



MAYOR
JON MITCHELL

PLANNING DIRECTOR
TABITHA HARKIN

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OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

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CITY CLERK

PLANNING BOARD

NEW BEDFORD PLANNING BOARD
NEW BEDFORD HISTORICAL COMMISSION
New Bedford Public Library
New Bedford, MA

January 8, 2020

MEETING MINUTES

PRESENT:

Planning Board

Arthur Glassman, *Vice-Chairperson*
Kamile Khazan
Peter Cruz
Alex Kalife
Shayne Trimbell

Historical Commission

Jan DaSilva, *Acting Chairperson*
William Barr
Alex Jardin
James Lopes
Jennifer Smith

ABSENT:

Kathryn Duff
Diana Henry
William King

STAFF:

Tabitha Harkin, *City Planner*
Anne Louro, *Historic Preservation Planner*
Rudy Botros, *Staff Planner*

1. CALL TO ORDER

Historical Commission Acting Chairperson DaSilva called the joint meeting to order at 6:05 p.m. Planning Board Acting Chairperson Glassman called the roll.

2. ROLL CALL

Formal roll calls were conducted confirming members present as listed above.

3. APPROVAL OF MINUTES

Acting Chairperson DaSilva called for a motion to approve the May 6, 2019 joint meeting minutes of Planning Board/Historical Commission. A motion was made and seconded for approval.

Motion passed unopposed.

Acting Chairperson DaSilva called for a motion to approve the September 9, 2019 meeting minutes of the Historical Commission. A motion was made and seconded for approval.

Motion passed unopposed.

Tabitha Harkin, City Planning Director, explained the purpose and protocols for this evening's joint meeting, which falls under jurisdiction of both the aforementioned boards.

3. PUBLIC HEARINGS

Acting Chairperson DaSilva called Historical Commission Case #2019.26 re:115-117, 212 and 127-129 Union Street related to the certificate of appropriateness related to modification to it.

A motion was made and seconded to open the public hearing.

Motion passed unopposed.

Acting Chairperson DaSilva introduced Planning Board Case #19-06 Union Street, request for modification of a previous site plan review. (see agenda for proposal details)

A motion was made and seconded to receive and place on file case materials received.

Motion passed unopposed.

A motion was made and seconded to open the public meeting.

Motion passed unopposed.

Michael Galasso introduced his team as present this evening. He stated they are before the boards for the review of renovations to the Moby Dick Building and to discuss the progression of the 117 Union Street development project in response to conditions of approval and staff memo of December 2, 2019. He highlighted the expected presentations to be made this evening. Mr. Galasso noted their response memo, and the importance of the project for the city, including much needed affordable housing to the downtown workforce and others in the city, as well as employment opportunities for the city.

Tamara Roy, along with a digital presentation, covered the history of the proposed project in downtown New Bedford. She noted the extensive work they had done on architectural design to fit into the Historic New Bedford area. Through the digital presentation, Tamara walked the boards through various project photos and plans, both previous and current.

Atty. Dan Perry, County Street, New Bedford, explained procedurally where the project stands. He spoke on previous plans for the 5-story building wherein they had received both site plan approval and a certificate of appropriateness granted with conditions on 5/6/19. He noted the current application is intended as an

amendment to that approval, and feels their intention has always been for this to be two separate projects consisting of the 42,000 s/f building approved in May and the second building, the renovation of the Moby Dick Chandler Building. He added the reasoning that the project needs to be funded separately.

Atty. Perry discussed the issues with zoning and considering the lot as one on the application to be submitted, but the expectation is that they be separate both legally and economically upon approval. To avoid returning to the board after the lot separation, Atty. Perry suggested an imposed condition that the approval is contingent upon receipt of the needed zoning relief. He again stated this evening's changes, while minor, and are styled as an amendment of existing approvals. He stated they are seeking consideration of the Moby Dick Building and approval of the same and its design. He stated they will also provide background information on how the design of the new building has progressed and noted their belief that what the changes done are part of the previous conditions given, and would ordinarily simply be reviewed by staff.

Atty. Perry addressed the request for a market study, and noted the detailed financial study being prepared will contain confidential financial information and would, if given, be considered a public record. He noted Exemption G in the Public Records Act and requested that if submitted the detailed study be done so under that exemption with the boards' agreement.

Mr. Galasso discussed the controversy of creating 2 parcels versus 1 parcel by providing insight into the very involved financing and funding for an affordable housing project in this part of the city.

