responded that fill would be added to bring the site nearly up to grade with Phillips Road and that this would allow them to control the grading on site and direct stormwater runoff to the treatment system.

Chair Duff and Mr. Gioiosa discussed impacts on existing vegetation and how landscaping and street trees could make up for what was being removed.

Chair Duff asked why the applicant had recently subdivided out the southeast corner of the parcel. Mr. Gioiosa responded that it would allow a marijuana operation to conform with zoning if one were to become the tenant. Mr. Gioiosa said that at this time there was no tenant and acknowledged that changes to the current design and Planning Board approval would be required for a marijuana establishment to operate at the site.

Mr. Gioiosa addressed the Board's questions regarding stormwater and drainage and the potential impacts on the adjacent wetlands. He noted that the plan called for pitching to direct water into the stormwater system, which he confirmed, has enough capacity to handle a 100-year storm event.

After some discussion with the Board, Mr. Gioiosa agreed to a chain link fence with green vinyl screening around the dumpster.

At the request of Board Member Cruz, Mr. Gioiosa described the retaining wall, which would be a 4-foot high "Versa-lok wall" on a crushed stone base and said that there was no need for a formal footing.

Mr. Gioiosa agreed with Board Member Cruz that straw waddles should be added to supplement the silt fencing.

Board Member Khazan asked what type of landscaping would be added east of the parking area. Mr. Gioiosa responded that this was up to the landscape architect, but that it would most likely be a flowering, evergreen shrub.

Hearing no more comments from the Board, Chair Duff read into the record a letter of support from Councilor At-Large Abreu and opened the floor so members of the public could speak in support or opposition.

Hearing no comments from the public, Chair Duff asked the Board whether they felt the case should be continued until after the Conservation Commission hearing or approve with conditions for administrative review. Mr. Gioiosa requested that the Board decide at this meeting and argued that the comments from Conservation would not result in significant changes to plan. After further discussion, Chair Duff asked for a motion.

4) DECISION

Board Member Glassman made the motion, seconded by Board Member Cruz to approve Case #21-24: WS Phillips Road – 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 zoned district. Owner/Applicant: Panagakos Development (133 Faunce Corner Road, Dartmouth, MA 02747). Agent: SITEC/CEC, Inc. (449 Faunce Corner Road, Dartmouth, MA 02747).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. The applicant shall submit revised plans indicating that a silt fence and straw waddles will be used as part of erosion control to the Planning Department for administrative review prior to the issuance of a building permit.
2. The applicant shall submit revised plans with details for the retaining wall to the Planning Department for administrative review prior to the issuance of a building permit.
3. The applicant shall submit revised architectural plans that show the south elevation and indicate the siding material to the Planning Department for administrative review prior to the issuance of a building permit.
4. The applicant shall submit revised landscape plans, which include a landscape screen between the parking area and Phillips Road, to the Planning Department for administrative review prior to the issuance of a building permit.
5. The applicant shall submit revised plans detailing a chain link fence with green vinyl for dumpster screening to the Planning Department for administrative review prior to the issuance of a building permit.
6. 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.
7. 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.

With the following GENERAL conditions:

8. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
9. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure (DPI) received in relation to plan and placed on file for Planning Board consideration. The conditions of the DPI memorandum shall be considered to be part of these conditions.
10. 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.
11. 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 recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
12. 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.
13. 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.

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

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Member Duff - Yes
Board Member Glassman – Yes

Board Member Khazan – Yes Board Member Kalife – Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

6/23/2021

Handwritten signature of Kathryn Duff, Chair of the City of New Bedford Planning Board.

Date

Kathryn Duff, Chair
City of New Bedford Planning Board