



PLANNING BOARD

City Hall, Room 303
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New Bedford, MA 02740
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OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

2021 NOV 24 AM 9:00

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	21-27			
Request Type:	Site Plan Review			
Address:	157-161 Coggeshall Street			
Zoning:	Hicks-Logan-Sawyer Interim Planning District, Industrial-B & Mixed-Used Business			
Recorded Owners:	Scott R. Boutin & Tammy M. Boutin; Michael J. Khalife & Antoine J. Khalife; Mitchell Street Trust-2013			
Owner Address:	358 Beam Street, New Bedford, MA 02744; 171 Coggeshall Street, New Bedford, MA 02746; 83 Point Road, Portsmouth, RI 02871			
Applicant:	ALRIG USA Development, LLC			
Applicant Address:	30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025			
Application Submittal Date		Public Hearing Date(s)		Decision Date
July 26, 2021		August 11, 2021 September 8, 2021 October 13, 2021 November 10, 2021		November 24, 2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
93	168, 169, 275	8163; 4320; 10890	289; 247; 215	

Application: Request by applicant for a **Special Permit** for the construction of a fast-food restaurant with a drive-through and associated site improvements at 157-161 Coggeshall Street (Map: 93 Lots: 168, 169, 275), a 35,212 square foot site zoned Industrial-B (IB) and Mixed-Use Business (MUB) in the Hicks-Logan-Sawyer IPOD. Owners: Scott R. Boutin & Tammy M. Boutin (358 Beam Street, New Bedford, MA 02744); Michael J. Khalife & Antoine J. Khalife (171 Coggeshall Street, New Bedford, MA 02746); Mitchell Street Trust-2013 (83 Point Road, Portsmouth, RI 02871). Applicant: ALRIG USA Development, LLC (30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025).

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 November 24, 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.

11/24/21



Date

Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-27: 157-161 Coggeshall Street – Request by applicant for a Special Permit for the construction of a fast-food restaurant with a drive-through and associated site improvements at 157-161 Coggeshall Street (Map: 93 Lots: 168, 169, 275), a 35,212 square foot site zoned Industrial-B (IB) and Mixed-Use Business (MUB) in the Hicks-Logan-Sawyer IPOD. Owners: Scott R. Boutin & Tammy M. Boutin (358 Beam Street, New Bedford, MA 02744); Michael J. Khalife & Antoine J. Khalife (171 Coggeshall Street, New Bedford, MA 02746); Mitchell Street Trust-2013 (83 Point Road, Portsmouth, RI 02871). Applicant: ALRIG USA Development, LLC (30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The engineered plan submission is shown as “ALRIG USA Development, LLC Proposed Starbucks with Drive-Thru Facilities” dated 7/1/2021, revised 10/12/21, and prepared by Stonefield Engineering & Design of Boston, MA. The plans are prepared and stamped by Jake Modestow, PE. The plan set consists of the following sheets:

- C-1 Cover Sheet
- C-2 Existing Conditions Plan
- C-3 Demolition Plan
- C-4 Site Plan
- C-5 Grading and Drainage Plan
- C-6 Utility Plan
- C-7 Lighting Plan
- C-8 Landscaping Plan
- C-9 - C-10 Soil Erosion & Sediment Control Plan
- C-11 - C-14 Construction Details
- C-15 Truck Turn Plan (Fire Truck)

The architectural plan submission is shown as “Restaurant Shell Building” dated 3-19-2021, and prepared by Cortland Morgan Architect of Arlington, TX. The plans are not stamped. The plan consists of the following sheets:

- PP-1 Preliminary Floor Plan and Elevations

Other Documents and Supporting Materials:

