



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

2022 MAR 10 PM 2:59

CITY CLERK

PLANNING BOARD

NEW BEDFORD PLANNING BOARD REMOTE MEETING September 22, 2021

MEETING MINUTES

PRESENT:

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

ABSENT:

None

STAFF:

Jen Carloni
Michael McCarthy
Anne Louro

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 Kalife – Yes

Board Member Cruz – Yes

Chairperson Duff – Yes

Board Member Khazan - Yes

Motion passes 5-0

4. PUBLIC HEARINGS:

NEW BUSINESS

ITEM 1 - CASE # 21-30/21-31: : Request by applicant for Site Plan Review and for a Special Permit for a parking reduction at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A (RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case. Attorney Marc Deshaies introduced himself as the agent for the applicant, Cruz Development, and introduced the project team: Mr. John Cruz and Mr. Daniel Cruz of Cruz Development Corporation; Mr. Daniel Aguiar and Mr. Thomas Rosborough of Civil & Environmental Consultants, Inc.; and Mr. Ben Lee of Michael Washington Architects, Inc.

Attorney Deshaies then provided an overview of the proposal to convert the building at 35 Kearsarge Street to 34 “senior living” apartments for people over 62 years of age and to construct a new parking area with 35 spaces behind the building. Attorney Deshaies turned the presentation over to Mr. Lee, who discussed the interior layout plans and the proposed improvements to the exterior of the building, including replacing windows, updating existing egress points, and landscaping. Mr. Rosborough then detailed the site design and drainage plan. Finally, Mr. Cruz explained the concept of the development, the anticipated mix of residents, and the outcome of prior community outreach meetings

Chair Duff asked why the original stairways were to be maintain, as they would lead to an apartment window. After some discussion, the applicant agreed to add landscaping or another feature to prevent access to stairs from the street.

After a discussion with the Board, the applicant agreed to choose a light color for the roof.

The Board discussed transportation options and how residents would access the SRTA bus line with the applicant. The Board also inquired about improving access to Brooklawn Park and nearby neighborhood amenities, such as the Wilkes Library. The applicant agreed to repaint all crosswalks adjacent to the site and the crosswalks across Acushnet Avenue.

The Board discussed site drainage and the concerns raised by the Department of Public Infrastructure with the applicant. The applicant agreed to reassess the draining calculations to account for the new roof, disconnect any roof leaders tied into the City’s stormwater system and redirect all site drainage to the infiltration system under the parking area.

The Board discussed required screening for the parking lot with the applicant, who agreed that screening would be added as required along the west, north, and south sides of the parking area.

Hearing no more comments from the Board, Chair Duff opened the floor so members of the public could speak in support or opposition.

There being no discussion a motion was (AG) and seconded (PC) to approve Case #21-30: 35 Kearsarge Street – Request by applicant for Special Permit for a parking reduction at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A (RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

The following specific condition shall apply:

- Revised plans showing adequate screening for the north and south sides of the parking area shall be submitted the Department of City Planning for administrative review prior to the issuance of a building permit.
- The number of parking spaces required shall be reduced from 68 to 35.

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 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.
- 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.
- 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.
- 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.
- 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.
- The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

ROLL CALL VOTE:

Board Member Glassman – Yes
Board Member Cruz – Yes
Board Member Khazan - Yes

Board Member Kalife – Yes
Chairperson Duff – Yes

Motion passes 5-0

There being no further discussion a motion was (AG) and seconded (PC) to approve Case #21-30: 35 Kearsarge Street – Request by applicant for Special Permit for a parking reduction at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A (RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

The following specific conditions shall apply:

- Stormwater management plans shall be in conformance with the City Stormwater Regulations and receive approval from the Department of Public Infrastructure prior to issuance of a building permit.
- Revised plans showing adequate screening for the north and south sides of the parking area shall be submitted the Department of City Planning for administrative review prior to the issuance of a building permit.
- Revised plans showing details for the construction entrance and any protective measures for the stormwater system shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
- The roof shall be a light color.
- Revised plans showing snow storage areas shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
- The applicant shall restripe the crosswalks adjacent to the site and the crosswalks across Acushnet Avenue at Ingraham Street and Duncan Street.
- A parking lot lighting plan shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
- The applicant shall meet the conditions of the Department of Public Infrastructure's memorandum dated September 21, 2021.

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 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.
- 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.
- 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.
- 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.

