



City of New Bedford
Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL

PLANNING DIRECTOR
TABITHA HARKIN

PLANNING BOARD

NEW BEDFORD PLANNING BOARD
New Bedford Public Library – 3rd Floor
Pleasant Street
New Bedford, MA

February 12, 2020

MEETING MINUTES

OFFICE OF THE CITY CLERK
NEW BEDFORD, MA
2022 APR 12 PM 2:31
CITY CLERK

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

ABSENT: None

STAFF: Tabitha Harkin, *City Planner*
Rudy Botros, *Staff Planner*

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:06 p.m.

2. ROLL CALL

A formal roll call was conducted confirming members present as listed above.

Chairperson Duff announced that Case #19-32 will be continued to the April 2020 meeting.

3. PUBLIC HEARINGS

ITEM 1 - Case# 18-04 & 18-05 – Request by applicant for the Extension of Covenant to February 2022 for the definitive subdivision plan entitled, "Farland Estates I" prepared for MIH1, LLC, dated December 15, 2017 as revised through January 30, 2018, by Farland Corp., 401 County Street, New Bedford, MA 02740.

Subdivision is located on the Easterly Side of Acushnet Ave between Phillips Rd and Arnoff Street (Map: 130D Lots: 117, 379-387, 392-419) in the Residential A (RA) and Mixed Use Business zoning districts.

There being no applicant present to address the board, Ms. Harkin provided details on the matter.

There was board discussion as to any need for an estimate/bond and an extension of the covenant in the event of a continuance of the matter.

Applicant's representative entered the meeting and agreed to a continuance.

A motion was made (AG) and seconded (PC) to continue the matters to the April 2020 planning board meeting.

ROLL CALLVOTE:

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

Motion passes 5-0

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

ITEM 2 – Case # 19-32 – Request by applicant for Site Plan review for the rehabilitation of an existing 8,800 SF medical office building to a new outpatient medical office; located at 52-54 Brigham Street (Map: 39 Lot: 18) on a 26,433+ SF site in a Mixed Use Business (MUB) zoned district. Owners: Grand Union Medical Associates Condominium Trust: PRL Realty, LLC c/o Pedro Falla (52-54 Brigham St, Unit 1 New Bedford, MA 02740), Patricia L. Andrade (52-54 Brigham St, Unit 2 &3 New Bedford, MA 02740), Wayne G. Tessier and Pauline Massed, Trustee of Suite 5 Real Estate Trust (52-54 Brigham St, Unit 5 New Bedford, MA 02740), Elizabeth Silva & Durval J. Silva, Trustee of Suite 6 Realty Trust (52-54 Brigham St., Unit 6 New Bedford, MA 02740). Applicant: Total Wellness Center, LLC d/b/a Clean Slate Centers, Inc. (12 Cadillac Drive, Suite 380 Brentwood, TN 37027). Continued agenda item from November 04, 2019.

Chairperson Duff noted a January 29, 2020 request for continuance To the April 2020 meeting. Chairperson Duff read the correspondence into the record.

A motion was made (AG) and seconded (PC) to approve the continuance.
Motion passed unopposed.

ITEM 3 – Case #20-01/20-02

Case #20-01 - Request by applicant for Site Plan review for the renovation and rehabilitation of an existing building, a former firehouse built c. 1892, into residential units located at 109 Hillman Street (Map: 58 Lot 157) on a 6,490 SF site in an Residential A (RA) zoned district. Owner: City of New Bedford (133 William St., New Bedford, MA 02740). Applicant: Waterfront Historic Area League (15 Johnny Cake Hill, New Bedford, MA 02740).

Case #20-02 – Request by applicant for Special Permit for the reduction of the number of parking spaces required for the renovation and rehabilitation of an existing building, a former firehouse built c. 1892, into residential units located at 109 Hillman Street (Map: 58 Lot 157) on a 6,490 SF site in an Residential A (RA) zoned district. Owner: City of New Bedford (133 William St., New Bedford, MA 02740). Applicant: Waterfront Historic Area League (15 Johnny Cake Hill, New Bedford, MA 02740).

Chairperson Duff recused herself from hearing this matter due to a conflict of interest. Board Member Shayne Trimbell joined the hearing.

