

OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

NEW BEDFORD PLANNING BOARD
REMOTE MEETING
February 8, 2023

2023 APR - 8 AM 10:11

CITY CLERK

MEETING MINUTES

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

ABSENT: None

STAFF: Jennifer Carloni, *City Planner*
Michael McCarthy
Rachel Mulroy

Rachel Mulroy gave opening remarks and explained procedures.

1. CALL TO ORDER

Chairperson Glassman called the meeting to order at 6:03 p.m.

2. CALL OF THE ROLL

Chairperson Glassman called the roll.

3. MINUTES

With no questions or objections, a motion was made (KD) and seconded (PC) to approve the minutes of December 2022.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Duff – Yes

Board Member Khazan - Yes

Board Member Kalife - Yes

Motion passes 5-0

Chairperson Glassman sought a motion to approve a change in the agenda order, namely for Cases #22-04/#22-05, Case # 23-08 and Case #23-03. A motion was so moved (KD) and seconded (AK).

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Duff – Yes

Board Member Khazan - Yes

Board Member Kalife - Yes

Motion passes 5-0

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

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Duff – Yes

Board Member Khazan - Yes

Board Member Kalife - Yes

Motion passes 5-0

4. PUBLIC HEARINGS:

ITEM 1 – CASES #22-04/CASE #22-05 – Request for a one-year extension by applicant of a previously approved Site Plan for the construction of a pocket park and parking lot & Special Permit at 1131 – 1145 Acushnet Avenue (Map: 92 Lot: 106), a 14,353± square foot site in a Mixed-use Business (MUB) district within the Acushnet Avenue corridor. Owner/Applicant: Cape Verdean Association in New Bedford (128 Union Street, suite 100, New Bedford, MA 02740).

Board Member Duff recused herself from hearing the matter.

Jan Baptist, Vice-President & Project Coordinator, provided the board with the reasons for the extension request; namely, their inability to secure a bid contract.

Chairperson Glassman confirmed that there have been no changes made.

Laura Mulroy provided the board a letter of support received this day from Council President Linda Morad that she requested be read into the record. Ms. Mulroy read the same into the record.

In response to Chairperson Glassman's invitation to speak or be recorded in favor or opposition, Councilor Baptiste spoke in support of this needed project for the Cape Verdean Community.

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

After brief board discussion, a motion was made (AK) and seconded (PC) to approve the one year extension of a previously approved site plan for the construction of a pocket park and parking lot & Special Permit at 1131 – 1145 Acushnet Avenue (Map: 92 Lot: 106), a 14,353± square foot site in a Mixed-use Business (MUB) district within the Acushnet Avenue corridor, with the following specific conditions:

- The extension shall be to February 8, 2024;
- All conditions from original decision date stamped by the City Clerk's Office on February 18, 2022 shall apply.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife - Yes

Motion passes 4-0

A motion was made (AK) and seconded (PC) to approve Case #22-05 special Permit one year extension at 1131 –

1145 Acushnet Avenue (Map: 92 Lot: 106), a 14,353± square foot site in a Mixed-use Business (MUB) district within the Acushnet Avenue corridor, with the following specific conditions to be applied:

- The extension shall be to February 8, 2024;
- All conditions from original decision date stamped by the City Clerk's Office on February 18, 2022 shall apply.

The following general conditions also apply:

- The Applicant shall ensure a copy of the Notice of Decision bearing the certification of the New Bedford City Clerk signifying no appeal 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;

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife - Yes

Motion passes 4-0

Board Member Duff rejoined the public hearings

ITEM 2 –CASE #23-08 - Request by City Council for the Planning Board to review and make a recommendation for its consideration regarding the rezoning from Mixed Use Business (MUB) and Industrial A (IA) to Industrial A (IA) of the property shown on the Assessor's Map as Map: 104 Lot: 43 (229 – 241 Coffin Avenue).

Att. Michael Kehoe addressed the board on behalf of the applicant familiarized the board with the location and history of the property, noting a portion of the 1930s-built building is zoned Industrial A, while another is zoned Mixed Use Business. The applicant hopes to have Industrial A zoning throughout the building and explained his reasoning for the same, noting the zoning line bisects the building interior. He stated the applicant seeks no rezoning for the lots he owns across the street. He noted the benefits to the plan proposed, to include putting the building back into use and better fitting into the neighborhood. He welcomed questions.

Board Member Duff requested a view of the context map showing the site location and surrounding zoning. Ms. Mulroy provided the same. Ms. Carloni offered clarification.

Chairperson Glassman inquired as to Board Member Duff's opinion on spot zoning. Board Member Duff agreed with Att. Kehoe regarding building adaptivity and a single zoning for the building. There was further discussion and Board Member Duff suggested the Mixed Use zoning, which she did not feel would be spot zoning and was consistent with the Master Plan.

Att. Kehoe addressed their desire to purpose warehouse storage for the building, an allowed use under Industrial. Whereas Mixed Use would have variance and other requirements. Att. Kehoe referred the board to a rezoning plan submitted and discussed the same.

Chairperson Glassman requested a list of Industrial A uses in this residential neighborhood, expressing concern about future use under that zone in that neighborhood. Mike McCarthy provided the information.

Board Member Duff stated the predominance around the site is Mixed-Use Business zoning and Residential. She felt going to Industrial A would create a spot zone of use. Ms. Carloni recommended the board open for public comment.

