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PLANNING DIRECTOR
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City of New Bedford Department of City Planning

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PLANNING BOARD

NEW BEDFORD PLANNING BOARD

REMOTE MEETING

October 13, 2021

MEETING MINUTES

OFFICE OF THE CITY CLERK
NEW BEDFORD, MA
2022 MAR 29 PM 3:03
CITY CLERK

PRESENT:

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

ABSENT:

None

STAFF:

Jen Carloni, *City Director of Planning*
Michael McCarthy, *Assistant City Planner*

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:02 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 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	

Chairperson Duff referenced the board to the recent receipt of the requested peer review, as well as further DPI comments.

Att. Chris Saunders, of New Bedford, addressed the board regarding the proposed Starbucks. He introduced Jake Modesto and noted their receipt of the peer review, which, at a cost of some \$9,000, opined generally that the applicant's traffic analysis was prepared in accordance with accepted industry standards and procedures. He also acknowledged receipt of the current DPI comments, which do not address the most recently submitted plan. He agreed that any updated DPI comments could be incorporated into a board decision. He noted the proposed Mitchell Street fenced area. He stated the applicant feels they have complied in full.

Chairperson Duff commented on the peer review traffic study and its consistencies with board concerns, to include right-turn-only, queuing/stacking, barriers, et cetera. Chairperson Duff requested comment on the operation of the double lanes. She mentioned the standard of granite curbing entrance continuance to the site interior. The applicant was amenable. Chairperson Duff offered positive comments on the applicant's revisions, namely the pedestrian and public ways.

Board Member Cruz voiced his similar concerns regarding the 'right turn only' noted in the peer review, project consistency related to a shield for neighbors on Mitchell Street. He reiterated his belief that moving the menu boards one space up would help with queuing.

Att. Saunders addressed the traffic and right turn only disagreement. He then spoke with regard to a Mitchell Street fence barrier and associated costs. Att. Saunders commented on the stacking of the ordering lanes. He asked the board's favorable vote on the project.

Board Member Khazan commented on the dangers created by 'no left turn onto Coggeshall St.' issue. She suggested the possibility of acquiring a short flashing traffic light. Chairperson Duff commented on the Coggeshall St. turning/traffic recommendations, and noted board precedents.

Mr. Modesto provided comment to the board, noting the single access point of the area development and peer review comments, which Chairperson Duff responded to, including the installation of a parking lot facing residential neighbors and screening.

Mr. Modesto detailed the planned screening to include fencing and evergreens.

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

There was board discussion on whether to continue or act on the matter with the information/plans presently before the board.

Att. Saunders responded to the board's outstanding concerns. He explained that due to Starbucks' position, the queuing lanes cannot be changed. The board was adamant regarding the 'no left turn onto Coggeshall' issue. Mr. Modesto responded, referring to their traffic study. Chairperson Duff commented on traffic concerns.

Board Member Cruz inquired of Ms. Carloni as to a possible condition of a return to the queuing/stacking issue in a year.

There was further board discussion among members discussing parameters of necessary changes by the

applicant.

Brandon Shrimp, with the developer, reiterated that Starbucks will not agree to a no left out, and requested a continuance of the matter for a month, as did Att. Saunders.

A motion was made (AG) and seconded (PC) to continue this matter 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 2 - CASES #21-28/#21-29 – Request by applicant for Site Plan Review and a Special Permit for the construction of a mixed-use building with one commercial unit, 53 residential units, and associated underground parking at 278 Union Street, a 16,071 square foot Mixed-Use Business (MUB) zoned site in the Downtown Business Overlay District (Map: 46 Lot: 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union Street, New Bedford, MA 02740)

Chairperson Duff noted that with the board's current lack of revised plans, she expects a continuance of the matter.

Att. Saunders stated that much of the site plan already submitted has not changed, as they have responded. He noted they had also recently submitted a rendering of the building, as requested, and displayed the same. Chairperson Duff detailed the missing items and information the board would need to properly review the project.

Att. Saunders detailed some of the steps the applicant has already taken and addressed, including the balcony near Minerva's. He also noted another matter with renderings that was approved by the board at 117 Union Street. Chairperson Duff commented that all that can be considered together with the needed drawings and specs. Mr. Markey reminded the board of issues addressed at the last meeting.