Kit Wise, architect for the Moby Dick project, along with a digital presentation, displayed and discussed the project, such as building restoration discussions, to include the terracotta, the brick, windows, et cetera. He then discussed unresolved issues, including waste management, rooftop and mechanical systems, site lines and parapet. Mr. Wise addressed the storefront windows. He spoke on the WHALE building as an example of the window types to be used. He then discussed building colors.

The applicant's agent discussed comments from the previous memo received. Items discussed were the market study, construction schedule, parking and traffic demand, waste management, storm water and erosion control, roof screen and generator fuel source, demolition and the transformer.

Mr. Galasso addressed the market study, which will take a bit more time to complete. He again visited the confidentiality issue. He agreed to place the memo on file.

A motion was made to do the same, which passed unopposed.

Mr. Galasso then spoke on the construction scheduled.

Mr. Rheaume spoke on his compliance research efforts, which do not require handicap parking, but a handicap accessible space must be provided for every 24 spaces. Mr. Galasso added his research findings, noting that not all disabilities are wheelchair related. Ms. Roy noted an accessibility committee's involvement on their micro unit.

Mr. Rheaume then addressed previous traffic projections, which did not include the residential units. He stated this is not a typical shopping center situation, and projections have been dispersed through the area.

The applicant's agent then discussed waste management in detail. Mr. Rheume discussed storm water and any waivers received, as well as the potential infiltration system.

Ms. Roy discussed and displayed roof screening displays, to include roof equipment. Mr. Galasso spoke on the generator and associated costs at the roof location.

The Applicant's agent spoke on the parapet and roof materials. He addressed the generator fuel source and associated plans.

Mr. Rheume addressed the Moby Dick foundation wall, noting that the 117 Union Street basement floor will be higher than the Moby Dick footing and the 10' space between the two. He then addressed demolition and erosion control, the staging area and barricaded sections.

The Applicant's agent discussed the transformer plans and measurements, as well as the associated timelines. There was no response to Acting Chairperson DaSilva's invitation to speak or be recorded in favor. There was no response to Acting Chairperson DaSilva's invitation to speak or be recorded in opposition.

Ms. Harkin drew the boards' attention to the staff report and welcomed any questions.

Historical Commission Member Barr inquired as to solar panel plans and screening.

The applicant's agent explained the same, noting a contractor would be handling the same, and as such he could not give full details. The applicant's agent then displayed the planned locations and surroundings, and they offered to work with staff.

Historical Commission Member Louro commented on solar energy, et cetera, stated location of proponents in certain districts must be egregious in their location to trigger consequences.

Historical Commission Member Smith requested details on the window proposals.

Kit Wise displayed the same and explained the plans. There was discussion and questions on the same, including any screening.

Mr. Galasso addressed the window issues as well and stated he would address the matter with the Health Department.

There was discussion regarding the demolition and erosion control plans. Applicant's agent explained future items that will address the matter with more in depth information. The time/construction schedules were then addressed. The board referred it to conditions.

Further discussion/questions were handed over to the Planning Board. Board Member Khazan requested a copy of the waiver. Ms. Harkin provided information on the same, as did Mr. Galasso regarding the market study which would aid the Planning Board. Ms. Harkin addressed the same. There was further discussion with the applicant, including decision conditions.

Board Member Trimbell raised discussion with Mr. Galasso and others on the issue of handicap parking/parking availability and any traffic study. Mr. Rheume commented on the issue as did Board Member Khazan.

Board Member Cruz raised discussion on the cross section of the walls at Moby Dick/proposed foundation and excavation. He then the discussed the building gap and the footing. The Historic Commission drew Board Member Cruz to information received. There was continued discussion joined by Mr. Rheume.

A Historic Commission motion was made and seconded to close the public hearing.

There was board discussion about Historic Commission outstanding items.

Ms. Harkin drew the Planning Board Members to the motion sheet along with proposed conditions.

Historic Commission Member Smith raised the issue of parcel separation and any necessary return before the board. In addition, she raised the market study confidentiality condition. Board Member Smith then discussed any window conditions/alterations. She also suggested a condition regarding samples of the terracotta.

There was discussion on several outstanding elements/changes which would require a return before the board, to include any rooftop changes, cornices, screening, et cetera.

