

2022 MAY 17 PM 2: 28

CITY CLERK

**NEW BEDFORD PLANNING BOARD
REMOTE MEETING
August 11, 2021**

MEETING MINUTES

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

ABSENT: **None**

STAFF: **Jen Carloni**
 Michael McCarthy

1. CALL TO ORDER

Chairperson Duff called the meeting to order at 6:02 p.m.

2. CALL OF THE ROLL

Chairperson Duff called the roll. She provided a brief mask and social distancing comment as well as meeting protocol.

3. APPROVAL OF MINUTES

A motion was made (AG) and seconded (PC) to approve the June meeting minutes.

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

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

4. PUBLIC HEARINGS

NEW BUSINESS:

ITEM 1 – Case #21-25 - Rezoning Request – 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 zoning from Industrial B to Mixed-Use Business of the properties shown on Assessors 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)

Att. Marc Deshaies, representing the Daily Grind, explained their current business ownerships. He noted their loss of leases, which resulted in their search for a permanent site, leading them to 756 So. Water Street. Att. Deshaies noted that a zoning analysis showed the property as being in a Mixed-Use Business District, which prohibits retail activity. After consultation with Mr. Romanowicz and Anne Louro, they realized they required a zoning amendment. He delineated the easterly land parcels which are small remnant lots left over from the imminent domain taking when laying out JFK Blvd., which retained Industrial B Zoning. He noted the four parcels in question, which will bring a zoning district uniformity to the area. He stated the westerly parcels are all Mixed-Use Business, as are many on the easterly side. He stated Mr. Romanowicz and Ms. Louro felt this would provide a better use and utility of the property, which would in current state never be used. Att. Deshaies again noted the enhanced uniformity this would provide, along with employment and revenue opportunities.

Chairperson Duff read letters of opposition and support into the record as follows:

- Letter of support sent August 3, 2021 from Joseph P. Lopes, Councilor Ward 6, City Council President;
- Letter of support sent July 20, 2021 from J.R. Santos, General Manager Guy Cotten Inc.;
- Letter of objection/opposition received 8/10/2021 from property owners, taxpayers, business owners, et cetera, signed by nine individuals in their capacities.

Chairperson Duff noted that the case had appeared previously before the board. She noted the area improvements and the small parcels' borders. She noted a recommendation would not be spot zoning. She clarified that the Planning Board does not do zoning changes, but simply makes a recommendation to city council, which ultimately goes for a council vote.

Board Member Khazan inquired as to any impacts on wholesale warehouse, self-storage, distribution facilities or transportation terminals regarding abutters. She discussed gray areas which will no longer be permitted and the abutter effects, in light of the letter received.

Chairperson Duff clarified that the change would affect the parcels within the area where they are requesting zoning change. It will not affect area parcels that are still Industrial B, and should not negatively affect the area parcels. Att. Deshaies echoed that the working waterfront will not be effected at all.

In response to Board Member Kalife, Att. Deshaies noted the use will be of the vacant warehouse with a drive-thru and small walk-in area. They was further discussion on use of lots of this size in this current zoning area.

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

proposed request.

After board discussion, to include the changes to the original proposal, spot zoning, parcel issues, working waterfront businesses, a motion was made (AG) and seconded (PC) to make a recommendation to the City Council for its consideration regarding the zoning from Industrial B to Mixed-Use Business of the properties shown on Assessors 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)

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 recused herself from the upcoming case and Vice-Chair Glassman took over the hearing.

ITEM 2 Case #21-26: 40 Edison Street – Request by applicant for Site Plan Review for the conversion of the existing building to a self-storage facility with associated site improvements at 40 Edison Street (Map: 107 Lot: 109) a 4.3-acre site in an Industrial-B (IB) zoned district. Owner: Edison Village LLC (352 Faunce Corner Road, Dartmouth, MA 02747). Applicant: Bravo Development LLC (1075 Hiawatha Lane, Riverwoods, IL 60015)

Ira Katz, Riverwoods, IL, of Bravo Development, introduced the project architect John Swirk, DDCA Architects. Mr. Katz discussed his long-term efforts to bring such a facility to the area. He spoke of the present building conditions and their plan to create a much needed Class A storage facility in the area.

