Registry of Deeds/City Clerk Use Only:

2023 FEB 21 PM 3:28
CITY CLERK

PLANNING BOARD
City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508) 979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	23-05
Request Type:	Site Plan Review
Address:	781 Church Street
Zoning:	Industrial C (IC)
Recorded Owners:	Church Street, LLC
Owner Address:	781 Church Street, New Bedford, MA 02745
Applicant:	Parallel Products Solar Energy, LLC
Applicant Address:	401 Industry Drive, Louisville, KY, 40208

Application Submittal Date	Public Hearing Date(s)	Decision Date
January 17, 2023	February 8, 2023	February 21, 2023

Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
125; 129	10; 38 & 41	6567	203	

Application: Request by applicant **Site Plan Review** for the new construction of solar canopies at 781 Church Street (Maps: 125; 129 Lots: 10; 38 & 41), a 43.5± acre site in an Industrial C (IC) zoned district. Owner: Church Street, LLC (781 Church Street, New Bedford, MA 02745) Applicant: Parallel Products Solar Energy, LLC (401 Industry Drive, Louisville, KY 40208).

Action: GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on February 21, 2023. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

2/21/23

Date

Arthur Glassman, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Request by applicant for **Site Plan Review** for the new construction of solar canopies at 781 Church Street (Maps: 125; 129 Lots: 10; 38 & 41), a 43.5± acre site in an Industrial C (IC) zoned district. Owner: Church Street, LLC (781 Church Street, New Bedford, MA 02745) Applicant: Parallel Products Solar Energy, LLC (401 Industry Drive, Louisville, KY 40208).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The engineered plan submission is shown as "Site Plan – 781 Church Street" dated 8/11/22 and prepared by Farland Corp. of Dartmouth, MA. The plans are stamped by Christian Farland, PE, date stamped received by the City Clerk's Office 1/17/23. The plan set consists of the following sheets:

- Cover Sheet
- Sheet 2 EXISTING CONDITIONS
- Sheet 3 LAYOUT
- Sheet 4 DETAILS & NOTES

The architectural plan submission is shown as "Solar Canopy for Parallel Products" dated 4/12/22, and prepared by Terra Smart of Cincinnati, OH. The plan set consists of the following sheets:

- Cover Sheet
- SC002 GENERAL NOTES AND MODULE SPECIFICATION SHEETS
- SC003 SITE PLAN
- SC101 CANOPY 1 FOUNDATION AND COLUMN PLAN
- SC102 CANOPY 2 FOUNDATION AND COLUMN PLAN
- SC301 CANOPY 1 & 2 SECTION
- SC302 CANOPY 3 SECTION

In addition to the submitted materials, the application has submitted waiver requests for the Board's consideration as follows:

- 5350. Development Impact Statement: Proposal does not impact existing site use or abutting properties.
- 5451. Plan Scale: A scale of 1" = 50' is requested to accommodate the locus site.
- 5451.c. Utility Plan: No changes are proposed to water, sewer, gas, or drainage utilities.
- 5451.e. Landscape Plan: No landscape improvements are proposed.
- 5451.f. Lighting Plan: No lighting is proposed.

3) DISCUSSION

This meeting was held remotely consistent with the Act Relative to Extending Certain State of Emergency Accommodations, suspending certain provisions of the Open Meeting Law, signed by Governor Baker on July 16, 2022; and extending through March 31, 2023.

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the February 8, 2023, online meeting. Staff Planner Rachel Mulroy, Staff Planner Alexander Jardin, Assistant Director Michael McCarthy, and City Planner Jennifer Carloni were also in attendance.

Case #23-05 was heard as part of new business. Chair Glassman opened the case and asked if a representative for the applicant was present to discuss the case.

Nick Dufresne of Farland Corp. came forward as the applicant's agent. He described the project site located between Route 140 to the west and the South Coast Rail Line to the east with wetlands to the north, south, east and west.

He noted the site is currently a waste disposal site. Dufresne provided project details of the solar canopy construction. He indicated the case will be heard by the Zoning Board of Appeals in March and that the project received an Order of Conditions from the Conservation Commission.

Chair Glassman asked if any member of the public would like to comment in support or opposition to the project. Hearing none, he opened the floor to the Board.