Att. Saunders noted his client, on the call as well, wished to address the board. Duane Jackson expressed his dismay and confirmed the absence of a formal architectural presentation, plans, elevations, et cetera, to the board. Att. Saunders respectfully disagreed that the board had not received a presentation showing the plans and reviewed their presentation history for the board. Chairperson Duff reiterated that in spite of requests, the revised drawings were not received, and she elaborated on information that remains absent to the board and that which the board still needs for proper complete review.

Mr. Jackson again tried to confirm that that presentation was not already done. Chairperson Duff elaborated on the issue with Mr. Jackson, and they attempted to clarify what has been addressed and what additional items are outstanding and yet to be submitted to the board. Mr. Jackson reviewed what he believed had already been presented and requested specifics on what the board additionally requires. Chairperson Duff suggested Mr. Jackson consult with the New Bedford Planning Staff and noted timing of submission in relation to the hearing.

A motion was made (AG) and seconded (PC) to continue these matters 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

NEW BUSINESS:

ITEM 3 – CASE #21-34 – Request by applicant for a Special Permit for a parking reduction at 45 Chestnut Street (Map: 58 Lot: 242), a 4739± square foot site in a Residence B (RB) zoned district. Owner/Applicant: Ahmet F. Dirican (45 Chestnut Street, New Bedford, MA 02740).

Armando Pereira described the property and its location. He noted a successful Zoning Board appearance. He described parking and green space on this historical property, and addressed their request for reduction in parking, and his hesitation to add asphalt. He also addressed the egress porch addition.

Chairperson Duff clarified the number of the property's bedroom units, and took board member comments.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposed an unknown male voiced support for the reduction.

A motion was made (AG) and seconded (AK) to approve the reduction of parking from 4 spaces to 2 available at 45 Chestnut Street (Map: 58 Lot: 242), a 4739± square foot site in a Residence B (RB) zoned district, with the following specific conditions:

- The number of parking spaces required shall be two (2);
- Any conditions imposed by the Zoning Board of Appeals of the Historic Commission in decisions related to this property shall be considered conditions of this decision,

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 the 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;
- 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 #21-35 – Request by applicant for Site Plan Review for the construction multiple solar panel arrays and associated site improvements at 376 Nash Road (Map: 102 Lost: 85, 95, 163, 185), a 3.8 acre site in an Industrial-B (IB) zoned district. Owner/Applicant: NextGrid Inc. (PO Box 73069 #7775, San Francisco, CA 94120).

Rich Riccio, Field Engineering, provided an overview of the project and history of the purchase and plans. He detailed the project plans for the board, to include structures, vertical clearances, site ground covers, proposed access repairs of potholes, et cetera. Mr. Riccio discussed groundwater mitigations, plans and permits. He discussed wetland determinations and detailed landscaping and vegetation improvements. He noted underground power locations. Mr. Riccio produced renderings. There was discussion on maintaining the present parking and striping, screening, et cetera.

Mr. Riccio explained the cabling for Chairperson Duff, along with energy storage. Dan Serber spoke for the applicant on the required Smart Program battery storage system they are proposing.

In response to Chairperson Duff, Mr. Saber addressed the staff report as relates property line improvements, such as any potential new fencing and low shrubs in the Earle Street area. He noted a scheduled appearance before the Zoning Board related to property lines. Mr. Riccio welcomes questions.

In response to Board Member Cruz, Mr. Saber discussed the racking system and their locations, as relates to drainage and sheeting. He noted no plan for gutters or decking. There was discussion on the orientation of the proposed panels near the railroad right of way, as well as property line offsets. Mr. Saber discussed the battery storage system location near the railroad right of way. Board Member Cruz was concerned about setting precedent regarding offsets, and suggested a buffer.

Board Member Glassman confirmed Board Member Cruz's position on the storm water plans.

Chairperson Duff confirmed Board Member Cruz's concerns on the right of way and property line offsets. Mr. Saber discussed the same.

Mr. Riccio posted truck turning movements and discussed the same, as well as their goal to keep equipment as remote as possible. There was further discussion with Board Member Cruz on actual present parking and gaining space in that area.