Acting Chairperson DaSilva read the drafted motion into the record on Case #2019.26, a motion to approve and grant a certificate of appropriateness regarding the modification of Case #2019.04, listing the following specific conditions:

1. The exterior lighting signage, storefront awning, solar panels, cornices, rooftop mechanical screening, street amenities such as trash barrels, bike racks, benches, planter, street trees, and vegetation have not been approved and will require a separate modification submittal and approval by the Historical Commission prior to the issuance of a demolition permit;
2. Outdoor sidewalk café seating has not been approved, and will require a separate sidewalk café permit from the Department of Inspectional Services, as well as a separate certificate of appropriateness from the Historical Commission;
3. Demolition review is required per City Code of Ordinances, Section 2-157 and Section 2-157.9;
4. All existing street scape and materials, including landscaping, lighting hardscape are to be preserved, retained or removed as per approval of the Historical Commission and DPI;
5. Any modifications to the approved sidewalk design will require review by the Historical Commission staff, Planning staff, the National Park Service and DPI;
6. Brick masonry mockup for 117 Union Street is to be provided and approved in the field with Historical Commission staff and subcommittee;
7. The public art mural on the north wall of 117 Union Street has not been approved, and will require a separate certificate of appropriateness from the Historical Commission;
8. Fence screening for the parking area and potential pad mount transformer may be required and shall be determined in the field with Historical Commission staff;
9. Final parking of northern space surface materials are to be reviewed and approved by Historical Commission staff prior to installation;
10. Evidence of electrical service requirements within the downtown New Bedford network is to be provided to Historical Commission staff prior to the issuance of a building permit to demonstrate the need for a pad mounted transformer.

Acting Chairperson DaSilva noted these conditions are from the December 2 and January 8 meetings.

11. To ensure the structural stability of the Moby Dick building during adjacent demolition, excavation and new construction. The Applicant shall follow the operations set forth in the demolition program by Prime engineering dated 12/10/19 and recommendations provided in the geotechnical report;
12. The terracotta at the site of the Moby Dick Building is to be assessed by a professional conservator and the full scope of work, including repair, replacement schedule and material sample mockup shall be provided to Historical Commission staff for review and approval prior to commencement of any work on the site;
13. Masonry repointing mockup for the Moby Dick Building shall be prepared for Historical Commission staff review and approval prior to executing the repointing;
14. Moby Dick storefront windows to be tripod inswing casement window with center unit fixed with use of interior screens only.

The following general conditions also apply:

15. The project shall be completed according to the plans, notes, reports and specifications submitted for consideration and final approval by the New Bedford Historical Commission;
16. The applicant shall submit final planning revisions to the New Bedford Historical Commission in the following formats: one 11" x 17" plan set and one CD/USB plan set in PDF formats and shall ensure that these same plans are submitted to Department of Inspectional Services prior to the issuance of any building permit;
17. The applicant shall present any proposed modifications to the approved plans for consideration to the New Bedford Historical Commission staff for determination as to whether the modified plan must return before this board for further review;
18. 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 date granted or they will lapse.

The motion was made and seconded.

ROLL CALL VOTE:

Alex Jardin – Yes	Jen Smith - Yes
James –Yes	Bill Barr - Yes

Motion passed 4-0.

Ms. Harkin noted for the board the subject of adding a condition to be subject to market report to be reviewed by planning staff. She welcomed any board questions.

A motion was made (AG) regarding Case #19-36, 117 Union Street, for modification of a previous site plan review, Case #19-06, for new construction of a 42,650 SF mixed commercial and residential building along with a rehabilitation and conversion of an adjacent 4,924+ SF building into a mixed commercial and residential building for a combined total of 51 residential units and 2 commercial units (retail/restaurant) located at 115, 117, 121, and 127-129 Union Street, and 7 N Second St (Map: 53, Lots 40, 41, 215, 216, and 146) on an 12,525 SF site in a Mixed Use Business and Downtown Business Overlay zoned district.

After board member questions, there was discussion regarding operating hours of construction, the results of which may have the matter incorporated as a condition, in addition to the city's noise ordinance.

Ms. Harkin addressed Item #11 and the need for an easement. In response to inquiry by Board Member Cruz, Ms. Harkin discussed the further processes/stages to occur. In response to Board Member Khazan, there was further discussion on construction/construction schedule, including coinciding city events, to potentially be reviewed by staff. There was then discussion on Item #9.

