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JON MITCHELL
PLANNING DIRECTOR
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City of New Bedford **Department of City Planning**

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OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

2022 MAR 10 PM 2:59

CITY CLERK

PLANNING BOARD

NEW BEDFORD PLANNING BOARD **REMOTE MEETING** **April 14, 2021**

MEETING MINUTES

PRESENT:

Kathryn Duff, Chairperson
Arthur Glassman, Vice-Chairperson
Alex Kalife
Peter Cruz
Kamile Khazan (entered late)

ABSENT:

None

STAFF:

Michael McCarthy
Anne Louro

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:06 p.m. and provided a statement related to Covid-19 and public meetings.

2. CALL OF THE ROLL

Chairperson Duff called the roll.

A motion was made (AG) and seconded (PC) to open the meeting.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Cruz – Yes	Chairperson Duff – Yes
Motion passes 4-0	

3. APPROVAL OF MINUTES

A motion was made (AG) and seconded (PC) to approve the March 10, 2021 meeting minutes.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Motion passes 4-0

4. PUBLIC HEARINGS:

ITEM 1 – CASE #21-03/#21-04 — Request by applicant for a Special Permit for a Marijuana Establishment for the operation of Marijuana Retailer, and a Special Permit for parking relief and site plan review for proposed improvements to the site and exterior and interior renovations to the building at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an IndustrialB (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD). Owner: Met Real Estate LLC (10 Bryn Mawr Road, Wellesley, MA 02482). Applicant: Southcoast Apothecary, LLC (PO Box 62727, Newton Lower Falls, MA 02462).
Continued from the March 10, 2021 meeting.

Att. Daniel Glissman, on behalf of Southcoast Apothecary d/b/a Ascend, described the work they have been doing to address outstanding comments. He noted the proposal of a new dumpster layout, additional turning radius, non-exclusive parking and no stair construction. He welcomed questions.

After complimenting the applicant on their responsiveness, Chairperson Duff confirmed the proposed location of the stairs that will not be constructed, as well as the dumpsters.

Chairperson Duff addressed DPI comments and easements. Kevin McGeary, Fuss & O'Neill, discussed the progress of the same, such as reciprocal access agreements, et cetera.

Board Member Glassman also discussed the location and elimination of the stairs.

Board Member Cruz confirmed the replacement of any necessary striping in additional to other areas. Att. Glissman stated he believed his client would be amenable. Board Member Cruz inquired as to dumpster use related to product, which the applicant assured would not be used for any products, referencing the Cannabis Control Commission's requirement for a separate locked dumpster.

Board Member Cruz requested more information on the traffic report. Att. Glissman noted that Matt Scully, not present this evening, is the traffic specialist. He stated neither he nor Mr. McGeary could comment in any detail, but to state where various locations of study were and that no adverse traffic impacts were noted. Board Member Cruz noted for the public that the traffic study results are available online. Chairperson Duff noted the two iterations of the traffic study.

Chairperson Duff commented on the historic nature of the building being used and the requirements and guidelines to be followed, such as mechanical roof equipment, windows and building siding. Nathan Langlais,

Associate BKA Architects, explained the architectural features of the proposal. Chairperson Duff confirmed specifics, such as colors.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Maria Giesta asked she be recorded in favor of the project.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Ian Abreu, Chairman of the New Bedford City Council's Special Committee on Cannabis Zoning and Host Agreement Review, also asked to be recorded in support of the project.

There was no response to Chairperson Duff's further invitation to speak or be recorded in favor or opposition.

Chairperson Duff acknowledged Board Member Cruz's input. There was discussion on any motion conditions, as well as the parking reduction requested, which Mr. McGeary confirmed as 24 spaces required, and revised plan sets to be submitted.