Chair Glassman inquired about screening along Route 140. Dufresne noted there was a wetland buffer and no plans for screening.

Chair Glassman inquired about FAA compliance. Dufresne said they are in the process of acquiring all necessary permits.

Board member Duff referred to the Conservation Agent's report and asked if the applicant would consider a small chain link fence with a No Activity Zone buffer to screen the wetlands from debris.

Board member Duff asked if the applicant would consider a study of the solar canopy glare relative to the highway.

Dufresne responded that a glare study would be a part of the FAA and MassDOT permitting process. He indicated that the property owner has agreed to remove trash and there have been talks to discuss screening to prevent trash from blowing into the wetlands. He indicated the Conservation Agent is a part of that process.

Tim Cusson of Parallel Products, applicant, clarified that those measures have been undertaken as a result of another project on the same property, separate from this proposal. Cusson explained that they will replace the fencing at the westernmost edge of the property.

Christian Farland of Farland Corp. added that they have no problem conducting a glare study.

Board member Cruz clarified the orientation of the solar panels with the applicant.

Chair Glassman inquired whether the applicant would be amenable to adding vinyl slats to the proposed fencing for the length of the solar canopies to screen the site from the highway. Cusson agreed to install the green vinyl slats.

Board member Cruz inquired about the use of the area under the canopies. Cusson explained it would continue to be a storage area for roll off boxes and trucks.

Chair Glassman inquired about the transformers and battery storage. Cusson said everything would be non-hazardous with biodegradable oils, self-contained with secondary self-containment built into them. He stated they are using the same exact product for this project that they used for their Goyette's project. The Chair noted that none of those details were included in the submission. Cusson offered that the location of the concrete pad for battery storage was in the plan set.

The Board discussed the location of the solar canopies relative to the existing buildings. The Board discussed lift relative to the engineering of the canopies with the applicant.

The Board discussed the proposal among themselves. Board member Duff requested battery storage details and indicated she was amenable to making those details a condition of the decision. The Board discussed the case further.

Hearing no more comments from the Board, Chair Glassman opened the floor so members of the public could speak in support or opposition.

Hearing no further comments from the public, Chair Glassman asked for a motion.

4) DECISION

Board Member Kalife made the motion, seconded by Board Member Duff to approve the request by applicant **Site Plan Review** for the new construction of solar canopies at 781 Church Street (Maps: 125; 129 Lots: 10; 38 & 41), a 43.5± acre site in an Industrial C (IC) zoned district. Owner: Church Street, LLC (781 Church Street, New Bedford, MA 02745) Applicant: Parallel Products Solar Energy, LLC (401 Industry Drive, Louisville, KY 40208).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. The applicant shall submit final solar canopy plan revisions indicating the following to the Department of City Planning prior to the issuance of a building permit:
    a. Column lengths for all columns.
    b. Transformer and battery storage details
2. The applicant shall submit final site plan revisions indicating the following to the Department of City Planning prior to the issuance of a building permit:
    a. Utility plan
    b. Green vinyl fencing
3. The applicant shall coordinate with the Department of Public Infrastructure to resolve all comments in their forthcoming memorandum prior to the issuance of a building permit.
4. The conditions of the special permit issued by the Zoning Board of Appeals shall also apply to this decision.
5. The conditions of the August 3, 2022, order of conditions issued by the Conservation Commission shall also apply to this decision.
6. The applicant shall submit evidence of a completed and approved Airspace Review done by FAA and MassDOT Aeronautics to the Department of City Planning prior to the issuance of a building permit.
7. The applicant shall install green vinyl fence slats in the chain link fencing along Route 140 for the length of the project.

With the following GENERAL conditions:

8. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
9. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure (DPI) received in relation to plan and placed on file for Planning Board consideration. The conditions of the DPI memorandum shall be considered to be part of these conditions.

10. The applicant shall submit final plan revisions to the Department of City Planning in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
11. 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 made against the project's approval, be recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
12. 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.
13. 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 the decision was granted, or they will lapse.
14. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.
15. The applicant shall submit final as-built plans to the Department of City Planning and a final site visit shall be conducted by Planning Staff prior to the issuance of a Certificate of Occupancy.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

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

Filed with the City Clerk on:

2/21/23

Date

Arthur Glassman, Chair
City of New Bedford Planning Board