



City of New Bedford
Department of City Planning

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MAYOR
JON MITCHELL

PLANNING DIRECTOR
TABITHA HARKIN

PLANNING BOARD

NEW BEDFORD PLANNING BOARD
REMOTE MEETING
August 12, 2020

MEETING MINUTES

PRESENT: Kathryn Duff, *Chairperson*
 Arthur Glassman
 Peter Cruz
 Alex Kalife
 Kamile Khazan (entered shortly after the start of the meeting)

ABSENT: None

STAFF: Kirsten Bryan, *Deputy Director, Dept City Planning*
 Jen Carloni, *Senior Planner, Dept City Planning*

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

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:06 p.m. She provided a statement related to Covid-19 and public meetings.

2. APPROVAL OF MINUTES

A motion was made (AG) and seconded (PC) to approve the meeting minutes of April 22, 2020; May 13, 2020; June 10, 2020; and July 8, 2020.

ROLL CALLVOTE:

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

Motion passes 4-0

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

ROLL CALLVOTE:

Board Member Glassman– Yes	Board Member Kalife – Yes
Board Member Cruz – Yes	

Chairperson Duff - Yes
Motion passes 4-0

3. PUBLIC HEARINGS

ITEM 1 - Case #19-32 – 52-54 Brigham Street (site plan review)

Chairperson Duff noted a received request for continuance of the matter to the September 2020 meeting.

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

ROLL CALLVOTE:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Chairperson Duff - Yes

Motion passes 5-0

ITEM 2 – Case #20-11 – 1 Pearl Street (site plan review)

Chairperson Duff drew the board's attention to DPI comments and letters of support.

Steve Gioiosa, SITEC, described the previous actions on the matter. He provided an overview of the former tire recycling facility and surrounding area, to include the railroad. He noted previous concerns expressed about the Pearl Street entrance, screening and other upgrades. As a result, a site walk was done. He noted review of the curb cuts and upgrades. After client meetings, Mr. Gioiosa detailed the changes now made in a revised plan.

Mr. Gioiosa noted the proposed closing of the Pearl Street driveway entrance. They agreed to a vinyl fencing replacement in that area, set 4' off the layout line, leaving room for landscaping. He noted they plan continuation of the fence with termination at Acushnet Avenue, in conjunction with clearing overgrowth. He discussed site access from the two existing curb cuts, one of which will be restructured. He discussed an employee entrance, as well as truck entrance. He then discussed vehicular traffic and the canopies and posts. He described proposals for the second curb cut, which will also be reconstructed.

Mr. Gioiosa then discussed plantings and railroad runoff, which remain unchanged on the plans. He stated Mr. Silva and Ms. Harkin suggested clearing the overgrowth in the sidewalk, as well as other areas. He again discussed present fencing conditions and rehabilitation of the same along Acushnet Avenue. He discussed the limitations of the solar area on the site. Mr. Gioiosa discussed site maneuvering and solar panel location.

Mr. Gioiosa mentioned roof repairs and changes and associated improvements, such as recharge/runoff. He noted staff and DPI comments which he felt were appropriate.

In response to Chairperson Duff, Mr. Gioiosa stated the containers will be relocated underneath the canopy. Fence color and replacement versus rehab was further discussed. There was then discussion on the erosion control plan.

Chairperson Duff read into the record three letters of support received from Councilor Ian Abreu, Councilor Joseph Lopes, and Councilor Hugh Dunn.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Christopher Sheldon, Southern Light Solar, neighbor to the proposed project, stated this was a good opportunity to improve the site. He stated he supports this great project which will be good for the neighborhood, city and solar community.

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

After brief board discussion, including fencing, a motion was made (AG) and seconded (PC) to approve site plan review for installation of a solar panel array and construction of two canopy mounted solar panel systems relative to the property located at 1 Pearl Street, Map 72, Lot 172-173, in an Industrial B zoned district, with the following specific conditions:

- The planning board has approved the site for alternative parking material for parking and loading surfaces. The applicant is required to provide a written agreement and maintenance plan for the city right of ways adjacent to the property to the planning board as per ordinance Chapter 9, Section 3147;
- The fence along Acushnet Avenue is to be refurbished, reset and painted black;
- The plan set is to be revised to note removal of the existing chain-link fence along Pearl Street frontage on the demolition sheet and is to be removed from the site layout sheet;
- Closure of the Pearl street driveway curb cut;
- Restore the existing Acushnet avenue curb cut;
- Clean up and repaint the metal fence along Acushnet Avenue side;
- Fence to be continued to Acushnet Avenue from Pearl Street;
- Overgrowth and garbage along the property to be cleaned, and a maintenance plan established;
- All DPI comments apply.

