



MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

City of New Bedford Department of City Planning

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OFFICE OF THE CITY CLERK
NEW BEDFORD, MA
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CITY CLERK

PLANNING BOARD

NEW BEDFORD PLANNING BOARD REMOTE MEETING June 9, 2021

MEETING MINUTES

PRESENT: Kathryn Duff, *Chairperson*
Arthur Glassman, *Vice-Chairperson*
Alex Kalife
Peter Cruz
Kamile Khazan

ABSENT: None

STAFF: Jen Carloni
Michael McCarthy

1. CALL TO ORDER

Chairperson Duff called the meeting to order and provided a statement related to Covid-19 and public meetings.

2. CALL OF THE ROLL

Chairperson Duff called the roll.

3. APPROVAL OF MINUTES

A motion was made (AG) and seconded (PC) to approve the May 12, 2021 meeting minutes.

ROLL CALL VOTE:

Board Member Glassman – Yes	Board Member Kalife – Yes
Board Member Cruz – Yes	Chairperson Duff – Yes
Board Member Khazan – Yes	

Motion passes 5-0

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

ROLL CALL VOTE:

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

Board Member Kalife – Yes
Chairperson Duff – Yes

4. PUBLIC HEARINGS:

OLD BUSINESS

ITEM 1 – CASES #21-18/#21-19 –

Case #21-19: Request by applicant for the extension of covenant for the definitive subdivision plan entitled, “Definitive Subdivision Plan of The Settlement in New Bedford, MA” prepared for DPM Development, dated March 16, 2004 as revised through September 27, 2005, by Sitec, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 (formerly located at 12 MAYOR JON MITCHELL6/2/2021 9:52:18 AM CITY CLERK Page 2 of 2 Welby Road, New Bedford, MA 02745). Subdivision is located on Seth Daniel Drive (Map 136, Lots 477-486) in the Residential A (RA) zoning district.

Chairperson Duff called for Case #21-19 to be heard first.

Steve Gioiosa, on behalf of the applicant, explained the reason for the length of the extension request and confirmed the requested extension date.

A motion was made (AG) and seconded (PC) to approve Case # 21-19 the Settlement Division covenant extension as requested to June 30, 2023.

ROLL CALL VOTE:

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

Board Member Kalife – Yes
Chairperson Duff – Yes

Case # 21-18: Request by applicant to release Lot 18 from covenant restrictions as specified in the Covenant recorded in Bristol County (S.D.) Registry of Deeds at Book 7967, Page 116 on January 20, 2006 for the definitive Subdivision Plan of The Settlement in New Bedford, MA prepared for DPM Development, dated March 16, 2004 as revised through September 27 , 2005, by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 (formerly located at 12 Welby Road, New Bedford, MA 02745) and by certificate recorded in Bristol County (S.D.) Registry of Deeds at Book 7967, Page 115. Applicant: DPM Development Corp & Moniz Properties, Inc. (70 Lambeth Street, New Bedford 02745). Continued from the May 12, 2021 meeting.

Steve Gioiosa, SITEC, explained the lot release request and spoke on the DPI construction cost estimate and associated bond required. He requested a conditional release subject to the surety amount.

There being no questions, a motion was (AG) and seconded (PC) to approve Case #21-18 lot release and bond acceptance subject to a bond in the amount of \$90,000.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

ITEM 2 - CASE # 21-20: - Request by City Councilor William “Brad” Markey for the Planning Board to review and make a recommendation to the City Council for its consideration that the paper street, LePage Street, from Winston Street to 3044 Acushnet Avenue be discontinued.

Chairperson Duff advised the board of the status and changes to be made in the case before its appearance in a different form, requiring the board to continue the case to July.

A motion was made (AG) and seconded (PC) to continue the case to the July 14, 2021 meeting.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

ITEM 3 – CASE # 21-21 - Request by applicant for New Ground Sign Site Plan Review for the installation of a new pylon sign at 1480 East Rodney French Boulevard (Map: 12 Lot: 77) a 0.80+ acre site in a Mixed Use Business (MUB) zoned district. Owner: Cisco New Bedford, LLC (307 Smith Neck Rd., Dartmouth, MA 02748). Applicant: Cisco New Bedford LLC

After technical consultation with Michael McCarthy, Steve Silverstein and Adam from signature signs were introduced.

Applicant’s representative displayed the sign image and described the same. Steve Silverstein addressed the request and the sign/property history and proposed sign features.

In response to Chairperson Duff, Mr. Silverstein spoke to the proposed sign related lighting and potential issues. There was discussion on year round sign operation and snow loads. There was discussion on Conservation Commission action on approvals.

Chairperson Duff read into the record a letter received on June 4, 2021 from the Councilor Joseph Lopes expressing his support.