Acting Chairperson Glassman continued the motion noting the following specific conditions:

1. May 6, 2019 conditions carried over;
2. The exterior lighting, signage, storefront awnings, solar panels, cornices, rooftop mechanical screening, street amenities such as trash barrels, bike racks, benches, planters, street trees and vegetation have not been approved and will require a separate modification submittal and approval prior to the issuance of a demolition permit;
3. Outdoor sidewalk café seating has not been approved, and will require a separate sidewalk café permit from the Department of Inspectional Services, as well as a separate certificate of appropriateness from the Historic Commission;
4. Demolition review is required per City Code of Ordinances, Section 2-157 through 2-157.9;
5. All existing street scape materials, including landscaping, lighting, hardscape are to be preserved, retained or removed as per approval of the Historical Commission and DPI;
6. Any modifications to the approved sidewalk design will require review by the Historical Commission staff, Planning staff, the National Park Service and DPI;
7. The applicant shall provide complete construction documents and material notifications to be reviewed and approved by the planning department prior to the release of any building permit. To ensure the structural stability of the Moby Dick Building during adjacent demolition, excavation and new construction. The Applicant shall follow the operations set forth in the demolition program by Prime Engineering dated 12/10/19 and recommendations provided in the geotechnical report;
8. Interior screens only;
9. Prior to the issuance of a demolition permit, a further detailed demolition plan shall be submitted for review by the Department of City Planning, DPI and the Department of Inspectional Services detailing proposed methods to mitigate erosion, dust, noise, pedestrian and vehicular impacts during demolition and construction phases;
10. The Board may condition the project to limit construction from 7:00 a.m. – 6:00 p.m. Monday thru Saturday, consistent with regulations set where construction is not allowed outside those hours;
11. The Planning Board staff may further limit Saturday hours of construction if deemed warranted by specific circumstances;
12. Subject to market report to be reviewed by Planning staff;
13. Evidence of storm water management plan waiver from DPI for the entire project, including the Moby Dick Building is to be provided to the case file prior to the issuance of a building permit;
14. Evidence of a legal easement demonstrating access between the buildings which are proposed to be situated on two separate land plots is to be provided to the case file 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 New Bedford Historical Commission;

- The project shall be undertaken in a manner consistent with the memorandum from the Department of Public Infrastructure received and placed on file. The Planning board incorporates the DPI memo as part of those conditions;
- The applicant shall submit final planning revisions to the New Bedford Historical Commission in the following formats: one 11" x 17" plan set and one CD/USB plan set in PDF formats and shall ensure that these same plans are submitted to Department of Inspectional Services;
- The applicant shall ensure that a copy of the Notice of decision bearing certification of New Bedford City Clerk, signifying no appeal has been made, be provided for the Department of City Planning case file folder;
- The applicant shall ensure that a copy of the Notice of decision bearing certification of the New Bedford City Clerk, signifying no appeal has been made, be recorded at the Registry of Deeds;
- The applicant shall present any proposed modifications to 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 date granted or they will lapse.
- The developer and site contractor must schedule a pre-construction meeting to the Department of Public Infrastructure prior to construction, to include an updated construction schedule to be provided to staff.

ROLL CALL VOTE:

Board Member Kalife –Yes

Board Member Trimbell - Yes

Board Member Khazan – Yes

Board Member Glassman - Yes

Board Member Cruz – Yes

Motion passed 5-0.

A motion was made and seconded to adjourn this portion of the meeting.

MEETING OF PLANNING BOARD:

Chairperson Duff joined the proceedings and called the Planning Board meeting to order at 8:14 p.m., calling the role as previously noted.

A motion was made and seconded to open the public hearing. Motion passed unopposed.

OLD BUSINESS:

ITEM 1 Case # 19-24 – Request by applicant for a final release of remaining funds held by the city to ensure the completion of the Whalers Place subdivision, as shown on the plan of land entitled "Whaler's Place Definitive Subdivision Plan of Land in The City of New Bedford Bristol County, Massachusetts", prepared by Prime Engineering, PO Box 1088 350 Bedford Street Lakeville, MA 02347, dated March 8, 2004, revised through May 11, 2004, and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 154 Page 84. Applicant: Madeira Ventures, Inc (12 Ann & Hope Way Cumberland, RI 02864) and Palmer River Development Co., LLC c/o Matthew Antonio (PO Box 41 Swansea, MA 02777).

Chairperson Duff read into the record a request for continuance to March 11, 2020.
A motion was made (AG) and seconded (PC) to continue to said date.
Motion passed unopposed

ITEM 2 – CASES #19-27/19-28

Case #19-27: Request by applicant for Site Plan review for the renovation of a building for new business use; located at 1332 Acushnet Avenue (Map: 99 Lot: 102) on a 6,700 SF site in a Mixed-Use Business zoned district. Owner/Applicant: Paulo Marques (353 Bolton St., New Bedford, MA 02746). Continued agenda item from November 13, 2019.