A motion was made (AG) and seconded (PC) related to Case #21-03 to approve special permit for a Marijuana Establishment for the operation of a Marijuana Retailer at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an Industrial B (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD), with the following specific conditions:

- Applicant must abide by all terms of the 9/5/2019 Host Community Agreement negotiated between the Applicant and the City of New Bedford;
- The entrance on the north side of the building shall be marked with signage to indicate it's for traffic only and/or emergencies only;
- Prior to issuance of a building permit, the applicant shall submit revised sign plan to the Planning Department for administrative review that address comment in the 2/9/2021 memo from the Historical Commission;
- Directional signage shall be installed to direct customers to use the main plaza entrance to access the site;
- Applicant shall submit any proposed directional signage to the Planning Department for administrative review prior to issuance of a building permit;
- Odor Control Plan is subject to approval by the Board of Health;
- Applicant shall submit any changes to their security plan to the New Bedford Police Department for approval prior to implementing;
- Applicant shall submit any changes for their emergency plan to the New Bedford Police Department, Fire Department and Health Department for approval prior to implementing;
- The project shall be undertaken in a manner consistent with DPI memos dated 2/10/2021 and 3/17/2021;
- This special permit is non-transferrable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a marijuana establishment;
- A change of the licensee or ownership of the marijuana establishment to a medical marijuana treatment center shall require submission of an application for a new special permit or modification of the existing special permit before the planning board
- Applicant shall remove all material plants equipment and other paraphernalia within ninety days of ceasing operations or immediately following the expiration, relocation or voiding of its state license;
- Applicant shall notify the planning board and zoning enforcement office in writing within 48 hours of any

- such cessation of operations, expiration, relocation or voiding of any state license or registration;
- Special permit for marijuana establishment shall lapse if the applicant does not commence construction or operations of the proposed establishment within one year of issuance;
- Any changes made by or at the request of the Cannabis Control Commission relative to the building or site shall be submitted for review by planning staff;
- Additionally, we will be eliminating the stairs from the lower to the upper level on the east side;
- Stripes for Coggeshall Street intersection will be continued to the entrance, including the restriping of the arrows into the plaza.

The following general conditions also apply:

- The project shall be in compliance with all applicable state and federal laws;
- The applicant shall appear before this board to obtain a new special permit for a modification of its existing special permit for each additional use proposed after the initial permitting process or for modification of the approved plans;
- The applicant shall submit final plan revisions to the Department of City Planning in the following formats: one 11x17 plan set, one CD or USB plan set in a PDF format, and shall ensure that these same plans are properly submitted to the Department of Inspectional Services;
- 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 brought against the project approval be provided for the Department of City Planning case file folder;
- 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 brought against the project 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;
- 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 requires further review by the planning board;
- 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 granted or they will lapse.
- The developer and site contractor must schedule a preconstruction meeting with the Department of Public Infrastructure prior to the start of construction.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Khazan – Yes

Board Member Cruz - Yes

Chairperson Duff – Yes

Motion passes 5-0

A motion was made (AG) and seconded (PC) to approve Case #21-04, request for special permit for parking relief and site plan review for proposed improvements to the site and exterior and interior renovations to the building at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an IndustrialB (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD) with the following conditions:

- Any signage to be used for marking reserved parking spaces shall be submitted to the planning

- department for administrative review prior to the issuance of a certificate of occupancy;
- Applicant shall revise site plans to identify all snow storage areas on-site or provide documentation of agreement to store snow off-site, and submit these materials to the planning department for administrative review prior to issuance of a building permit;
- Plans shall be updated to reflect all ramps will be ADA compliant and submitted to the planning department for administrative review prior to issuance of a building permit;
- Architectural plans shall be revised to have building elevations labeled to identify which side of the building is detailed;
- The project shall be undertaken in a manner consistent with any DPI memos dated 2/10/21, 3/17/21, and Historical Commission memo dated 3/9/21;
- The reduction of parking of is 15 spaces, as 24 are required and applicant is providing 9.