- Special Permit Application Packet
- Site Plan Review Application Packet

- ❑ Starbucks Brand Book
- ❑ Traffic Impact Assessment, 7/01/21
- ❑ Traffic Assessment Peer Review, dated 10/08/21
- ❑ Stormwater Management Report
- ❑ Building Department Rejection Packet
- ❑ Department of City Planning Staff Report, dated 8/2/2021
- ❑ Department of Public Infrastructure Comment Memos, dated 11/10/21, 10/12/2021, & 8/11/21
- ❑ Applicant response to 8/11/21 DPI Memo, dated 9/1/21
- ❑ Revised Site Rendering, dated 9/7/21
- ❑ Letter of Support from Ward 6 City Council President Joseph Lopes, dated 8/03/21
- ❑ Letter of Support from City Councilor-At-Large Linda Morad, dated 8/10/21
- ❑ Letter of Support from Ward 2 City Councilor Maria Giesta, 8/10/2021
- ❑ Letter of Support from Ward 6 City Council President Joseph Lopes, dated 9/02/21
- ❑ Letter of Support from City Councilor-At-Large Ian Abreu, dated 9/02/21
- ❑ Applicant response to 8/11/21 DPI Memo, dated 9/08/21

3) DISCUSSION

August 11, 2021 Meeting

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the August 11, 2021, in-person meeting at the New Bedford Free Public Library. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance.

Case #21-27 was heard as part of new business. Chair Duff opened the case and noted this proposal is for a project sited in the Hicks, Logan, Sawyer Overlay District.

Chair Duff then asked if a representative for the applicant was present to discuss the case. Attorney Chris Saunders, 700 Pleasant Street, New Bedford, MA, identified himself as authorized to speak on the applicant's behalf. He introduced the project engineer, Jake Modestow of Stonefield Engineering. He explained the proposal is for a Starbucks coffee shop with drive-thru.

Attorney Saunders gave a brief description of the existing conditions at the site and plans for demolition. Attorney Saunders clarified the Applicant is seeking Site Plan Review as well as a Special Permit because of the project site's location in the Overlay District.

Attorney Saunders described the project, for a 2,200 square foot restaurant with a double stacking lane drive-through and thirty parking spaces. Parking, foot traffic, and the drive-through were discussed. A dumpster is to be in the northeast corner. A deteriorating stockade fence exists to the north and pending the question of ownership, he noted, they are willing to remedy. Bike racks will be located along the Coggeshall Street side. Outdoor seating is included in plans. Signage was discussed.

Proposal includes a 60-foot-tall ground sign. Attorney Saunders acknowledged Planning Staff's request for site lighting and signage to be illuminated no earlier than one hour before operation and one hour after operation. They will adhere to site lighting requirement but requested that the 60-foot-tall sign be illuminated at their discretion.

Attorney Saunders noted there is little public space near the property. Regarding traffic, Attorney Saunders does not believe a peer review as recommended in the memo is needed and introduced Jake Modestow to discuss further.

Chair Duff clarified public space is available throughout the area and noted the City is working to enhance and increase walkability. Chair Duff insisted on the peer review traffic study, and disagreed with the proposal for a 60-foot sign, citing the fabric of the historic port city. Landscaping was discussed. Circulation was discussed. Jake Modestow reiterated access points and traffic/pedestrian flow through the lot and referenced their own traffic study.

Board member Cruz asked about Coggeshall Street level of service. Mr. Modestow cited no change for Mitchell Street and noted that they are working with DPI on mitigation options for Coggeshall Street. Cruz noted increased traffic raises concerns regarding accidents at Mitchell and Coggeshall Streets.

Board member Cruz asked about truck turning. Mr. Modestow explained this is addressed in the analysis.

Board member Cruz asked about delivery truck size expected on site. Mr. Modestow noted the delivery plans are to occur off peak hours.

Board member Khazan asked about early deliveries and noted operating hours of 5 am to 11 pm. Board member Khazan raised concerns for neighborhood residents. Attorney Saunders pointed out Starbucks has many locations with residences nearby and will certainly take neighbors' concerns into consideration. Board member Khazan reiterated noise concerns and noted the Dartmouth Starbucks location's proximity to residences.

The Board circled back to discussion on truck circulation and parking, and reviewed diagrams.

The Board requested more information on lighting at the site than what is shown in the plan.

Chair Duff inquired about one-way traffic flow and Modestow recommended against this option citing options for circulation including the new patio area pick up window. Pedestrian concerns were discussed.