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 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 Planning Division 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 Planning Division 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 Planning Division caser file folder;
- That the applicant shall present any proposed modification from the approved plans for consideration to the city planner 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:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Chairperson Duff - Yes

Motion passes 5-0

ITEM 3 – CASE #20-23 – WS Braley Road (site plan review)

Rich Rheume, Prime Engineering, described the project, which is an extension of a plan recently approved by the board. He discussed the locus and the railroad line. He noted the construction to date and added the vegetative screening which remains outstanding. Mr. Rheume explained the reasons for the same, noting they are awaiting potential planting in October. He discussed directional drilling under the railroad tracks. He stated the project was expected to generate five megawatts of solar, noting the number of wetlands and buffer provided which necessitated the addition before the board this evening. He stated access will be from Braley Road with a connection point identical to the John Vertente Blvd. He discussed the easterly wetlands system, providing vegetation to the east and the south. He further discussed the area, including a cranberry bog to remain as is.

Mr. Rheume displayed the solar field and discussed the same, including clearing to the wetlands and the planting of low shrubbery, et cetera, to avoid shading the panels. He noted an order of conditions from the conservation commission after initial submittal, as well as a peer review which resulted in the modified plans before the board. He further explained the display, to include a proposed infiltration swale, as well as gravel present on the site addressing runoff.

Mr. Rheume noted the fencing in of the solar array and its limited access. He noted the lack of visibility of the area to the public. He then discussed required signage, noting inverter location. He provided panel dimensions. Mr. Rheume then displayed the directional drilling plan. He then displayed and discussed the planting program.

In response to Chairperson Duff, Mr. Rheume stated the removal of woodland is estimated at six acres. He described the area. Chairperson Duff inquired as to a percentage of mature trees. Mr. Rheume explained the entire proposed location of the solar panels is wooded predominantly with 60' tall white pine. Chairperson Duff inquired as to concerns about the impact to site runoff. Mr. Rheume discussed the rate of runoff.

In response to Board Member Cruz, Mr. Rheume stated most will be directed to the swale, and further elaborated on the drainage, again referencing the conservation commission and peer review. He noted these were isolated wetlands with no need for replication. Board Member Cruz expressed concern with the lack of a

grading plan determining the slope toward abutting bogs. There was further discussion on the same, with Mr. Rheume stating the natural ridge lines remain the same, with a three to one slope.

There was discussion on any additional development but as it was noted the project is a project unto itself.

Board Member Cruz inquired as to the railroad aspect of the project, with regard to licensing or agreements in place. Mr. Rheume noted their approval from the MBTA to install. There was further discussion on the same, including ownership of the line, Mass Coastal and Mass Transit, as well as the utility connection. Board Member Cruz requested paperwork regarding the matter and suggested a continuance to obtain them. Mr. Rheume suggested approval with that condition.

Chairperson Duff also agreed with Board Member Cruz's desire to see paperwork, noting the applicant is responsible for providing the same. Mr. Rheume expressed disagreement with the board refusing to vote on that ground. The parties further discussed the issue, and again Board Member Cruz asked for the proof before he votes. Mr. Rheume again requested a vote with that contingency.

Board Member Cruz discussed the necessary approvals represented and expressed concern regarding resulting change to the original submission numbers. As such, he reiterated his uncomfortableness with voting on the matter absent the proof. Mr. Rheume again requested a vote tonight barring any procedure of the project until the proof is provided in light of the delay it would cause. Board Member Khazan inquired as to time delays.

Chairperson Duff supported the board's concern about the absence of any evidence of approvals and agreements. Ms. Carloni noted that staff had requested the evidence but were told it was coming. They have not yet received the same. Mr. Rheume again expressed his same request for the vote. Board Member Cruz noted he would possibly have to recuse himself from the vote and again suggested a continuance. Mr. Rheume again objected to a continuance, further explaining his reasons.