Case #19-28: - Request by applicant for a Special Permit for a reduction in required parking spaces required for the renovation of a building for new business use; located at 1332 Acushnet Avenue (Map: 99 Lot: 102) on a 6,700 SF site in a Mixed-Use Business zoned district. Owner/Applicant: Paulo Marques (353 Bolton St., New Bedford, MA 02746). Continued agenda item from November 13, 2019

Chairperson Duff raised outstanding issues including site improvements relative to parking, maneuvering and access, delineation of the parking area, public safety, site improvements, et cetera.

Armando Pereira noted previous concerns with the Nye Street parking/backing out. He detailed their actions to address the same, along with dimensions, curb locations, related to their three actual parking spaces. He also addressed DPI comments. There was further discussion on the parking area.

Mr. Pereira then discussed the Acushnet Avenue entrance in detail, including the 28' curb cut size, trees, sidewalks and maneuverability. He discussed building materials similar to the Café Europa façade. He noted the current sign which they request remain for panel change out. He noted that it was a large improvement to an existing, vacant building.

Chairperson Duff confirmed the proposed parking area and number of spaces. There was further discussion, to include subsurface drains, restriping and repaving. Chairperson Duff inquired as to various plantings. Mr. Pereira was amenable to the landscaping suggestions and discussed additional improvements the project will produce.

Chairperson Duff read into the record 1/7/20 correspondence received from Councilor Ian Abreu, who expressed support for the project.

In response to Chairperson Duff's invitation to speak or be recorded in favor, Councilor Maria Giesta reiterated her reasons for supporting the project at this abandoned building. Councilor Giesta relayed Councilor Cohelo's support as well.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, public audience member Carla Neves expressed support for the project.

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

After brief board discussion, including landscape area clarifications and parking reduction, a motion was made (AG) and seconded (PC) to approve site plan review for the renovation of a building for new business use, located

at 1332 Acushnet Avenue (Map: 99 Lot: 102) on a 6,700 SF site in a Mixed-Use Business zoned district with the following specific conditions:

- Landscaping to be provided in lieu of pavement to the east and west of the striped parking area along Nye Street and to the east of the handicap space at the driveway of Acushnet Ave;
- All infrastructure updates to adhere to DPI comments;
- Signage to be provided for parking area off Nye Street indicating resident parking only.

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 received and placed on file. The Planning board incorporates the DPI memo as part of these conditions;
- The applicant shall submit final plan revisions to the New Bedford Historical Commission in the following formats: one 11" x 17" plan set and one CD/USB plan set in PDF format and shall ensure that these same plans are submitted to Department of Inspectional Services;
- The applicant shall ensure that a copy of the Notice of decision bearing certification of the New Bedford City Clerk, signifying no appeal has been made, be provided for the Department of City Planning case file folder;
- The applicant shall ensure that a copy of the Notice of decision bearing certification of New Bedford City Clerk, signifying no appeal has been made, be recorded at the Registry of Deeds;
- The applicant shall present any proposed modifications to 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 date 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;
- Greenspace/landscape to be added to the east/west of the parking area as well as the area east of the handicap spot.

ROLL CALL VOTE:

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

Motion passed 5-0.

A motion was made (AG) and seconded (KK) relative to case #19-28 to approve the special permit for the reduction in required parking spaces required for the renovation of a building for new business use, located at 1332 Acushnet Avenue (Map: 99 Lot: 102) on a 6,700 SF site in a Mixed-Use Business zoned district, the reduction going from 11 spaces to 3 spaces and 1 handicap space.

ROLL CALL VOTE:

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

Motion passed 5-0.

NEW BUSINESS:

ITEM – CASE #19-37 - Request by applicant for Site Plan review for new construction of a large scale ground mounted photovoltaic solar array located on John Vertente Boulevard (Map: 135 Lot: 1, 3, 15 & 47) on a 45.88+ Acre site of which 21.53+ Acres are located in the city of New Bedford in an Industrial C zoned district. Owner/Applicant: NBD Solar, LLC (80 Front Street, Marion, MA 02378).

Chairperson Duff announced the case was to be continued to January 29, 2020 due to an issue with notifications. A motion was made (AG) and seconded (PC) to continue the same.
Motion passed unopposed.

4. ADJOURNEMENT:

After updates/announcements from Board Member Glassman and Ms. Harkin, and there being no further business to come before the board, a motion was made (AG) and seconded (PC) to adjourn at 8:55 p.m.
Motion passed unopposed.



Alexander J. Kalife, Clerk

April 22, 2020

Date