In response to Chairperson Duff’s invitation to speak or be recorded in favor or opposed, Tom Carreiro, on behalf of Leonora Carreiro, 1527 East Rodney French Blvd., inquired about the sign height.

There was discussion from the applicant on the same.

Mr. Carreiro inquired as to sign lighting details and hours.

There was discussion on the same, along with sign lighting limitations.

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

After brief discussion on contents and modification, a motion was made (AG) and seconded (PC) to approve Site Plan Review for the installation of a new pylon sign at 1480 East Rodney French Boulevard (Map: 12 Lot: 77) a 0.80+ acre site in a Mixed Use Business (MUB) zoned district, with the following specific conditions:

That approval is for the installation of the sign, with the lighting of the sign to be submitted at a future date for administrative review, pending Conservation approval;

Applicant to submit a request for determination of applicability to the Conservation Commission;

Sign to be illuminated no earlier than one hour before business opening and no later than one hour after closing;

Applicant to submit stamped engineer plans, including wind load calculations, to the building commissioner for review and approval prior to the issuance of a building permit.

The following general conditions also apply:

- The project shall be completed according to the plans, notes, reports and specifications submitted for consideration and final approval by the planning board;
- 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 recorded at the Registry of Deeds;
- The applicant shall ensure that a copy of the recorded decision be provided for the Department of City Planning case file folder;
- That 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.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

ITEM 4 – CASE #21-22 - Request by City Council for the Planning Board to review and make a recommendation to the City Council for its consideration an order to approve the New Bedford Waterfront Redevelopment Plans for Focus Area North and Focus Area South.

Chairperson Duff provided a history of board proceedings on the matter.

After opportunity for case participant comment and input and information from Jennifer Carloni, to include stakeholder contact and suggested zoning changes, et cetera.

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

There being no discussion, a motion was made (AG) and seconded (PC) to approve Case #21-22, motion to favorably recommend the city council approve the New Bedford Waterfront Redevelopment Plans for Focus Area North and Focus Area South, subject to any subsequent changes per the Massachusetts Department of Housing & Community Development's review and approval. The Planning Board finds the plans are in conformance with the City's 2020 Master Plan.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

ITEM 5 – CASE #21-23 - Request by City Council 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 2110, replacing Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use Districted and amending the Working Waterfront Overlay District and Hicks-Logan-Sawyer IPOD.

Chairperson Duff provided a brief summary on this case's board activity history, again noting the stakeholder contact and the addressing and simplification of zoning inconsistencies.

Board Member Glassman reported a complete decrease in complaint calls, as he had received prior to the changes.

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

Without further discussion, a motion was made (AG) and seconded (PC) to approve Case #21-23, ordinance amendment for **Waterfront Mixed Use Districted**, motion to favorably recommend with changes the proposed ordinance amendment amending City of New Bedford Zoning By-Laws, Chapter 9, Comprehensive Zoning Section 2110 districts, Section 4600 Working Waterfront Overlay District, Section 4661B, Hicks-Logan-Sawyer IPOD, Section 4100A, Wamsutta Mill Overlay District WMOD, Section 4700A and WEDROD District & 4700A Waterfront Mixed Use District to include a new Waterfront Mixed Use District. The Planning board recommends the changes as outlined and memo titled "Waterfont Mixed Use District Recommended Changes" from the Department of City Planning, dated June 8, 2021.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

ITEM 6 – CASE #21-24 - Request by applicant for Site Plan review for the construction of a new commercial building and associated site improvements; located on the WS of Phillips Road (Map: 136 Lot: 468) on a 1.9 acre site in an Industrial C (IC) zoned district. Owners/Applicant: Panagakos Development (133 Faunce

Corner Road, Dartmouth, MA 02747. Agent: SITEC/CEC, Inc. (449 Faunce Corner Road, Dartmouth, MA 02747).

There was discussion of a current DPI letter.

Steve Gioiosa, SITEC, on behalf of the applicant, commented on the DPI letter and minor comments. Mr. Gioiosa displayed the proposal/plan and described the same. He reviewed items that needed planning board determination and noted previous Panagakos developments appearing before the board. He discussed site design and location descriptions, to include parking, driveway width and curb cuts. Mr. Gioiosa continued explanation of the proposed plan and described the surrounding neighborhood. He noted a pending conservation application.

Mr. Gioiosa noted design in accordance with storm water standards, including water quality treatment, storm ceptor unit, and drainage. He commented on Conservation Commission peer review minor comments/requests, and minor changes to be applied, noting the buffer zone aspects of the project.

Mr. Gioiosa then provided detail on the landscaping plan, including buffer planting locations. He then discussed lighting. He then described the proposed building in detail, noting similar buildings receiving approval and including description of materials. There was discussion with the board on the topics.