Rachel Allison, WHALE Project Manager, detailed the history and location of this currently vacant firehouse. She stated they propose a new use as a mixture of market rate and affordable housing; one of the only viable reuses for the building. Ms. Allison discussed the project, to be based on historical documentation, and associated rehabilitation.

Ms. Allison then reviewed the site plan, including introduction of permeable greenspace and subsurface drainage. She then addressed the project parking issues, noting five available spaces to include a handicap space/unit.

Ms. Allison stated she believes there is precedence in the city for this kind of rehabilitation, as well as economic benefits to the city. She ended by noting likely demolition of the building without this project.

Board Member Glassman confirmed the parking space amounts. There was further discussion on the parking.

Teri Bernert, Executive Director at WHALE, discussed the unit breakdowns. In response to Board Member Glassman, Ms. Bernert stated landscaping and lighting plans will be forthcoming. She noted the use of historic rehab standards.

In response to Board Members Trimbell and Khazan, Ms. Bernert discussed the trash/recycle bins and the related enclosure.

In response to Board Member Cruz, the handicap accessible pathways, as well as landscaping, were discussed. In response to Board Members Glassman and Khazan, there was further discussion and suggestions on parking and snow storage.

A motion was made (PC) to open the public hearing.
Motion passed without opposition.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition of the project, Andrew Dillon, an abutting business owner, stated he has no problem with the project, but does have a problem with the parking. Mr. Dillon expressed his concerns.

The applicant displayed the parking.
Mr. Dillon continued to express parking concerns.

In response to Board Member Glassman's further invitation to speak or be recorded in favor or opposition of the project, Bob Duquette, 105 Hillman Street, stated he too is not opposed to the project, but is opposed to the parking as an area resident. He suggested fewer apartments or revised street parking rules.

Ms. Bernert detailed the parking requirements based on unit sizes and discussed options to try to address the shortage. In response to Board Member Khazan. Ms. Bernert stated that no traffic study had been done. There was further parking discussion.

There was no response to Board Member Glassman's further invitation to speak or be recorded in favor or opposition of the project.

A motion was made (PC) and seconded (AK) to close the public hearing.
Motion passed unopposed.

After board discussion on conditions, parking, including handicapped, and parking bollards/wheel stops, a motion was made (ST) and seconded (KK) to approve site plan review relative to the property located at 109 Hillman Street (Map: 58 Lot 157) on a 6,490 SF site in an Residential A (RA) zoned district. As well as a motion to approve the special permit requesting parking reduction relative to the property located at 109 Hillman Street (Map: 58 Lot 157) on a 6,490 SF site in an Residential A (RA) zoned district.

The following specific conditions apply:

1. That a lighting plan be submitted prior to the issuance of a building permit;
2. That a revised planting plan with type and orientation of shrubs and perennial plantings be submitted for review and approval of the planning staff prior to issuance of a building permit;
3. That the site plan shows slatted fence screening for the trash receptacle area; A private hauler for trash will need to be procured; City services can provide recycling pickup;
4. That the site plan show wheel stops at accessible parking/loading area;
5. That the applicant meet with the Traffic Commission to discuss off-street parking on County and Hillman Streets adjacent to the property, including a handicap accessible parking space in front of the building;
6. Designated green space in the northwest parking lot shall be reserved for snow storage.

The following general condition 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 done in a manner consistent with the memorandum from the DPI received and placed on file, and the Planning Board incorporates the DPI memo as 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 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 certifying 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 certifying 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 must return before this board for further review;
- That 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 preconstruction meeting with the Department of Public Infrastructure prior to the start of construction.

ROLL CALLVOTE: Case #20-01 – site plan review

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

ROLL CALLVOTE: Case #20-02 –special permit

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

Chairperson Duff re-enters the meeting, while Board Member Trimbell exits.
The following two cases were heard together to be voted on separately.

ITEM 4 – CASES #20-03/20-04

Case #20-03 – Request by applicant for Site Plan review for the construction of a Taco Bell fast food restaurant located at 123 Rockdale Ave (Map: 18 Lot: 113) on a 23,990 SF site in an Industrial B (IB) zoned district. Owner: Torman Family Realty, LLC (123 Rockdale Ave, New Bedford, MA 02740). Applicant: Lockwood/McKinnon Group, Inc. (79 North Main St., Mansfield, MA 02048).

