



City of New Bedford Department of City Planning

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MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE
SEPTEMBER 15, 2021

MEETING DATE
SEPTEMBER 22, 2021

Case #21-32: **Site Plan Review**
366 Hathaway Road
Map: 94 Lot: 20

Owner: Cynthia A. Belinkoff,
"Trustee"
PO Box 70036
Dartmouth, MA 02747

Applicant: Beacon Compassion, Inc.
d/b/a HiFive
12 Post Office Square,
6th Floor
Boston, MA 02709

Zoning District: Mixed-Use Business

Lot Area: 18,750 ft²

Overview: Request by applicant for
Site Plan Review for the
construction of a building
for use as a Medical
Marijuana Treatment
Center and associated site
improvements.



Existing building at 366 Hathaway Road.
Looking southwest from Hathaway Road.

Existing Conditions

The project site is currently unoccupied and is the former location of a restaurant, a candle shop, and a gas station. The building on site, built circa 1965, retains the distinct design of a mid-century gas station. The site has 150± feet of frontage on Hathaway Road. A gas station with Dunkin' drive-through abuts to the east, the off/on ramp for the southbound Route 140 abuts to the north across Hathaway Road, seafood market abuts to the west, and a self-storage facility abuts the south. The deed for the site contains access easements for the self-storage facility.

The surrounding neighborhood consists of businesses to the west and east on Hathaway Road, with the neighborhood becoming strictly residential further east. The Whaling City Golf Course—and future site for the advanced manufacturing campus—is to the northwest across Hathaway Road.

Decision Criteria

The applicant is requesting a Site Plan Review. The ordinance provides the Board the following criteria for reaching a decision.

Site Plan Review Criteria
<p>In considering Site Plan Approval for the proposed project, the Board must find that the plan meets the objectives identified in Section 5470 of the City’s Zoning Ordinance (c.9) 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

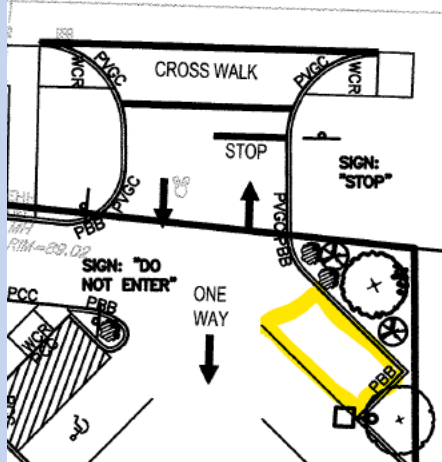
The Board should note that, because they negotiated a Host Community Agreement (HCA) with the City prior July 1, 2017, the applicant is not required to have a Special Permit for a Marijuana Establishment for the medical use (see the Zoning Ordinance, Section 4142B (ii)). However, the applicant must abide by the provisions of the ordinance relative to physical and operation requirements (Sections 4132B & 4133B) and must obtain the special permit if they wish to add non-medical marijuana retail at this location.

Proposed Conditions

The applicant proposes to demolish the existing structure and a construct a new 4,292 ft² one-story building for use as a Medical Marijuana Treatment Center. Site alterations include demolishing the paved area on site to create a new 23-space parking area, landscaped areas, the installation of a new stormwater system beneath the parking area, and the realignment of utility connections to the site. Additionally, a new sidewalk and curb cut entrance to the site off Hathaway Road are proposed.

Staff Review

The table below outlines the proposed site changes and highlights items for discussion and the Board's consideration.