Chairperson Duff interrupted to note the crossing of a rail line is not a simple permit. She stated she took offense to Mr. Rheume's criticism of the board in light of Mr. Rheume's unresolved issues on this first appearance before the board on this matter. Board Member Khazan agreed and provided further solar panel development issues before commissions in the country.

Mr. Rheume represented the Braley Road access is there presently and the applicant has clearing approval from Conservation Commission. Chairperson Duff again noted the complex nature of the site. Mr. Rheume agreed to a continuance. He then provided further information on the area under the panels regarding planting. Mr. Rheume asked the board to clarify their requested submissions.

Chairperson Duff clarified the project fencing and the applicant's need for two access roads. There was further discussion on the same.

Chairperson Duff read into the record a letter of support from Councilor Joseph Lopes.

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

A motion was made (AG) and seconded (KK) to continue the case to the September 9th meeting.

ROLL CALLVOTE:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – recused

Board Member Khazan - Yes

Chairperson Duff - Yes

Motion passes 4-0

ITEM 4 – CASE #20-24 – 1024 King’s Highway – new ground sign site plan review

Anna Haluch, Pro Sign Graphics, stated they are seeking to relocate signs for the two multi-tenants due to MassDOT’s widening of the King’s Highway roadway. She displayed the existing signage, and provided details of the proposed internally illuminated signage, such as height, sign area, et cetera. She noted the volume of traffic in and around this shopping center. She invited questions.

In response to Chairperson Duff, Ms. Haluch further clarified sign size. There was discussion on the board’s usual sign lighting hours, especially in light of multiple tenants. The applicant welcomed a condition to turn off lighting one hour after the plaza closes and no sooner than one hour before opening.

Chairperson Duff inquired as to any landscaping plan for the internal roadway buffer. Ms. Haluch referenced the staff report and are addressing the issue. She noted that she is solely appearing with regard to signage. She offered to look into the matter. Chairperson Duff suggested a planting plan will also be a condition. There was discussion on the transformer/utility box location, which Ms. Haluch said she would look into as well.

Board Member Glassman expressed his pleasure with the project and the clean up to the area. Board Member Cruz agreed.

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

A motion was made (AG) and seconded (PC) to approve site plan review for the relocation and replacement of Two (2) existing pylon signs relative to property located at 1024 and 1080 King’s Highway, Map 123, Lot 109, Map 125, Lot29 in business zoned district with the following specific conditions:

- That lighting hours be no later than one hour after closing and no earlier than one hour before opening;
- That a planting plan for the base of the sign be submitted to the planning board or the planning staff for their approval.

The general conditions previously read also apply.

ROLL CALLVOTE:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – recused

Board Member Khazan - Yes

Chairperson Duff - Yes

Motion passes 5-0

4. NEW/OLD BUSINESS:

There was discussion on planning board fees after Ms. Carloni gave a summary/history of the same and referred a memo to the board related to the planned fees, to include advertising fees, site plan review fees per project scale, abutters list fees, mailing fees, legal ad fees, et cetera.

Chairperson Duff discussed site plan review calculations, such as a calculation on a solar farm. Board Member Cruz clarified the purpose of the mailing fees to the abutters. Chairperson Duff discussed other towns' fees and non-profit fees.

A motion was made (AG) and seconded (PC) to approve the proposed fee changes.

ROLL CALLVOTE:

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

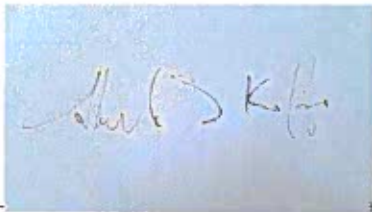
Kirsten Bryan then provided the board a planning update, to include the Transit Oriented Development Study and upcoming related website, as well as the city's shared streets and spaces grant funding. There was further discussion on the grant funding amounts/areas.

5. ADJOURNMENT:

There being no further business before the board, a motion was made (AG) and seconded (PC) to adjourn.

ROLL CALLVOTE:

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



Alexander J. Kalife, Clerk

4/12/22

Date