Case #20-04 – Request by applicant for New Ground Sign Site Plan review for a freestanding pylon ground sign at the construction of a Taco Bell fast food restaurant located at 123 Rockdale Ave (Map: 18 Lot: 113) on a 23,990 SF site in an Industrial B (IB) zoned district. Owner: Torman Family Realty, LLC (123 Rockdale Ave, New Bedford, MA 02740). Applicant: Lockwood/McKinnon Group, Inc. (79 North Main St., Mansfield, MA 02048).

A motion was made (AG) and seconded (PC) to receive documents from the applicant.
Motion passed unopposed.

Atty. Edward Cochran, representing Lockwood/McKinnon, stated that C1 is a rendered site plan as submitted showing the plantings for the property. He noted this was their third departmental hearing. He described the project area and surroundings in detail, as well as their plan to eliminate a curb cut.

Atty. Cochran noted the permits, et cetera, already approved. He then discussed the setbacks for the sign. Atty. Cochran then highly complimented the exceptional Planning Board staff.

Atty. Cochran listed their concern with DPI comments and explained the same, such as grass ribbons and street trees. There was further discussion on the proposed layouts and the surrounding businesses. He then discussed water meter/water line issues. Atty. Cochran invited questions.

Chairperson Duff commented on the usual upholding of other board/department conditions. There was further discussion on the project.

In response to Chairperson Duff, Atty. Cochran addressed the entrances in the proposal, the right of way/easements, signage, and directionals/markings. An aerial photo was displayed and discussed. In response to Board Member Cruz, Atty. Cochran discussed any easements that affect movement on the property and the effect on abutters, such as Moose Lodge. In response to Chairperson Duff, there was discussion with the applicant's representative on trash screening, elevation, grading and materials, property curbing, wall perimeters and materials, and parking. Chairperson Duff suggested shrubs and ground cover. After discussion, the applicant agreed to work with planning staff and the abutter.

In response to Chairperson Duff there was discussion on the property line, curbing/retaining wall, materials and grades. Chairperson Duff suggested delineating the property's east side.

Chairperson Duff raised discussion on the signage/lighting. The applicant's representative detailed the same. There was discussion on the proposed 7:00 a.m. to 3:00 a.m. seven days per week operating hours, deliveries, et cetera. David Lockwood joined the discussion on lighting, as well as discussion on the pylon sign. There was then brief discussion on storm water management. Mr. Peralta, on behalf of the applicant, discussed traffic flow.

A motion was made (PC) to open the public hearing.
Motion passed without opposition.

In response to Chairperson Duff's invitation to speak or be recorded in favor of the project, Ward Councilor Joseph Lopes stated he had met with the project developers and he supports the project. He agreed with Chairperson Duff's recommendations regarding the retention of the street ribbon and an additional 3rd tree.

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

There being no further discussion, a motion was made (AG) and seconded (PC) regarding Case #20-03 to approve Site Plan review for the construction of a Taco Bell fast food restaurant located at 123 Rockdale Ave (Map: 18 Lot: 113) on a 23,990 SF site in an Industrial B (IB) zoned district with the following conditions:

- Applicant to work with DCP and DPI staff to relocated one (1) street tree on site;
- Two additional trees and shrub materials to be be planted on the northwest corner; Applicant to work with DCP staff to review and approve landscape plan prior to issuance of building permit.
- Work with the corporate abutter (Autozone) to install green space along the easterly property line;
- Wall signage and site lighting will be limited to 7:00 a.m. and shut off one hour after closing;

- Includes all DPI comments.

ROLL CALLVOTE: Case #20-03

Vice Chairperson 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 made (AG) and seconded (PC) regarding Case #20-04 to approve New Ground Sign Site Plan review for a freestanding pylon ground sign at the construction of a Taco Bell fast food restaurant located at 123 Rockdale Ave (Map: 18 Lot: 113) on a 23,990 SF site in an Industrial B (IB) zoned district

ROLL CALLVOTE: Case #20-04

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

A Needed correction was noted stating the project is in a Mixed Use rather than an Industrial B zone.