Mr. Riccio displayed the railroad lines for Chairperson Duff. Board Member Cruz requested the applicant reach out to Mass Coastal Railroad and Mass Rail transit regarding the glare concerns.

Board Member Khazan inquired as to any wetland issues with the Conservation Commission. Mr. Riccio addressed the same.

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

After board discussion, to include buffers on the rail right of way, the Earle Street chain link fence and buffer, the glare concern, and a discussion on conditions, a motion was made (AG) and seconded (PC) to approve site plan review for the construction multiple solar panel arrays and associated site improvements at 376 Nash Road (Map: 102 Lost: 85, 95, 163, 185), a 3.8 acre site in an Industrial-B (IB) zoned district with the following specific conditions:

- Applicant shall submit a recorded easement as indicated on plans prior to issuance of a building permit;
- Applicant shall submit revised plans indicating the number and type of plantings proposed for all landscaped areas to the Department of City Planning for review prior to issuance of a building permit;
- Applicant shall submit revised plans indicating a snow storage area to the Department of City Planning for review prior to issuance of a building permit;
- Applicant shall submit final solar panel elevations to the Department of City Planning for review prior to issuance of a building permit;
- The project shall be undertaken in a manner consistent with the activity and usage limitations in effect on the site;
- Applicant shall work with DPI to address all memorandum comments dates 10/13/21;
- The chain link fence along Earle Street will be repaired or replaced and plantings will be put in according to staff planners;
- There shall be a 10' buffer along the rail from the rail right of way;
- The Board recommends the applicant reach out to Mass Railway and Transit and Coastal Rail.

General conditions previously read also apply.

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 #21-36 – 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 from Industrial-B (IB) to Mixed-Use Business (MUB) of the properties shown on the Assessor's Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street).

Chairperson Duff refamiliarized the board with the matter's history, as previously approved before the board.

Att. Marc Deshaies spoke to petition seeking to have a unified zoning district on the easterly and westerly side of

JKF Highway/Rte 18. He discussed the parcels, currently zoned Industrial B, and associated limits. Att. Deshaies noted his work with Dunkin Donuts as they seek to do business on non-leased property, similar to this situation. He addressed spot zoning concerns. He noted the employment that would result.

Att. Deshaies explained the time line of the matter.

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

After brief board member comments, a motion was made (AG) and seconded (PC) to affirmatively approve and recommend to the city council to consider the rezoning request of Case #21-36.

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 – 468 COUNTY STREET - Proposed modification to previously approved site plan for 468 County Street & NW William Street Assessors Map 52 Lot 176 & 178 in a Mixed-Use Business Zoned District. Request for determination whether a proposal to add pneumatic tube system to drive-thru requires a modification filing before the board or may be approved administratively.

Chairperson Duff noted a proposed modification to a previously approved site plan which she read into the record. She then made a recommendation to grant Jen Carloni the authority to approve internally the review of the switch to a pneumatic system at this existing drive-thru.

Board Member Glassman inquired as to the reason for the return to the old system. Chairperson Duff shared her belief that the reasoning is that the pneumatic system move vehicles in the queuing lanes faster.

A motion was made (AG) and seconded (AK) to grant City Planner Jen Carloni the authority to administratively review and approve site plan changes proposed related to the drive-thru at 468 County Street.

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

OTHER BUSINESS

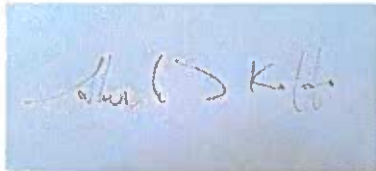
Discussion on the revised site plan review application was tabled to the next meeting. Chairperson Duff also requested board members review the materials, which have resulted from such hard work. She encouraged feedback.

City Planner Carloni provided the board with updates, to include upcoming public meetings on Rte. 18N, SERPD work and the Waterfront Plan. She announced Mike McCarthy as the Assistant City Planner.

ADJOURNMENT

A motion was made (AG) to adjourn.

Whereupon proceedings concluded at 9:04pm.

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "Alex J. Kalife".

Alexander J. Kalife, Clerk

3/29/22