Mr. Katz went through the staff report issues, to include landscaping & screening, noting an increase to 21% green space total, snow storage and exterior waste receptacles of which they will have none outdoors. He then discussed storm water. He then addressed mechanicals and screening related to this saw toothed roofed building. He continued by discussing signage and city limitations, lighting, sewerage changes decreasing amounts to a fraction by present comparison.

John Swirk discussed the building's present conditions, including the floor structure, more comment on the saw toothed roof, added sidewalks, landscaping/green space and lighting, as well the storm water system.

Mr. Katz noted the building's longstanding vacancy and improvements/investment they seek to make while attempting to preserve the design.

In response to Board Member Glassman, Mr. Katz described the entrances and access, noting no cars will be stored in the building.

In response to Board Member Cruz, Mr. Swirk discussed concerns raised and construction runoff to city streets, including the wells, proposed to be stone filled, cement coated and sealing. There was mention

of the environmental report. Board Member Cruz requested storm water calculations, et cetera, in light of a redevelopment of the site. There was further discussion on the issues, including additional green space.

Board Member Glassman noted DPI comments will also need to be considered.

Board Member Khazan inquired as to consideration of a motion to continue.

In response to Board Member Cruz there was discussion on the additional sidewalks.

In response to Board Member Khazan there was discussion on operating times, access, noise, and lighting. There was further discussion on hours of operation, noise and lighting hours and DPI comments.

Board Member Cruz raised further discussion on a landscaping plan and limited roof installation, including color.

Board Member Cruz discussed an existing structure, which applicant explained was the water pumping station, as well as parking.

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

There was no response to Board Member Glassman's invitation to speak in favor.

In response to Board Member Glassman's invitation to speak or be recorded opposed John Gomes of 14 Edison Street commented on recent visits to the property by the fire department. He expressed other concerns regarding the dumpsters, the narrow street parking, hours of operation, and the children.

Mr. Katz explained an incident after cleaning where fuel was spilled and they utilized the services of our fire department

In response to Board Member Glassman's further invitation to speak or be recorded opposed Chad of 564 Allen Street expressed concerns about light, the air during demolition, as well as rodents. He noted his rental properties problems with mice. He concluded that, apart from his concerns, he felt it was a good project for the property.

Mr. Katz, though stating he had not observed rodents, offered to hire an extermination company to address the concern. There was further conversation between Mr. Katz and Board Member Cruz.

There was no response to Board Member Glassman's further invitation to speak in opposed.

A motion was made and seconded to close public comment.
Motion passed unopposed.

There was board discussion on the additional information they wanted to see.

Mr. Katz explained project time constraints and due diligence to the board, as well as the processes yet to follow with any permitting. He gave assurances of their intended compliance.

Board Member Cruz raised checklist items missing in the submission, noting his opinion that they may need a continuance. Other DPI items/comments were discussed, including drainage and those expected to be forthcoming. Mr. Katz again noted their impending time constraints, referencing the considerable timeframe before they could obtain permits.

Board Member Glassman noted Items #15 and #21 in the DPI comments, noting his belief in the necessity of a continuance. There was further board discussion on Items #23 and #14. The board consulted with Ms. Carloni and invited her comments. Board Member Khazan noted the board's dilemma with making any decision absent the missing information.

Both Mr. Katz and Mr. Swirk advanced further assurance of their intentions to comply.

After further board discussion and consultation with Ms. Carloni, a motion was made (AG) and seconded (PC) to continue this matter to the 9/8/21 meeting.

ROLL CALL VOTE:

Board Member Glassman – Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Motion passes 4-0

(Chairperson Duff rejoined the meeting)

After board discussion, a motion was made (AG) and seconded (PC) to return to virtual Zoom meetings next month.

Motion passed unopposed.

Chairperson Duff provided information on the same.

