



**MAYOR**  
JON MITCHELL

**PLANNING DIRECTOR**  
TABITHA HARKIN

## City of New Bedford Department of City Planning

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### PLANNING BOARD

#### NEW BEDFORD PLANNING BOARD

New Bedford Main Library  
3<sup>rd</sup> Floor Meeting Room  
Pleasant Street  
New Bedford, MA

March 11, 2020

#### MEETING MINUTES

#### PRESENT:

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

#### ABSENT:

Kathryn Duff  
Kamile Khazan

#### STAFF:

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

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

#### 1. CALL TO ORDER

Acting Chairperson Glassman called the meeting to order at 6:00 p.m.

#### 2. ROLL CALL

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

#### 3. PUBLIC HEARINGS

**ITEM 1 - CASES #20-08** – Request by City Councilors, Linda M. Morad and Joseph P. Lopes 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 – Comprehensive Zoning, Section 3147, Relative to Parking Spaces and Loading Areas by amending the language to allow for alternative parking space and loading area surfaces allowed by Special Permit granted by the Planning Board. The full text of the proposed amendment is available for review at the Planning Office, Room 303 of City Hall, 133 William Street, New Bedford, MA

**between the hours of 8:00 AM to 4:00 PM Monday through Friday. Continued agenda item from February 12, 2020.**

Councilor Joseph Lopes discussed the Cisco New Bedford project and potential city considerations for change, specifically to allow seashells in parking areas and loading spaces.

Ms. Harkin noted that this could assist other properties regarding special permits.

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

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

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

After brief board discussion, a motion was made (AG) and seconded (PC) to favorably recommend the ordinance amendment allowing for alternative parking space and loading area surfaces upon special permit by the planning board.

**ROLL CALLVOTE:**

Vice Chairperson Glassman – Yes	Board Member Kalife – Yes
Board Member Cruz – Yes	Board Member Trimbell - Yes
Motion passes 4-0	

**ITEM 2: 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 II, LLC (800 Westchester Avenue, Suite S-632, Rye Brook, NY 10573). Applicant: Mechanics Cooperative Bank (PO Box 552, Taunton, MA 02780). Continued agenda item from February 12, 2020.

**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 II, LLC (800 Westchester Avenue, Suite S-632, Rye Brook, NY 10573). Applicant: Mechanics Cooperative Bank (PO Box 552, Taunton, MA 02780). Continued agenda item from February 12, 2020.

Joseph Baptista detailed the revisions they had made after planning board comments, to include lighting, fencing and traffic. He displayed illustrations of the same.

There was sign size/height discussion. Acting Chairperson Glassman noted the improvement from the prior submission.

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

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

In response to Acting Chairperson Glassman's invitation to speak or be recorded in opposition, Ward 5 Councilor Scott Lima stated he is not totally opposed to the project. He stated, also on behalf of the Mortons, that he is pro-business. He noted the mitigation made, such as the fence. He discussed the ATM drive-up versus ability to utilize tellers, and suggested the ATM be on the other side of the building. He is not in favor of the project being shot down.

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

A motion was made (PC) and seconded (ST) to reopen the public hearing.  
A motion was made (PC) and seconded (ST) to reclose the public hearing.

In response to Acting Chairperson Glassman's invitation to speak or be recorded in favor or opposition, Annette Morgan, 28 Metropolitan Street, discussed the volume of traffic at the intersection. She raised questions on the sign illuminations.

The board informed Ms. Morton of changes made to the sign, as well as the fencing and traffic egress/ingress.

After board discussion, including sign height, fencing, upcoming zoning board appearance, message board, a motion was made (AG) and seconded (PC) for Case #20-05 to approve 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 with the following specific conditions:

- The applicant will lower the logo to be flush with the top, reducing the sign height by 1';
- Revised sign plans depicting the lower sign shall be submitted to the Department of City Planning Staff for review and approval.

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 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 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 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 #20-05 – site plan review

Vice Chairperson Glassman – Yes      Board Member Cruz – Yes  
 Board Member Trimbell – Yes      Board Member Kalife – Yes  
 Motion passes 4-0

A motion was made (AG) and seconded (PC) regarding Case # 20-06, to approve New Ground Plan 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 with the following specific conditions:

- There shall be a 1' reduction in the sign height by making the logo flush;
- The revised plans are to be presented to ZBA before being approved by them.

