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PLANNING BOARD

STAFF MEMO*

REPORT DATE
December 6, 2021

PLANNING BOARD MEETING
December 15, 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

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.

*Memo

This memo is a supplement to the previous Staff Report for Case #21-32 dated September 15, 2021 and addresses revised plans, and the applicant's response to comments from the Department of Public Infrastructure and the traffic assessment peer review.

REVISED PLANS

The applicant provided revised site plans dated 12/1/21. Planning staff have reviewed the plans and provide the following comments for the Board's consideration ahead of the meeting:

1. Behind the building the curb has been removed and trash areas relocated to allow for vehicular circulation without infringing on the access easement south of the site. To this end, the drive aisle between the rear of the building and the easement is now at least 11 feet wide and a solid pavement stripe and "DO NOT ENTER" signage is proposed along the southern property line. **The Board may wish to discuss site circulation with the applicant and determine if the striping will be suitable for deterring use of the easement.**
2. A new dumpster area is proposed on the southwest corner of the site, which is marked on the plans as "fenced dumpster." The applicant has not provided details on the dumpster pad or the fencing. It is not clear from the plans where the trash enclosure opens and how the dumpster will be accessed for pickups. **The Board may wish to solicit details and impose appropriate conditions regarding the pad, the fencing, the type of dumpster unit proposed, and the trash pickup plan.**

3. Plans show a sign reading “DO NOT ENTER – RIGHT TURN ONLY” proposed for the dumpster area. **The Board may wish to discuss the placement and intended purpose of this sign with the applicant and determine if another location is appropriate.**
4. A retaining wall is now proposed on the western property line. Plans do not indicate the dimensions of the wall, nor do they provide any details on the materials to be used. **The Board may wish to discuss the missing elements with the applicant and condition that revised plans be submitted showing details determined during the discussion.**
5. Planning staff notes that the Board requested the applicant add a catch basin to the east parking area at the September 22 meeting. There are no catch basins in the east parking area in the revised plans. **The Board may wish to inquire as to why the basin has not been added to the site plan, determine if it is feasible to include, and condition revisions be made to the plans and stormwater calculations, if necessary.**
6. Planning staff have requested a revised lighting plan as the plan submitted with the plan set had errors. **The Board may wish to discuss any lighting changes with the applicant.**
7. Bicycle racks are shown adjacent to the main entrance on the site plan. No details have been provided on the number of bicycles that will be accommodated or the type of racks proposed. **The Board may wish to ask the applicant to clarify these details.**
8. As a result of comments from the Board at the last meeting, the applicant has replaced all bituminous curbing with concrete or granite curbing. However, the detail sheets show a bituminous curb detail. **The Board may wish to have the applicant clarify where bituminous curbing is proposed, if at all, and, if deemed acceptable by the Board, condition that plans be revised to identify its locations.**
9. As per the initial peer review of the traffic assessment, the plans now show a “right turn only” arrow on the parking lot driveway exit at the northeast corner of the site.
10. Red maple trees are now proposed in the right-of-way area north of the project site. A total of four (4) trees are proposed. **The Board may wish to consider if the addition of the trees satisfies their request for landscaping in this area.**
11. Planning staff reiterate concerns regarding ingress/egress circulation related to the parking space in the northeast corner of the site and refer the Board to the September 15 staff memo detailing these concerns.

RESPONSE TO DPI COMMENTS

The applicant provided a detailed response to all the items in DPI’s September 22 memo. The applicant indicated that they are amendable to addressing most of the issues raised and DPI is reviewing the response letter along with the revised plans for comment. The Board may wish to note the following:

- DPI commented that the proposed drainage does not meeting City standards and requested that the applicant revisit the stormwater and grading originally proposed in order to capture runoff before it enters adjacent sites. The applicant notes in their response that the plans have been revised “to capture as much of the site as feasible.” Planning staff note the following changes related to stormwater management:
 - 1) Grading the east parking area has been raised from 89 feet to 90 feet and
 - 2) the stormwater infiltration system and a catch basin south of the system have been moved further north into the site. The applicant has not provided updated stormwater calculations.

The Board may wish to ask the applicant to discuss how these changes have addressed DPI’s concerns.

- The applicant has requested the DPI defer to MassDOT on matters related to the right of way. **The Board may wish to inquire as to the status of the applicant’s MassDOT Access Permit and condition that they provide a copy any future MassDOT approval to the Department of City Planning for review.**

RESPONSE TO TRAFFIC ASSESSMENT PEER REVIEW

The applicant provided a detailed letter responding to the comments in the peer review of the traffic assessment requested by the Board. The peer reviewer will provide comments to the applicant's response prior to the meeting. In the meantime, Planning staff have the following observations:

- The applicant has proposed mitigation measures on Hathaway Road to create turning lanes to the Route 140 on ramp across from the site and from Hathaway Road's west-bound lane into the project site's driveway. This suggested mitigation would require MassDOT approval.
- The applicant's assessment indicates that clear sightlines for exiting the site should be maintained.

Staff Recommendations



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 requests 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 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. The applicant shall coordinate with the Department of Public Infrastructure to address all the items in their memorandum dated September 22, 2021 and all subsequent memos.
5. Signage and site lighting shall not be illuminated earlier than one hour prior to opening and no later than one hour after closing.
6. The applicant shall submit revised plans that include a catch basin in the east parking area to the Department of City Planning for review prior to the issuance of a building permit.
7. Revised plans showing details of the dumpster pad and fencing for the dumpster enclosure shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
8. Revised plans showing the details for the retaining wall shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
9. Revised plans showing details for the bicycle racks shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
10. The applicant shall provide the Department of City Planning with a copy of the MassDOT access permit approval prior to the issuance of a building permit.
11. 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.
12. 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:

13. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
14. 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.

15. 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.
16. 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.
17. 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.
18. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
19. 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.
20. 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.
21. 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, Assistant City Planner
Reviewed by: Jennifer Carloni, City Planner

278 Union Street Map: 46 Lots: 18, 21

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