ITEM 3 – CASE #21-27 - Request by applicant for a Special Permit for the construction of a fast-food restaurant with a drive-through and associated site improvements at 157-161 Coggeshall Street (Map: 93 Lots: 168, 169, 275), a 35,212± square foot site zoned Industrial B (IB) and Mixed-Use Business (MUB) in the Hicks-Logan-Sawyer IPOD. Owners: Scott R. Boutin & Tammy M. Boutin (358 Beam Street, New Bedford, MA 02744); Michael J. Khalife & Antoine J. Khalife MAYOR JON MITCHELL PLANNING DIRECTOR JENNIFER CARLONI 8/2/2021 11:41:47 AM CITY CLERK Page 2 of 2 (171 Coggeshall Street, New Bedford, MA 02746); Mitchell Street Trust-2013 (83 Point Road, Portsmouth, RI 02871). Applicant: ALRIG USA Development, LLC (30200 Telegraph Road, Suite 205, Bingham Farms, MI 48025)

Att. Chris Saunders introduced himself, as well as Jake Modesto. Att. Saunders provided a history on the project, noting all existing purchase & sales agreements are subject to this board's permitting and every other needed. Att. Saunders detailed the proposal for the combined land parcels to hold a Starbucks

fast-food restaurant, after demolishing existing structures. He explained why they are seeking relief from this board, as opposed to zoning.

Att. Saunders detailed the project for the board. He noted entrances in relation to DPI comments, as well as parking and the drive-thru. He noted the dumpster, the fence of which will be fixed if on property. He addressed snow storage, crosswalks and proposed pylon signage. He noted the lighting times requested of one hour after and one hour before business operations. He stated they have no issue with any other DPI comments, but for delivery truck access. He discussed the Overlay District areas and welcomed questions.

Chairperson Duff discussed public space/public way issues. Chairperson Duff stated she would insist on a peer review related to traffic in this developing area of the city and shared comments on the same.

Chairperson Duff then commented on the sign, the public way and building location on the lot, as well as site exiting. Chairperson Duff then clarified the existing lot coverage and planned greenery.

In response to Board Member Cruz and Glassman, Jake Modesto addressed the project and site design, stating they have presented the most ideal of the choices. He noted the traffic analysis they had conducted and explained the findings.

Board Member Cruz inquired as to the level of service on Coggeshall St. once adding this project. Mr. Modesto noted no change in Mitchell Street, and mitigation options can improvement service. They discussed accident frequency, auto turns for apparatus on Mitchell Street, delivery vehicles, hours of operation and noise as relates to the residential portion of the immediate area. Chairperson Duff and Board Member Cruz requested more information on delivery truck auto turn simulation. Mr. Modesto addressed the same and welcomed stipulations.

Chairperson Duff commented on the Mitchell Street public way/street scape. There was further discussion with Mr. Modesto on the same, to include pedestrian walking access, hedgerow installation.

Board Member Cruz and Mr. Modesto discussed the on-site drainage proposal, including impervious lot coverage. They then discussed site lighting spillover.

Chairperson Duff discussed site traffic/movements and pedestrian access with Mr. Modesto.

Chairperson Duff read into the record the following:

- Correspondence in support dated 8/19/21 from Councilor Maria Giesta;
- Correspondence in support dated 8/10/21 from Councilor Linda Morad;
- Correspondence in support dated 8/3/21 from Councilor Joseph Lopes.

In response to Board Member Duff's invitation to speak or be record in favor or opposed a gentleman from 171 Coggeshall Street, parcel owner, voiced his support of the project. He spoke on delivery turns to his nearby business, stating they go on without incident, as well as fencing.

In response to Board Member Duff's invitation to speak or be record in favor or opposed Heidi Johnson, Mitchell Street Trust, owner of the empty lot, voiced her support of the project.

Chairperson Duff inquired as to whether this Starbucks will be a franchised business. Mr. Saunders thinks this facility will be owned by Starbucks itself.

There was board discussion, to include the need for a traffic peer review, pedestrian access, the number of points of vehicle access/exit, exterior building materials sample, signage height, lighting and auto turn simulation. Att. Saunders explained billboard blockage of the sign.

After a review of outstanding items for the board, a motion was made (AG) and seconded (PC) to continue Case #21-27, to include a traffic peer review, to September 8, 2021 via Zoom.