Chair Duff then read letters of support into the record, the first being from Maria Giesta, Ward 2 City Councilor. The second from Linda Morad, Councilor-At-Large, and the third from Joseph Lopes, Ward 6 City Councilor.

Chair Duff then opened the floor to anyone wishing to be recorded in support of or in opposition to the project. Mr. Monteiro of 171 Coggeshall Street, New Bedford, spoke in favor of the project. Heidi Johnson, owner of the Mitchell Street Trust, spoke in support of the project. Hearing no further comments from the public, Chair Duff asked Attorney Saunders to return to the podium.

The Chair asked about the corporate model, Attorney Saunders indicated this location is to be corporate owned. The Board discussed their concerns and questions that remained for further investigation. The Board requested the applicant's representatives conduct a traffic peer review, and review the lighting, signage, and truck turns.

Hearing no other questions from the Board and no further comments from the public, Chair Duff asked for a motion for continuance to the September 8 Planning Board meeting with a peer review for traffic.

A motion to continue Case #21-27 to the September 8, 2021, Planning Board meeting was made by Board member Glassman and seconded by Board member Cruz. The motion passed unanimously.

September 8, 2021 Meeting

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 virtual September 8, 2021, meeting. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance.

Case #21-27 was heard as part of old business. Chair Duff reopened the case. She noted that the traffic peer review had not yet been completed and that revised plans had not been reviewed. She then asked if anyone was in attendance to present. Attorney Saunders introduced himself on behalf of the applicant and introduced Mr. Jake Modestow, the project engineer.

Mr. Modestow presented the revised site plan for the Board. Attorney Saunders discussed the plan modifications that had been made based on the Board's previous comments, including reconfiguring the site to accommodate trash pickup and delivery vehicles, adding pedestrian access from Coggeshall Street, adding a parking lot landscaping screen on Mitchell Street, adding site lighting, and reducing the height of the ground sign to 40 feet.

Chair Duff asked Planning Staff to confirm the height of the nearby Taco Bell sign. Mr. McCarthy said it was 37 feet.

Chair Duff said that plantings for a landscape screen could overgrow or become trampled. She suggested the applicant propose a wall or a fence to protect the landscape screen.

The Board discussed the drive-through capacity, circulation for vehicles and pedestrians, and the potential for overflow on to Coggeshall Street with the applicant. Responding to comments from the Board, Attorney Saunders said that the applicant did not anticipate overflow based on their typical waiting times and Mr. Modestow explained that the suggestion to move the drive-through kiosks would result in more queuing, not less.

Mr. Modestow reviewed the truck turning plan with the Board to demonstrate how trucks would access and exit the site and stated it would meet industries standards. He agreed to evaluate alternative layouts to increase pedestrian safety on site.

Board member Khazan said she was awaiting the traffic review and expressed concerns related to other drive-through facilities.

Chair Duff then opened the floor to anyone wishing to be recorded in support of or in opposition to the project. Ms. Heidi Johnson expressed her support for the project and commented that the pandemic has led to an increased use of drive-through locations.

Hearing no comments from the public, Chair Duff asked for a motion to continue.

A motion to continue Case #21-27 to the October 13, 2021, Planning Board meeting was made by Board member Glassman and seconded by Board member Kalife. The motion passed unanimously.

October 13, 2021 Meeting

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

Case #21-27 was heard as part of old business. Chair Duff reopened the case and asked if anyone was in attendance to present. Attorney Saunders introduced himself on behalf of the applicant and introduced Mr. Jake Modestow, the project engineer.

Attorney Saunders commented that the peer review found that the traffic assessment had been done in consistency with industry standards.

Chair Duff said that the traffic report aligned with the Board's previous criticisms, such as the suggestion for a right turn only out of the parking area on to Coggeshall Street. She added that the revisions to plans were insufficient to address to the Board's concerns about a barrier along Mitchell Street.

Hearing no comments from the public, Chair Duff asked for a motion to continue.