ROLL CALLVOTE: Case #20-06 – site plan review

Vice Chairperson Glassman – Yes      Board Member Cruz – Yes  
 Board Member Trimbell – Yes      Board Member Kalife – Yes  
 Motion passes 4-0

**ITEM 3 : Case #20-07 – Request by applicant for Definitive Subdivision Plan (Form C) review for a five (5) lot residential subdivision; located at 1265 Bartlett Street (Map: 135 Lots: 299, 305 & a portion of 314) on a 59,658 SF site in a Residential A (RA) zoned district. Owner: Amandio & Jose Araujo (224 Nyes Lane, Acushnet, MA 02743). Applicant: Farland Corp. (401 County Street, New Bedford, MA 02740). Continued agenda item from February 12, 2020.**

Nick Dufresne, Farland Corp., described the location of the subject property. He stated the project had been before the board for a preliminary 4 Lot subdivision in October 2018 and received approval. In the finished design and after obtaining additional property the lots increased from 4 to 5, as well as roadway to abutter lot distances. Mr. Dufresne then discussed the proposed roadway, lot frontage, drainage and sewer/water. He noted no issues with DPI comments. He then welcomed questions.

In response to Acting Chairperson Glassman, Mr. Dufresne stated DPI had agreed to allow a sidewalk on one side

of the street.

Board Member Cruz discussed accessible ramps.

Mr. Dufresne discussed erosion control and trees to remain. There was discussion and clarification on Lots 5 and 303 ownership and landlocked/buildability problems.

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

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

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

After board discussion of conditions and surety/bond, a motion was made (AG) and seconded (PC) to approve The request by applicant for Definitive Subdivision Plan (Form C) review for a five (5) lot residential subdivision; located at 1265 Bartlett Street (Map: 135 Lots: 299, 305 & a portion of 314) on a 59,658 SF site in a Residential A (RA) zoned district with the following specific conditions:

- Before endorsing its approval on a definitive subdivision plan, the Planning Board shall require a restrictive covenant to insure construction of ways and the installation of municipal services;
- The plans will incorporate all comments received and the memorandum from DPI dated 2/7/20;
- The applicant survey trees of 12" diameter or greater on the property line's south side to identify any that could be retained as a buffer between the subdivision and the rear of established dwellings along Sheffield St;
- Two ADA accessible ramps at the roadway opening on both sides.

All general conditions apply.

**ROLL CALLVOTE:**

Vice Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Trimbell – Yes

Board Member Kalife – Yes

Motion passes 4-0

**ITEM 4: Case 20-12 – Request by Mayor Jon Mitchell 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 – Comprehensive Zoning, Section 4400, Relative to the establishment of a Flood Hazard Overlay District (FHOD) consistent with the Floodplain District. The full text of the proposed amendment is available for review at the Planning Office, Room 303 of City Hall, 133 William Street, New Bedford, MA between the hours of 8:00 AM to 4:00 PM Monday through Friday.**

Acting Chairperson Glassman informed the board that the matter will be continued to April 2020 due to lack of a quorum.

A motion was made (AG) and seconded (PC) to continue the matter.

Motion passed unopposed with Board Member Trimbell abstaining.

**ITEM 5: Case #20-09 – Request for the release from Covenant, lot 7 as shown on the plan of land entitled "Definitive Subdivision Plan of The Settlement in New Bedford, MA" prepared for DPM Development, by SITEC,**

**Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, dated March 16, 2004 as revised through September 27, 2005; and recorded with the Bristol County (S.D) Registry of Deeds Plan Book 157 Page 97. Applicant: DPM Development & Moniz Properties Inc (70 Lambeth Street New Bedford, MA 02745). Applicant's Agent: SITEC Inc (449 Faunce Corner Road Dartmouth, MA 02747).**

John Cornell, SITEC, explained the reasons for request for the release of Lot 7 and discussed the DPI estimates.

Acting Chairperson Glassman discussed the value of the lots that will remain. There was board discussion on the same.

Mr. Connell clarified some of the DPI estimate items, noting those already completed. He stated the value of the three remaining lots would be well in excess of the DPI estimate.

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

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

In response to Acting Chairperson Glassman's invitation to speak or be recorded or opposition, Amy Rezendes, 67 Bismark Meadows Road, stated she did not necessarily oppose the matter. She stated she and her neighbors received notification of this meeting. She questioned how Lot 7 impacts the retention pond on her road.

Mr. Connell noted the drainage is into the back and the wetland area. He stated that all of those considerations were addressed in the approved subdivision.

Ms. Rezendes further discussed the retention pond and her related water concerns. She also related concerns about any changes to the road that would make it a thru-way. She requested more details or a peer review.

Mr. Connell reiterated that those things had already been done and further addressed her water concerns.

Ms. Harkin explained the procedure before the board this evening, as well as previous hearing on the matter.

Board Member Cruz offered further information and clarification to address Ms. Rezendes concerns.

In response to Acting Chairperson Glassman's invitation to speak or be recorded in opposition, Marco Furtado, 49 Bismark Meadows Road inquired of any connection from the subdivision to Bismark Meadows Road. There was discussion on the same, including wetland locations.

Acting Chairperson Glassman explained that the only thing before the board is the release of the covenant.