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 noted that the following cases will be heard concurrently and voted upon separately **ITEM 4 – 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).

Att. Chris Saunders addressed the board on behalf of the applicants, noting that he would proceed this evening but expected to continue the matter due to recent receipt of the DPI report and resulting issues, and for the benefit of the public present. Att. Saunders read into the record a letter on behalf of his client Duane Jackson, suffering from health issues.

A motion was made (PC) and seconded (AG) to receive the same.

Motion passed unopposed.

Att. Saunders introduced Tom Schwecky, DHK Architects. Att. Saunders gave a brief overview of the project, its location and surroundings. He broke down commercial and residential spaces, and the unit bedrooms. Att. Saunders could not provide the affordability mix for Chairperson Duff, but stated they hope for 1/3 market rate with 2/3 work force and low/moderate income. He briefly discussed the need for parking reduction, tandem parking, zip cars and other issues they will address next month.

He noted snow removal, even of the sidewalks, and the management company. He mentioned trash for the building and compacting.

Chairperson Duff clarified installation of a new basement with underground parking off of Spring Street and inquired of any existing basement. There was further discussion and explanation regarding its affiliation with the commercial space, along with curb cut closings/modifications. Att. Saunders then discussed roofing materials and lighting included in staff comments, as well as others yet to be addressed.

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Chairperson Duff read into the record the following:

- Correspondence of 8/3/21 from Councilor Joseph Lopes in support of both cases
- Correspondence of 8/8/21 from Harold Cooper expressing several concerns and opposition
- Correspondence of 8/10/21 from Cynthia M. Furtado, Esq., in opposition

In response to Chairperson Duff's invitation to speak in or be recorded in favor or opposed, a gentleman stated he did not have ample time remaining to make his presentation and requested he be heard first at the next meeting on the matter, as he is elderly.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition Charlie Flood, 26th Eighth Street, stated he is opposed. He stated rules have reasons, rules such as the zoning. He stated he does not believe there is the city's best interest in mind. He cited building neglect, mice, and vagrants. He expressed his other concerns and feelings. He discussed the proposed curb cut and neighboring establishment dumpster.

Chairperson Duff clarified the use of the podium is not for accusation. She then explained and discussed regulations related to affordable housing.

Mr. Flood expressed his concern for disturbances to the neighborhood in traffic, construction, et cetera.

A gentleman, a neighboring pizzeria business owner, expressed concerns including traffic accidents and parking, play areas for children. Chairperson Duff noted DPI related issues and invited him to next month's meeting.

John Andrade, 41 Bedford Street, New Bedford Development Corporation, commented on the project which he found attractive and beneficial for downtown New Bedford. He continued to list what he believed were other project benefits.

Kyle Stemler, 26 Eighth Street, from the neighboring building explained his location and the impact this project would have on his view and the project construction impact. He offered comments about actual affordable housing benefits. He commented on the lack of parking.

Chairperson Duff suggested Att. Saunders offer some of that information at the next meeting.

A motion was made (PC) and seconded (KK) to continue these matters to the next meeting.
Motion passed unopposed.

OTHER BUSINESS:

There was comment by Board Member Glassman on CPA related issues, including available workshops

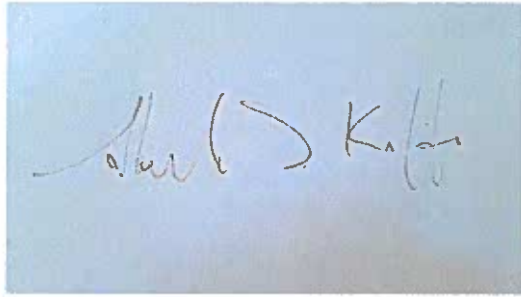
ADJOURNMENT:

A motion was made (AG) and seconded (PC) to adjourn at 9:10 p.m.
Motion passed unopposed.

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A rectangular area containing a handwritten signature in dark ink on a light blue background. The signature appears to read "Alexander J. Kalife".

Alexander J. Kalife, Planning Board Clerk

May 11, 2022

Date