Parking	<ul style="list-style-type: none"> • <u>The applicant proposes 23 parking spaces, including one (1) handicapped space, which exceeds the number required.</u> Under the ordinance, the proposed retail use requires one (1) parking space per 200 ft² or in this case, 22 spaces. • Proposed parking spaces are angled in relation to the drive aisle, and therefore the minimum width of the aisle is 15 ft, which is the width proposed. • <u>One parking space southeast of the proposed driveway entrance/exist to the site, may pose issues for cars backing out.</u> Because of the alignment of the space, vehicles backing out would have to do so into the driveway exit. As the proposed parking exceeds the number of spaces required, the Board may wish to discuss the utility of this space and ask the applicant to consider alternative uses for the area such as landscaping. • The traffic assessment provided estimates that, as proposed, the parking area is capable of handling 92 to 115 vehicles per hour. 
Signage	<ul style="list-style-type: none"> • <u>Proposed wall signage does not meet the requirements set in the applicant's HCA with the City.</u> The Board may wish to discuss the following with the applicant, and condition signage be revised to conform with the HCA. <ul style="list-style-type: none"> ○ The sign plan submitted shows a 50 ft² wall sign for the logo "HiFive." However, the HCA limits signs to "no more than twenty-five (25) square feet." ○ As proposed, the sign is internally illuminated, but the HCA specifies that signage "shall be externally lit." ○ The HCA dictates that the sign "shall not extend past the height of eleven (11) feet from the ground." The sign must be adjusted to the maximum height of 11 feet.
Landscaping & Site Features	<ul style="list-style-type: none"> • <u>The applicant proposed significant changes to the landscaping on site (see landscaping schedule on Plan Sheet C7).</u> Trees and shrub plants are proposed at the end of every parking space. Mixed landscaped areas of shrubs, perennials and trees are proposed along the north and south sides of the building and on islands at the ends of each row of parking spaces. A mixed landscaped perennials and grasses along the property line. It is unclear from the plans what is planned for the area between the property line and the sidewalk. The Board may wish discuss with the applicant more significant landscaping in the area between the property line and the sidewalk. • Bituminous curbing is proposed for around the parking area. The Board may wish to discuss this choice with the applicant and suggest alternative material.
Operations	<ul style="list-style-type: none"> • <u>The applicant proposes hours of operation beyond those imposed by the HCA.</u> The proposed hours of operation are 9 A.M. to 9 P.M., seven days a week. However, the applicant's HCA dictates that hours must be limited to between 10 A.M. and 7 P.M. The applicant must comply with the HCA, and as such the Board shall condition hours of operation consistent with the HCA.

	<ul style="list-style-type: none"> • <u>Architectural plans show curbside pickup draws on the west side of the building.</u> It is unclear if certain parking spots will be reserved for curbside pickup or if customers will be given a specific time/appointment to come pickup their order. The Board may wish to discuss the curbside pickup procedure, impacts on the parking, and any signage with the applicant. • The applicant anticipates 15 full-time employees and 310 daily customers. The Board may wish to discuss daily operations, employee scheduling, and customer demand management with the applicant. • Deliveries are proposed once a week prior to the business opening.
Circulation	<ul style="list-style-type: none"> • Internal vehicular circulation is proposed as one way, clockwise around the building from the proposed curb cut driveway at Hathaway Road. • <u>A new sidewalk is proposed along the property line on Hathaway Road.</u> Plans do not indicate the width of the sidewalk. Planning staff defers to the Department of Public Infrastructure regarding conformance to the City's construction standards. The Board may wish to discuss the sidewalk, including any comments from DPI, with the applicant • <u>Cement walkways are proposed on site.</u> Four (4) foot wide walkways are proposed along the east and west sides of the building, providing pedestrian access from the parking lot. A walkway is also proposed on the north side of the building, but the width is not indicated in the plan. The Board may wish to discuss this with the applicant and determine if the walkway will be wide enough for handicapped access. • <u>Vehicle access is proposed across from the Route 140 on/off ramp.</u> Vehicle access is proposed off Hathaway Road via a new curb cut at the northeast corner of the site and a drive connecting to an access easement on the property to the west. Both drives are two-way. The Board may wish to discuss the traffic and public safety implications of the proposed vehicle access with the applicant.
Traffic/Transit	<ul style="list-style-type: none"> • The site is nearly a mile from the closest SRTA bus stop for the #8 at Mt. Pleasant and Nauset. • <u>The applicant has provided a traffic impact statement, which concludes that the estimated trip increases will have a "negligible impact on prevailing traffic conditions in the area" and provides the following projections for trips:</u> <ul style="list-style-type: none"> ○ Weekday daily – 310 trips ○ Weekday morning peak – 26 ○ Weekday evening peak – 37 ○ Saturday daily – 380 ○ Saturday peak - 53 • It is within the Board's purview to request a peer review of the traffic report.
Stormwater	<ul style="list-style-type: none"> • Plans show a proposed stormwater system that includes an on-site infiltration chamber connected to three catch basins on the west side of the site under the parking area. • The applicant proposes grading the site towards the west. • Architectural plans indicate that roof drainage may connect to the sewer system. The Board may wish to discuss this with the applicant and determine an alternative. • Planning staff defers to DPI regarding compliance with the City's stormwater management regulations.