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

After board discussion, a motion was made (AG) and seconded (PC) to approve the request for the release from Covenant, lot 7 as shown on the plan of land entitled "Definitive Subdivision Plan of The Settlement in New Bedford, MA" prepared for DPM Development, by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747, dated March 16, 2004 as revised through September 27, 2005; and recorded with the Bristol County (S.D) Registry

of Deeds Plan Book 157 Page 97.

**ROLL CALL VOTE:**

Vice Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Trimbell – Yes

Board Member Kalife – Yes

Motion passes 4-0

**ITEM 6: Case #20-10 – Request by applicant for New Ground Sign Site Plan review for a freestanding pylon ground sign; located at 906 Hathaway Road (Map: 120 Lots: 16 & 130) on a 14,584 SF site in a Mixed Use Business (MUB) zoned district. Owner: NB Practice Realty, LLC. (906 Hathaway Rd, New Bedford, MA 02740). Applicant: Atty. Marc R. Deshaies (115 Orchard St, New Bedford, MA 02740).**

Atty. Marc Deshaies, on behalf of the applicant, introduced those present and their roles. He described the property and its use, which has been purchased by the applicant. He explained the interior and exterior renovations. He then mentioned their new landscape plan as submitted.

Atty. Deshaies then discussed the current and proposed signs, including size and lighting. He noted this mixed use business district has no other LED signs in the area, stating this state of the art sign will be very narrow and will fit in.

In response to Board Member Cruz there was discussion with the applicant on the sign size and associated particulars, such as sign change timings. Dr. William Herr, 906 Hathaway Road, discussed the times of illumination. The board noted its precedence on the same.

Acting Chairperson Glassman reminded the board that the applicant has yet to go through the ZBA.

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

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

In response to Acting Chairperson Glassman's invitation to speak or be recorded in opposition, Paula Almeida, property owners abutting Hathaway Manor, on behalf of herself, her mother and other family members, stated that they were not necessarily opposed but had issues and concerns, some of which had been addressed. She expressed concern about the LED sign lighting, especially relative to their proximity/view. She suggested alternatives. She then discussed the new sign location.

Frank Meroney, sign developer, addressed attributes of the LED signs. The applicant's representative reported the sign will have no animation/motion.

Acting Chairperson Glassman explained that this board would approve only the sign itself, and with regard to LED lighting the applicant will appear before the Zoning Board of Appeals. Ms. Almeida thanked and complimented the Board.

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

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

After board discussion on conditions, a motion was made (AG) and seconded (PC) to approve the request by applicant for New Ground Sign Site Plan review for a freestanding pylon ground sign; located at 906 Hathaway Road (Map: 120 Lots: 16 & 130) on a 14,584 SF site in a Mixed Use Business (MUB) zoned district, with the following specific conditions:

- That the sign only be lit one hour prior to opening and one hour after closing;
- The illumination of the digital component is subject to ZBA approval;
- Landscaping to be inspected for consistency with the plans submitted prior to release of building permit.

**ROLL CALL VOTE:**

Vice Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Trimbell – Yes

Board Member Kalife – Yes

Motion passes 4-0

**ITEM 6: Case #20-11:** - Request by applicant for Site Plan review for the installation of a solar panel array and the construction of two canopy mounted solar panel systems; located at 1 Pearl Street (Map: 72 Lot: 172 & 173) on a 211,550 SF site in an Industrial B (IB) zoned district. Owner: Ocean View Realty Trust (680 Acushnet Ave, New Bedford 02740). Applicants: Pearl Street Solar Roof, LLC & Pearl Street Solar Canopy, LLC (405 Atlantis Rd. Suite E115, Cape Canaveral, FL 32920). Applicant's Agent: SITEC Inc (449 Faunce Corner Road Dartmouth, MA 02747).

Ms. Harkin noted that the applicant had requested a continuance to the next meeting.

A motion was made (AG) and seconded (PC) to continue Case #20-11 to the April meeting.  
Motion passed unopposed.

**4. OTHER BUSINESS:**

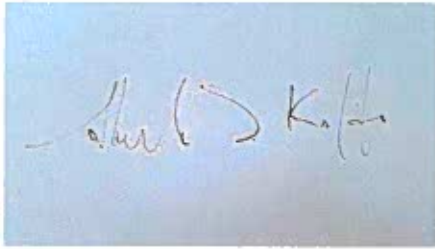
Ms. Harkin announced the April 2, 2020 listening session for Southcoast Rail is postponed due to the Covid-19 outbreak.

Acting Chairperson Glassman provided a CPA update, including a packet to go before the city council.



## **5. ADJOURNMENT**

A motion was made (PC) and seconded (AK) to adjourn at 7:48 p.m.  
Motion passed unopposed.

A handwritten signature in blue ink, appearing to read "Alex J. Kalife", is centered within a light blue rectangular box.

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Alexander J. Kalife, Clerk

4/12/22

Date