



PLANNING BOARD

City Hall, Room 303
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OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

2021 OCT 27 AM 11:16

CITY CLERK

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: 21-36				
Request Type: Site Plan Review				
Address: 376 Nash Road				
Zoning: Industrial-B				
Recorded Owners: NextGrid Inc.				
Owner Address: PO Box 73069 #7775, San Francisco, CA 94120				
Applicant: NextGrid Inc.				
Applicant Address: PO Box 73069 #7775, San Francisco, CA 94120				
Application Submittal Date		Public Hearing Date(s)		Decision Date
September 10, 2021		October 13, 2021		10/27/2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
102	85, 95, 163, 185	13933	22	25645

Application: Request by applicant for Site Plan Review for the construction multiple solar panel arrays and associated site improvements at 376 Nash Road (Map: 102 Lot: 85, 95, 163, 185), a 3.8 acre site in an Industrial-B (IB) zoned district. Owner/Applicant: NextGrid Inc. (PO Box 73069 #7775, San Francisco, CA 94120).

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 October 27, 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.

10/27/2021

Date

Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-35: 376 Nash Road – Request by applicant for Site Plan Review for the construction multiple solar panel arrays and associated site improvements at 376 Nash Road (Map: 102 Lost: 85, 95, 163, 185), a 3.8 acre site in an Industrial-B (IB) zoned district. Owner/Applicant: NextGrid Inc. (PO Box 73069 #7775, San Francisco, CA 94120).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The engineered plan submission is shown as “Proposed Solar Array Nextgrid Inc.” dated 8/11/21, and prepared by Field Engineering of Mattapoisett, MA. The plans are stamped by Richard Riccio, CE. The plan set consists of the following sheets:

- Title Sheet
- N-1 Notes & Legend
- EC-1 Existing Conditions
- SLU-1 Site Layout & Utilities
- SGD-1 Site Grading & Drainage Plan
- D-1 Detail Sheet
- Truck Turning Exhibit Plan
- Array Key Plan

Other Documents and Supporting Materials:

- Department of Public Infrastructure Comment Memo, dated 10/13/2021
- Complete Site Plan Review Application
- Elevation Views
- Easement Proposal
- Soil Management Plan
- Sample Racking Plans
- Staff Report, dated 10/12/2021

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 October 13, 2021 online meeting. City Planner Jennifer Carloni and Assistant City Planner Michael McCarthy were also in attendance.

Case #21-36 was heard as part of new business. Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case. Mr. Richard Riccio introduced himself as the project engineer and introduced Mr. Daniel Serber of NextGrid. Mr. Riccio presented the plans for a half megawatt solar array consisting of five carport canopies and an additional rooftop module, and associated site improvements such as pothole repair and landscaping.

Mr. Riccio discussed the memo from the Department of Public Infrastructure and remarked that they intended to comply with all requests, including filing for a Stormwater Management Permit. He also noted that a Request for a Determination of Applicability with the Conservation Commission resulted in a negative determination.

Hearing no more comments from the Board, Chair Duff opened the floor so members of the public could speak in support or opposition.

The Board discussed on-site battery storage with Mr. Serber. Mr. Serber said that in order to comply with recent state regulations for funding solar project, they were required to provide battery storage to assist with “load shifting” during nighttime hours.

Mr. Serber responded to the Board’s questions about the site layout and described how the carport arrays would connect to the transformer and battery equipment.

Chair Duff discussed the landscaping and fence on Earle Street with Mr. Riccio and Mr. Serber. Mr. Serber agreed to site improvements including repairs to the fence and additional landscaping along this property line.

Board member Cruz asked which of the submitted racking systems would be used. Mr. Serber said that all of the carports would be used due to the differing needs on site.

Mr. Serber responded to the Board’s questions about how rainwater flow and glare will impact the adjacent railroad. Board member Cruz suggested that glare may impact northbound trains if they are oriented southbound.

Board member Cruz asked if there had been any consideration given to moving the arrays or battery storage equipment away from the property line and rail line. Mr. Serber responded that they had researched any potential conflicts between the arrays, the batteries and the rail. He noted the location was limited due to the truck turning maneuvers needed to access the loading bays on the building. Board member Cruz expressed concerns about setting precedent by allowing a development this close to the rail.

Chair Duff asked if it would be possible to shift the array adjacent to the rail east. Mr. Serber said it was not something he could answer at this hearing as he would need to consult with the structural engineer. The Board discussed potential solutions with Mr. Riccio and Mr. Serber and agreed that they would investigate shifting the battery and transformer equipment east ten feet.

Board member Cruz reiterated his concerns about railroad safety and said he could provide contact information for the railroad company and MassDOT. The applicant agreed to coordinate with the railroad to address any issues.

Chair Duff opened the floor so members of the public could speak in support or opposition. Hearing no comments from the public, Chair Duff asked for a motion.

4) DECISION

Board Member Glassman made the motion, seconded by Board Member Cruz to approve Case #21-35: 376 Nash Road – Request by applicant for Site Plan Review for the construction of multiple solar panel arrays and associated site improvements at 376 Nash Road (Map: 102 Lost: 85, 95, 163, 185), a 3.8 acre site in an Industrial-B (IB) zoned district. Owner/Applicant: NextGrid Inc. (PO Box 73069 #7775, San Francisco, CA 94120).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. The applicant shall submit the recorded easements as indicated on plans prior to issuance of a building permit.

2. The applicant shall submit revised plans indicating the number and type of plantings proposed for all landscaped areas to the Department of City Planning for review prior to the issuance of a building permit.
3. The applicant shall submit revised plans indicating a snow storage area to the Department of City Planning for review prior to the issuance of a building permit.
4. The applicant shall submit final solar panel elevations to the Department of City Planning for review prior to the issuance of a building permit.
5. This project shall be undertaken in a manner consistent with the Activity and Usage Limitation in effect on the site.
6. The applicant shall work with DPI to address all comments in their memorandum dated October 12, 2021.
7. The chain link fence along Earle Street will be replaced or repair.
8. Plantings will be added along Earle Street and revised plans showing the number and species shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
9. The plans shall be amended to allow for a buffer along the property line abutting the rail right-of-way, with a preference for this buffer to be ten-foot in width. The applicant shall submit revised plans reflecting this to the Department of City Planning for review prior to the issuance of a building permit.
10. The applicant shall coordinate with MassCoastal Railroad and MassDOT Rail and Transit and provide evidence of correspondence to the Department of City Planning prior to the issuance of a building permit.

With the following GENERAL conditions:

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 Cruz – Yes

Board Member Kalife – Yes

Filed with the City Clerk on:

10/27/2021

Date

A handwritten signature in black ink, appearing to read 'Kathryn Duff', is written over a horizontal line.

Kathryn Duff, Chair
City of New Bedford Planning Board