- 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.
- The developer and site contractor must schedule a pre-construction 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

ITEM 2– CASE #21-32 - Request by applicant for Site Plan Review for the construction of a building for use as a medical marijuana dispensary and associated site improvements at 366 Hathaway Road (Map: 94 Lot: 20), an 18,750 square foot site in a Mixed-Use Business (MUB) zoned district. Owner: 366 Hathaway Realty Trust (PO Box 70036, Dartmouth, MA 02747). Applicant: Beacon Compassion (12 Post office Square, 6th Floor, Boston, MA 02109).

Chairperson Duff opened the case and invited a representative from the applicant team to present the proposal. Mr. Peter D'Agostino of Tenax Strategies introduced himself as the applicant's agent and introduced Mr. Anthony Capachietti, the project engineer. Mr. D'Agostino outlined the features of the proposed marijuana facility and how the business would operate. Mr. Capachietti detailed the engineering features of the site, such as drainage and landscaping.

The Board and the applicant discussed the traffic assessment that had been provided. Mr. D'Agostino remarked that because the facility would be medical marijuana only, the number of potential customers would be limited. Board member Glassman responded that he would still like to see a full traffic study and have it reviewed by the City's peer reviewer. After further discussion, the applicant agreed to provide an updated traffic study covering the nearby intersections and calculate the potential impacts of recreational sales.

The Board requested that the applicant provide landscaping for the area in the public right of way north of the site. Mr. D'Agostino responded that the state regulations may limit what could be done in this area but agreed to provide the Board with a revised proposal for landscaping.

Board member Cruz asked the applicant to explain the site engineering related to drainage. Mr. Capachietti provided an overview of the stormwater and drainage system proposed. After further discussion, the applicant agreed to add an additional catch basin on the east parking area and to provide site plans that reflected this.

After discussing options with the Board, the applicant agreed to replace the bituminous curbing proposed for the site with concrete curbing.

The Board discussed the Department of Public Infrastructure's memorandum dated September 22, 2021, with the applicant. Mr. D'Agostino argued that they would not be able to address many of the comments in the memo because the roadway was under state jurisdiction. Chair Duff advised the applicant to work the DPI to address this conflict before the next meeting.

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

The Board review their comments with the applicant and agreed that continuing the case to November would provide them adequate time to conduct a traffic assessment and submit revised plans.

There being no discussion, a motion was made (AG) and seconded (PC) to continue Case #21-32 to the November 10, 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 #21-33: SW Howard Avenue Rezoning – Request by the City Council to offer a recommendation on a rezoning request for SW Howard Avenue (Map: 116 Lot: 29) from Mixed-Use Business to Industrial-A. As petitioned by Paul, Anibal, and Aurora Vaz (93 Perry Street, New Bedford, MA 02745).

Chair Duff opened the case by reading the request and asked if there was anyone present to speak on the matter. Mr. Paul Vaz introduced himself as the owner of the subject parcel. He requested that Board endorse his request, stating that he has owned the property since 2012 and used it as a parking lot for work vehicles since then. He added that only recently, due to increasing cost of materials during the pandemic, had he started using the property to store building materials.

The Board discussed the choice to rezone the property has Industrial A and determined it constituted spot zoning.

Chair Duff then opened the floor to any members of the public who wished to speak in favor or in opposition to the proposed changes. Hearing no such comments, Chair Duff asked for a motion.

There being no discussion, a motion was made (AG) and seconded (AK) for Case #21-32 to recommend that City Council deny the rezoning request for SW Howard Avenue (Map: 116 Lot: 29) from Mixed-Use Business to Industrial-A. As petitioned by Paul, Anibal, and Aurora Vaz (93 Perry Street, New Bedford, MA 02745).

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 – OPEN SPACE AND RECREATION PLAN

Michael McCarthy and Jennifer Carloni provided the Board with an overview of the draft Open Space and Recreation Plan prepared by the city. The Board commended the work of the Parks Department on preparing the plan.

There being no discussion, a motion was made (AG) and seconded (PC) to provide a letter endorsing the Open Space and Recreation Plan as in alignment with the City's Master Plan.

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

6. ADJOURNMENT:

A motion was made (AG) and seconded (KK) to adjourn at 8:57 p.m.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Khazan – Yes

Chairperson Duff – Yes

Motion passes 5-0

Board Member Kalife – Yes

Board Member Cruz - Yes

Whereupon proceedings concluded.

NEXT MEETING SCHEDULED FOR OCTOBER 13, 2021



Alexander J. Kalife, Clerk

10/13/2021

Date