Mr. Gioiosa then detailed construction period items, along with pedestrian access and DPI comments. He noted the anticipated location of a future ground sign. He addressed other comments received by the applicant, to include snow disposal, traffic, and parking on this linear site. He invited questions.

Board Member Glassman confirmed with Mr. Gioiosa that there would not be a drive-thru in this building's current footprint. Board Member Glassman addressed the property grade. Mr. Gioiosa addressed the same in detail.

Chairperson Duff requested a laser outline of the areas to be completely cleared. Mr. Gioiosa obliged on the grading plan, detailing the planned clearing/alteration. There was further discussion on the same, including potential future use, street trees, et cetera.

Chairperson Duff raised runoff concerns near the wetland area. Mr. Gioiosa detailed the runoff mitigations and drainage plans. There was discussion on dumpster location, et cetera.

Board Member Cruz inquired as to details on the retaining wall. Mr. Gioiosa explained the same, including Versa-lok and footing. Board Member Cruz discussed erosion control and drainage with Mr. Gioiosa.

Board Member Khazan inquired as to replacement plantings after removal of trees, including the wetland area. Mr. Gioiosa discussed the landscaping plan.

Chairperson Duff clarified the plans for the buffer zone area, and confirmed no stand-alone signage.

Chairperson Duff read into the record a letter from Councilor Ian Abreu dated 1/4/21 expressing his support.

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

questions.

There was on brief discussion on area traffic volume and clarification on fencing.

There was discussion on a continuance versus conditions. deer population and a nearby parcel. Chairperson Duff then went over some of the outstanding issues such as the retaining wall, landscaping, et cetera.

After clarification on motion contents, a motion was made (AG) and seconded (PC) to approve site plan review for construction of a new commercial building and associated site improvements located on the WS of Phillips Road (Map: 136 Lot: 468) on a 1.9 acre site in an Industrial C (IC) zoned district.

With the following conditions:

- Administrative review of the landscaping plan;
- The dumpster fence is to be vinyl green;
- Silt fence and straw waddles will be used for erosion control;
- Material specifications for the building will be reviewed, as well as elevation drawings, by planning staff;
- Planning Department to review specifications of the retaining wall.

With the following specific conditions:

- Applicant to submit revised architectural plans that show both south elevations to the Planning Department for administrative review prior to the issuance of a building permit;
- Applicant shall revise landscape plans to include a landscape screen between the parking area on Phillips Road and Summit;
- Submit revised plans to the Planning Department for administrative review prior to the issuance of a building permit;
- Applicant shall submit revised plans to the Building Department for administrative review that include details of the dumpster screening prior to the issuance of a building permit;
- The ground sign is not approved as a part of the site plan. Any future ground sign proposals will require the applicant to appear before the Planning board for approval;
- Applicant shall submit a revised lighting plan to the Planning Department for administrative review that indicates all fixtures prior to the issuance of a building permit;
- Applicant is aware a change of use at the site may require additional permitting and conformance with local zoning ordinances and other regulations as applicable.

The following general conditions also apply:

- The project shall be completed according to the plans, notes, reports and specifications submitted for consideration and final approval by the Planning Board;
- 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;
- 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;
- The applicant shall ensure that a copy of the recorded decision be provided for the Department of City Planning case file folder;
- That 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 Cruz – Yes

Chairperson Duff - Yes

Board Member Khazan - Yes

Motion passes 5-0

5. NEW BUSINESS:

Chairperson Duff noted the need for a vote to authorize Director of City Planning Jennifer Carloni for Registry of Deeds and Land Court authorization to endorse Approval Not Required Plans on behalf of the Planning Board. Chairperson Duff relinquished her signature rights. Chairperson Duff expressed gratitude and a warm welcome/return to Ms. Carloni.

A motion containing the same was made (AG) and seconded (KK).

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff - Yes

Board Member Khazan - Yes

Motion passes 5-0

Chairperson Duff welcomed comment on the Storm Water Rules & Regulation changes on the website as updated by DPI.

Chairperson Duff welcomed discussion on a post Covid re-opening to the community with a return to live meetings. After board discussion, to include public notice timeframes, agenda item necessitating "in- public" meetings, masks. There was further comment and inquiry from Ms. Carloni, Chairperson Duff, Mr. McCarthy and board members.

Ms. Carloni provided updates for the board, to include new hiring, reviving projects such as TRD, zoning, train stations, as well as form based codes and Master Plan funding grants. She welcomed board input and there was further discussion.

6. ADJOURNMENT:

A motion was made (AG) and seconded (KK) to adjourn at 8:10 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 FOR JULY 14, 2021



Alexander J. Kalife, Clerk

8/11/2021

Date