ITEM 5 – CASES #20-05/20-06

Case #20-05 – Request by applicant for Site Plan review for the installation of a new ATM at an existing drive-thru island and the renovation and rebranding of a former bank building into a Mechanics Cooperative Bank located at 1238 Kempton Street (Map: 54 Lots: 6, 7, & 97) on a 9,252 SF site in a Mixed Use Business (MUB) zoned district. Owner: Charter Dartmouth, LLC (800 Westchester Avenue, Suite S-632, Rye Brook, NY 10573). Applicant: Mechanics Cooperative Bank (PO Box 552, Taunton, MA 02780).

Case #20-06 – Request by applicant for New Ground Sign Site Plan review for a freestanding pylon ground sign at the renovation and rebranding of a former bank building into a Mechanics Cooperative Bank located at 1238 Kempton Street (Map: 54 Lots: 6, 7, & 97) on a 9,252 SF site in a Mixed Use Business (MUB) zoned district. Owner: Charter Dartmouth, LLC (800 Westchester Avenue, Suite S-632, Rye Brook, NY 10573). Applicant: Mechanics Cooperative Bank (PO Box 552, Taunton, MA 02780).

Joseph Baptista stated this existing bank facility, which was active until July 2019, had a walk-up ATM on the front of the building facing Kempton Street. It was removed by the tenant, and the space will not be reutilized. The applicant will install a drive-up ATM, and further explained the details and location of the same. He then discussed the change/relocation of the existing building exterior street sign.

Chairperson Duff confirmed that a tree will be removed in order to install the sign.

Mr. Baptista spoke on planned changes to the greenery, and he noted there is no change of prior use.

There was then discussion on signage changes/additions due to visibility issues.

Chairperson Duff commented on the lack of visuals for the public to view at this time.

In response to Board Member Khazan there was discussion on parking/employee parking.

Chairperson Duff confirmed the pylon sign is intended to be lit, along with an electronic message board. Mr. Baptista stated the hours of operation as Mon-Fri 7:30/9:00 a.m. with a 4:00 p.m. closing Monday thru Wednesday, a 6:00 p.m. closing Thursday & Friday, and Saturday 7:00 a.m. - 12:00 p.m.. In response to Chairperson Duff reiterating the sign would be lit upon opening and shut off one hour after closing, Mr. Baptista stated the lighting should remain on for the ATM. He is seeking 24/7 operation of the low lit sign. Chairperson Duff objected to setting that precedence. Mr. Baptista said that typically the signs are only lit during hours of darkness. There was further discussion in lighting times, including the digital sign.

In response to Chairperson Duff, there was extensive discussion on the sign details, such as size, digital display, et cetera. Chairperson Duff expressed serious concern about the sign size. There was further discussion about size modification concessions and/or highway sign movement.

Chairperson Duff suggested a continuance for modifications. There was discussion on the same.

In response to Chairperson Duff's invitation to speak or be recorded in favor opposition of the project, Ward Councilor Scott Lima stated he was somewhat opposed to the project. He requested a continuance and explained his reasons for the request, such as a lack of visuals for the public. He also stated he is opposed to the ATM relocation, the electronic sign lighting effects and area traffic flow.

In response to Chairperson Duff's invitation to speak or be recorded in favor or in opposition of the project, Annette and Harold Morton stated they are longtime neighborhood residents. She complained about current parking issues/traffic which she believes will only increase with this project. She also expressed concern with the sign illuminating her window.

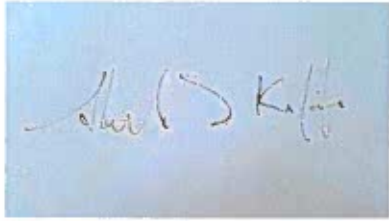
There was no response to Chairperson Duff's further invitation to speak or be recorded in favor or in opposition of the project.

After brief discussion about Zoning Board proceedings, a traffic study and lighting plan, a motion was made (AG) and seconded (PC) to continue these matters to the March 11, 2020 meeting. Motion passed unopposed.

Chairperson Duff continued Case # 20-07 and Case #20-08 due to time expiration.

4. ADJOURNMENT:

A motion was made (PC) and seconded (AG) to adjourn at 8:54 p.m.
Motion passed unopposed.

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

Alexander J. Kalife, Clerk

4/12/22

Date