The general conditions as previously stated also apply.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

ITEM 2 –CASE # 21-07 - Request by City Councilor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding the rezoning the following locations from Industrial B to Mixed-Use Business: West Side Morton Court Street (Map: 21 Lots: 42, 1, 2, and 4); West Side South Front Street (Map: 25 Lots: 122, 113, 150, 72, 131, 71 and 70); 371-383R South Front Street (Map: 31 Lot: 197); 13 Rivet Street (Map: 31 Lot: 142); 1 Rivet Street (Map:31 Lot: 143); 56 Potomska Street (Map: 31 Lot: 239); 756 South Water Street (Map: 31 Lot: 232); 65 Potomska Street (Map: 31 Lot: 245); West Side MacArthur Drive (Map: 31 Lots: 256, 250 and 257); 49 Potomska Street (Map:31 Lot: 242); and 39 South Street (Map: 37 Lots: 293 and 312), and the following locations from Warehouse I/Industrial B to Mixed-Use Business: 75 MacArthur Drive (Map: 31 Lot: 248) and West Side MacArthur Drive (Map: 31 Lot: 255).

Chairperson Duff requested a vote of no action on the case, stating the rezoning request was withdrawn.

A motion was made (AG) and seconded (PC) to take no further action on Case #21-07

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

ITEM 3 – CASE #21-09/#21-10 - Request by applicant for 90 days extension for Site Plan Review for the conversion of three-story parsonage building to a 15-unit apartment building and construction of a 15-space parking lot on the north side of the building, and a Special Permit for the reduction of parking/loading space

and landscape buffer requirements at 563 County Street (Map: 58 Lot: 259), a 13,187-square foot site in a Residence A zoned district. Owner: St. Lawrence Church Corp. (PO Box 2577, Fall River, MA 02820). Applicant: Charing Cross Realty Trust (2 Centennial Drive, Peabody, MA 01960). Continued from the March 10, 2021 meeting. *This item has been continued by request of the applicant to May 12, 2021 5.

Chairperson Duff informed the board of the applicant's request for continuance to the May 12, 2021. She noted the board would need to extend their application for 90 days.

A motion was made (AG) and seconded (PC) to grant a 90 day extension.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

NEW BUSINESS:

ITEM 1 – CASE #21-14 – Request by City Councilor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration of amending the City of New Bedford Zoning By-Laws, Chapter 9, Section 4400 with updated definitions, requirements, and reference to the Bristol County Flood Insurance Rate Map that will become effective on July 6, 2021.

Ann Louro provided information on the subject, also covered in the staff report.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor or opposition.

A motion was made (AG) and seconded (PC) to approve Case #21-14, a recommendation for the proposed ordinance amendment amending the City of New Bedford Zoning By-Laws, Chapter 9, Section 4400 with updated definitions, requirements, and references to the Bristol County Flood Insurance Rate Map and Flood Insurance Study report, that will become effective on July 6, 2021.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

Chairperson Duff informed the board that Case #21-15 appeared on the agenda in error and was tabled at city council.

ITEM 2 – CASE #21-16 - Request by applicant for an extension and reduction of a Performance Bond to ensure the completion of the Farland Estates I subdivision, as shown on the plan of land entitled "Modified Definitive Plan for Farland Estates I – Revised 10-17-2019 in New Bedford, Massachusetts," prepared by Farland Corp (21 Ventura Drive, Dartmouth, MA 02747), dated October 29, 2018, revised through March 12, 2020 and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 181 Page 35 Applicant: Farland Corp (21 Ventura Drive, Dartmouth, MA 02747)

The applicant's representative, after brief explanation, requested a continuance of the matter to the next meeting.

After clarification by Chairperson Duff, and consultation with Ann Louro, a motion was made (AG) and seconded (PC) to continue this matter to the 5/12/21 meeting.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

5. REPORTS/UPDATES

Anne Louro reported on staff news and updates.

Board Member Glassman provided a CPA update.

6. ADJOURNMENT:

After brief discussion on any resumption of live meetings, a motion was made (AG) and seconded (PC) to adjourn at 7:02 p.m...

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Khazan – Yes	Board Member Cruz - Yes
Chairperson Duff – Yes	
Motion passes 5-0	

Whereupon proceedings concluded.

NEXT MEETING SCHEDULED MAY 12, 2021



Alexander J. Kalife, Clerk

5/12/2021

Date