A motion to continue Case #21-27 to the November 10, 2021, Planning Board meeting was made by Board member Glassman and seconded by Board member Cruz. The motion passed unanimously.

November 10, 2021 Meeting

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, Alexander Kalife, and Kamile Khazan attended the virtual November 10, 2021 meeting and were present for the subject case hearing. City Planner Jennifer Carloni, Assistant City Planner Michael McCarthy, and Staff Planner Rachel Mulroy were also in attendance. Chair Duff reminded the applicants the Board's vote, if so moved, would have to be a unanimous vote of all members present for the project to proceed.

Case #21-27 was heard as a part of old business. Chair Duff reopened the case and gave a brief overview of the case before asking if anyone was in attendance to present. Attorney Saunders introduced himself on behalf of the applicant and introduced Mr. Jake Modestow, the project engineer.

Attorney Saunders commented that DPI does not have any concerns with the peer reviewed traffic study. He proposed that the Board vote favorably on both the Site Review as well as the Special Permit, subject to the conditions in the DPI memo as well as the Planning Department memo, and to leave the fencing and landscaping concerns to administrative review with the Chair and Planning staff.

Chair Duff noted she has reviewed the fencing options submitted late by the team and reiterated vinyl fencing is not desirable. The Chair commented that the aluminum and brick is satisfactory and agreed this option will need to be integrated with the landscaping, citing a preference for sustainable, native species. The Chair agreed the fencing and landscaping approval could be decided between the Chair and the Planning Department. The Chair thanked the team for providing a fencing option consistent with other fencing throughout the city. The Chair agreed the traffic concerns can be managed between Traffic, the Department of Public Infrastructure, and the engineer from Starbucks. Chair Duff requested a review regarding lighting and hours of operation. Mr. Modestow stated nothing is locked in, Attorney Saunders stated it was his understanding the hours of operation would be 5 a.m. to 11 p.m. Chair Duff confirmed the signage and lighting would be allowed to be illuminated one hour before opening until one hour after closing operations. Attorney Saunders and Mr. Modestow agreed to this condition.

Chair Duff requested information regarding the most recent DPI memo, Assistant City Planner Michael McCarthy commented the memo stated the applicant needed to submit the most recent plan revisions to DPI per the October 12, 2021, memo. Mr. Modestow acknowledged and confirmed this will be submitted to DPI.

Board member Glassman noted that after hearing this case for three months, the Board has no further questions. Board member Khazan concurred. Hearing no more comments from the Board, 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 Kalife to approve Case #21-27: 157-161 Coggeshall Street – Request by applicant for a Special Permit for the construction of a fast-food restaurant with a drive-through and associated site improvements at 157-161 Coggeshall Street (Map: 93 Lots: 168, 169, 275), a 35,212 square foot site zoned Industrial-B (IB) and Mixed-Use Business (MUB) in the Hicks-Logan-Sawyer IPD. Owners: Scott R. Boutin & Tammy M. Boutin (358 Beam Street, New Bedford, MA 02744); Michael J. Khalife & Antoine J. Khalife (171 Coggeshall Street, New Bedford, MA 02746); Mitchell Street Trust-2013 (83 Point Road, Portsmouth, RI 02871). Applicant: ALRIG USA Development, LLC (30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. Screening along the western property line shall be commercial grade aluminum fencing and brick.
2. The applicant shall submit revised plans including details for all fencing on site to the Department of City Planning for review prior to the issuance of a building permit.
3. Signage and lighting shall be illuminated no early than one hour prior to opening and no later than one hour after closing.
4. The number of parking spaces required shall be 29.
5. The applicant shall coordinate with the Department of Public Infrastructure and address all the items in their memorandum dated October 12, 2021.
6. The applicant shall complete a traffic peer review to the satisfaction of the Department of Public Infrastructure.

With the following GENERAL conditions:

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.

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 four (4) to zero (0).

Board Member Duff - Yes
Board Member Glassman – Yes

Board Member Khazan – Yes Board Member Kalife – Yes

Filed with the City Clerk on:

11/24/21



Date

Kathryn Duff, Chair
City of New Bedford Planning Board