Snow Storage	<ul style="list-style-type: none"> The landscape plan notes that snow will be plowed on to pervious areas to melt and any snow exceeding 48" high will be hauled off-site. Snow storage should not block the public right of way or any access easements. The Board may wish to discuss specific snow storage locations with the applicant to ensure runoff from melt does not impact the roadway.
Waste Receptables	<ul style="list-style-type: none"> Plans do not show a dumpster or waste storage area. The Board may wish to discuss waste storage and disposal plans with the applicant.
Utilities	<ul style="list-style-type: none"> The applicant proposes to cut and cap existing water, gas and sewer service to the site and remove overhead electrical wires. New gas, sewer, water, and underground electric connections are proposed at Hathaway Road that will connect to the meters at the rear of the building.
Lighting	<ul style="list-style-type: none"> <u>The applicant has provided a lighting plan showing five (5) pole-mounted lights throughout the site.</u> Pole-mount lights are located at the end of each exterior row of parking spaces and one (1) is proposed in the center of the landscaped area along the northern property line. The lights proposed are Lithonia Lighting RSX2-LED 147-watt lights. The photometric plan shows some bleed over the property line on to adjacent business properties and the public right-of-way. No exterior wall-mounted lighting is shown in the plans. As the applicant cannot have an internally illuminated wall sign, the Board may wish to discuss any additional lighting with the applicant.
Demolition and Erosion Control	<ul style="list-style-type: none"> Plans show that the existing building and ground sign will be razed, and the pavement will be pulverized Erosion controls include a straw waddle border around the work area, Siltsack inserts for catch basins, and construction fencing around the perimeter of the site. A construction entrance of 6" depressed stone is proposed at the northeast corner of the site off Hathaway Road. A dewatering station is shown on the detail sheet, but not indicated on the site plan. The Board may wish to discussion potential locations with the applicant and determine if they have communicated with the Conservation Commission, if required, regarding dewatering.
Architectural	<ul style="list-style-type: none"> <u>City ordinance dictates that operations of marijuana establishments "shall not be visible from the exterior of the building."</u> The main entrance is proposed as a double glass door with flanking windows leading into a lobby vestibule. Architectural plans show a pillbox-shaped, one-story building with white concrete masonry exterior. Egress points are proposed for each side of the building, with the main entrance on the north side facing Hathaway Road. Aluminum louver screening is shown for rooftop mechanical systems. Black aluminum composite canopies are proposed above each egress point.
Master Plan	<ul style="list-style-type: none"> The proposal is consistent with the Master Plan's goals to foster new industries, increase employment opportunities, and send a positive message regarding business development.

Interdepartmental 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.

At the time of writing this report, no departmental memos have been received.

Site Photos



Access easement at the rear of the property.
Looking east from the western property line.



Former outdoor seating area.
Looking south from the Hathaway Road.



Proposed northeast curb cut and driveway is across from highway on/off ramps (approx. location in yellow).
Looking north from center of site.



Overhead wires from utility pole in foreground to be removed.
Looking west from Hathaway Road.



Curb cut on the adjacent property to the west provides access through an easement.
Looking east from Hathaway Road.



Trash has been dumped in the rear of the property.
Looking north from rear property line.

Materials for Consideration

The engineered plan submission is shown as “Site Plan, 366 Hathaway Road, Proposed Marijuana Establishment, New Bedford, MASS.” dated August 2, 2021, and prepared by Hayes Engineering Inc. of Wakefield, MA. The plans are stamped by Peter J. Orgren, PE. The plan set consists of the following sheets:

- C1 Cover & Index
- C2 Existing Conditions
- C3 Demolition and Erosion Control
- C4 Layout & Materials
- C5 Site Plan
- C6 Utilities
- C7 Landscape
- C8 Lighting
- C9 Details
- C10 Details

The architectural plan submission is shown as “M – New Bedford” dated 08/06/21, and prepared by Stack and Co. of Boston, MA. The plans are stamped by J. Catriel Tulian, RA. The plan consists of the following sheets:

- A100 Floor Plan
- A101 Roof Plan
- A200 Exterior Elevations
- A201 Exterior Elevations

Recommended Conditions



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. In operating a marijuana establishment on site, the applicant shall abide by terms of their Host Community Agreement with the City of New Bedford dated February 10, 2017 and all applicable state and local ordinances, laws, and regulations.

2. The wall sign shall comply with the provisions of the Host Community Agreement. Revised signage and lighting plans detailing proposed sign lighting shall be submitted the Department of City Planning for review prior to the issuance of a building permit.
3. Hours of operation are per the Host Community Agreement.
4. Signage and site lighting shall not be illuminated earlier than one hour prior to opening and no later than one hour after closing.
5. Revised plans showing landscaping in place of the northeast parking space shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
6. The applicant shall submit a revised landscaping plan to the Department of City Planning for review, which shows plantings along the frontage of Hathaway Road between the site and the proposed sidewalk.
7. Any changes to the approved plans made by or at the request of the Cannabis Control Commission relative to the building or site shall be submitted to the Department of City Planning for review as to whether the application needs to return before the Planning Board.
8. The applicant shall follow the appropriate state and local permitting process for Marijuana Establishments prior to expanding operations to include adult-use/non-medical retail.

That the following **general conditions** also be applied to both decisions:

9. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
10. 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.
11. 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.
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 Department of City Planning case file folder.
13. 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.
14. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
15. 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.
16. 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.
17. 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, City Planner

366 Hathaway Road Map: 94 Lot: 20

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

