



PLANNING BOARD

City Hall, Room 303
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New Bedford, MA 02740
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www.newbedford-ma.gov

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NEW BEDFORD, MA

2021 DEC 29 PM 1:19

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	21-44			
Request Type:	Site Plan Review			
Address:	1250 - 1260 Shawmut Avenue			
Zoning:	Industrial - A			
Recorded Owners:	Shawmut Avenue Realty LLC			
Owner Address:	1260 Shawmut Avenue, New Bedford, MA			
Applicant:	Parallel Products Solar Energy c/o Timothy Cusson			
Applicant Address:	100 Duchaine Boulevard, New Bedford, MA 02740			
Application Submittal Date		Public Hearing Date(s)		Decision Date
October 27, 2021		December 15, 2021		12/29/2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
123	46, 106			22591

Application: Case #21-44: 1250 – 1260 Shawmut Avenue – Request by applicant for **Site Plan Review** for the new construction of a solar canopy project at 1250 – 1260 Shawmut Avenue (Map: 123 Lots: 46 and 106), a 331,056 square foot site in an Industrial-A (IA) district. Owner/Applicant: Paula Reusch, Shawmut Avenue Realty, LLC (1260 Shawmut Avenue, New Bedford, MA 02740).

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 December 29, 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.

12/29/2021

Date

Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-44: 1250 – 1260 Shawmut Avenue – Request by applicant for **Site Plan Review** for the new construction of a solar canopy project at 1250 – 1260 Shawmut Avenue (Map: 123 Lots: 46 and 106), a 331,056 square foot site in an Industrial-A (IA) district. Owner/Applicant: Paula Reusch, Shawmut Avenue Realty, LLC (1260 Shawmut Avenue, New Bedford, MA 02740).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The engineered plan submission is shown as “Site Plan 1250 & 1260 Shawmut Avenue” dated October 20, 2021, revised November 22, 2021, and prepared by Farland Corp. of Dartmouth, MA. The plans are stamped by Christian A. Farland, P.E. The plan set consists of the following sheets:

1. Cover
2. Existing Conditions
3. Layout
4. Erosion Control
5. Notes and Legend

The architectural plan submission is shown as “Solar Canopy for Parallel Products at Goyette’s Auto Parts” dated 6/30/21, and prepared by RBI Solar of OH. The plan is labeled “Not For Construction” and consists of the following sheets:

1. SC001 Cover Sheet
2. SC002 General Notes and Module Specification Sheet
3. SC003 Site Plan
4. SC101 Foundation and Column Plan
5. SC102 Foundation and Column Plan
6. SC 102 Foundation and Column Plan
7. SC301 Canopy Section
8. SC302 Canopy Section
9. SC303 Canopy Section

The stormwater management plan submission is shown as “Stormwater Report – Site Plan Assessors map 123 Lots 46 & 106” and prepared by Farland Corp. of Dartmouth, MA.

Other Documents and Supporting Materials:

- ❑ Conservation Agent Order of Conditions Memo, dated 12/10/21
- ❑ Conservation Agent Planning Board Memo, dated 12/1/21
- ❑ Site Plan Review Application
- ❑ Transformer and Battery Storage Details
- ❑ Building Department Rejection Packet
- ❑ Staff Report, dated 11/15/21

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, Shayne Trimbell, and Kamile Khazan attended the December 15, 2021 online meeting. Staff Planner Rachel Mulroy, Assistant City Planner Michael McCarthy, and City

Planner Jennifer Carloni were also in attendance. Board Member Arthur Glassman recused himself from the subject case hearing and left the virtual meeting for the duration of this matter.

Case #21-44 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. Christian Farland introduced himself as the project engineer, and introduced Mr. Phillip Cavallo, the solar company representative, and Mr. Timothy Cusson, the applicant.

Mr. Farland described the project site, an auto salvage yard surrounded by vegetated wetlands. He noted that the applicant had received an approval with an Order of Conditions from the Conservation Commission and that they had filed with the FAA and MassDOT due to the proximity to the airport. Mr. Farland said that although the Department of Public Infrastructure was unable to provide comment prior to the meeting, he did not anticipate any major concerns.

Describing the proposal, Mr. Farland said the existing operations would not change and the four solar arrays would be installed over where the vehicles are stored. Regarding stormwater, Mr. Farland said that the canopies would allow for water to flow through and the impacts would be negligible. He added that the only other site feature proposed was a concrete pad for transmission and battery storage equipment.

Mr. Farland noted the DPI comments had not yet been received so it was unclear as to their preference for this frontage. Mr. Farland said he is aware that DPI typically requires sidewalks to be installed where none exist. He argued a sidewalk along the frontage of this site would not connect any others and suggested a bike lane on the street instead.

Regarding the fencing along the roadway, Mr. Farland said while the vinyl slats were in disrepair, the fence was structurally sound, and he suggested replacing the slats.

Mr. Farland clarified that the battery storage equipment would not contain any oil.

Chair Duff agreed that the fencing slats should be replaced with dark green vinyl.

At the Chair's request, Mr. Farland and Mr. Carvallo provided more details on the solar array, clarifying that the panels would be placed an inch apart and the panels would be anti-glare.

Chair Duff said that approval would be conditioned on review from the Department of Public Infrastructure. Mr. Farland acknowledged this and asked the Board to recommend that the requirement for adding sidewalks be waived for the building's frontage. He described the area in front of the building as an actively used curb cut by the business. Mr. Cusson added that Shawmut Avenue has an open curb cut from the building south to Nash Road.

Chair Duff commented the power poles on the site should be protected. Mr. Farland suggested bollards.

Chair Duff asked the applicant to elaborate about emergency access. Mr. Farland said the arrays would be high enough to allow for the existing to be continued and Mr. Cusson clarified that the minimum clearance would be 16 feet.

Board member Trimbell said sidewalks did not make sense to him at this location. Board member Cruz agreed. Chair Duff suggested that the utility poles still needed to be protected and Board member Cruz suggested island around the poles.

Board member Cruz asked if the applicant had reviewed the proposal with the Airport and Mr. Farland confirmed that he had done so.

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. The Board discussed specific conditions and the applicant agreed to add islands around the utility poles in the public right-of-way.

4) DECISION

Board Member Trimbell made the motion, seconded by Board Member Cruz to approve Case #21-44: 1250 – 1260 Shawmut Avenue – Request by applicant for Site Plan Review for the new construction of a solar canopy project at 1250 – 1260 Shawmut Avenue (Map: 123 Lots: 46 and 106), a 331,056 square foot site in an Industrial-A (IA) district. Owner/Applicant: Paula Reusch, Shawmut Avenue Realty, LLC (1260 Shawmut Avenue, New Bedford, MA 02740).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. The applicant will adhere to the Order of Conditions set forth by the Conservation Commission; any revisions as a result shall be submitted to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review.
2. The applicant shall repair fencing with new dark green slats. Revised plans detailing the fencing shall be submitted the Department of City Planning for review prior to the issuance of a building permit.
3. The applicant will coordinate with the Department of Public Infrastructure to resolve all comments in their forthcoming memorandum.
4. The applicant shall submit evidence of a completed and approved Airspace Review done by FAA and MassDOT Aeronautics prior to the issuance of a building permit.
5. If deemed feasible by the Department of Public Infrastructure, the applicant shall stripe a bike lane the length of the frontage on Shawmut Avenue.
6. The applicant shall revise plans to show landscaped islands protecting the utility poles in the paved area and submit updated plans to the Department of City Planning for review.

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 Kalife – Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

12/29/2021

Date



Kathryn Duff, Chair
City of New Bedford Planning Board