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

Chairperson Glassman reminded the board that what is before them for a vote is a recommendation. With board permission, Tim Cusson, Parallel Products, stated they are current owners of the property and seek this redevelopment of the vacant building, expressing their efforts in determining a use.

Chairperson Glassman expressed concern with future uses by future owners in this dense neighborhood. Mr. Cusson believed any such attempted changes would have to return before the boards.

Board Member Khazan and Mr. Cusson discussed rehab funding for the building, it has asbestos and lead preventing residential living quarters. Mr. Cusson explained that such a rehab cost would be far too high.

Board Member Duff consulted the Planning Staff about whether a storage warehouse in a mixed-use business zone would be allowed with special permit. Ms. Carloni stated it was not an allowed use in a mixed-use business district.

After brief discussion, to include uses present and future and spot zoning conditions, a motion was made (AK) and seconded (KK) for a favorable recommendation to city council on the rezoning request.

ROLL CALL VOTE:

Chairperson Glassman – No
Board Member Duff – No
Board Member Kalife - No
Motion fails – 0-5

Board Member Cruz – No
Board Member Khazan - No

ITEM 3 – CASE #23-03- Request by applicant for Site Plan Review for the new construction of a gravel parking lot and associated site improvements at WS Acushnet Avenue (Map: 42 Lot: 240), a 4772+ square foot site in a Mixed-Use Business zoned district. Owner: Liberio Demelo (308 Dartmouth Street, New Bedford, MA 02740) Applicant: Alpha Engineering (32 Valerie Street, New Bedford, MA, 02740)

After technical difficulties, Ms. Carloni suggested moving on to the next case and returning.

ITEM 4 – CASE #22-13 - Request by the applicant for approval of a Preliminary Subdivision Plan for Ladrugeas Estates, a 12 lot, 2.8± acre residential subdivision along one planned street located on multiple vacant parcels adjacent to Lucy Street and Bartlett Street (Map: 132 Lots: 397, 461, 617) in a Residential A (RA) zoned district. Owner/Applicant: AMN Estates Holdings, LLC (2 Lambeth Park Drive, Fairhaven, MA 02719)

Steve Gioiosa, Civil & Environmental Consultants, on behalf of the applicant, familiarized the board with the outstanding issue of a legal document finalizing the easement, which he reports has been provided and awaits review by the city solicitor. He stated absent that review document they are seeking a continuance.

Chairperson Glassman noted as still outstanding a sewer plan, and the title history on Mr. Silva. Mr. Gioiosa acknowledged the same.

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

Jen Carloni clarified that it is a sewer easement plan wherein we need an exhibit copy.

A motion was made (AK) and seconded (KD) to continue Case #22-13.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff - Yes

Motion passes 5-0

ITEM 4 – CASES #22-37/#22-38 - Request by applicant for Site Plan Review for the new construction of six 30-unit residential apartment buildings and a community center with associated site improvements and a Special Permit for a parking reduction at WS Orchard Street, a 9+ acre site (Map: 23 Lot: 158) in a Mixed-Use Business (MUB) zoned district. Owner: Clark's Cove Development Co., LLC (651 Orchard Street, Suite 200, New Bedford, MA 02744) Applicant: Dakota Partners (235 Bear Hill Road, Suite 400, Waltham, MA 02451).

Att. Michael Kehoe, on behalf of the applicant, noted they would be seeking a continuance and gave the reasons therefore, to include a peer review report and a list of conditions. He briefly reminded the board of project history. He requested a continuance of the case to acquire the information requested by the board.

Board Member Duff inquired as to time of completion on the peer review. Att. Kehoe explained they were estimations, and noted a fee increase for the peer review. He further discussed funding concerns.

Board Member Glassman noted the board's practice of following DPI recommendations. He noted the size and scope of the project as the reasoning for their cautious procedure on the project.

Mark Pilotte, Dakota Partners, noted the proposed condition protects the board while allowing the project to move forward. He too spoke on funding opportunities being missed by the applicant and the peer review costs and timeframe.

Board Member Khazan acknowledged the applicant's frustration while noting waste management concerns in the project area.

The applicant noted the conditions still being prepared by the city solicitor which will need review by both the board and the applicant, commenting that they are not trying to avoid peer review. He again noted their proposed condition. Mr. Pilotte again addressed funding and timeframes affected.

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

After brief discussion, a motion was made (AK) and seconded (KD) to continue to the March 2023 meeting Case #22-37 to acquire the information requested by the board.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff - Yes
Motion passes 5-0

A motion was made (AK) and seconded (KD) to continue to the March 2023 meeting Case #22-38 to acquire the information requested by the board.

ROLL CALL VOTE:

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

Rachel Mulroy advised the board that the applicant on Case #23-03 was on the call, and the board returned to that case for hearing.

ITEM 5- CASE #23-03- Request by applicant for Site Plan Review for the new construction of a gravel parking lot and associated site improvements at WS Acushnet Avenue (Map: 42 Lot: 240), a 4772+ square foot site in a Mixed-Use Business zoned district. Owner: Liberio Demelo (308 Dartmouth Street, New Bedford, MA 02740) Applicant: Alpha Engineering (32 Valerie Street, New Bedford, MA, 02740)

Leon Halle, 32 Valerie St. New Bedford, who did the work on the property, explained the past and current condition and work done on the property in order to store four vehicles on the lot for overnight parking. He explained the lot will be enclosed by a locked anchor fence at night.

In response to Chairperson Glassman, Mr. Halle explained the landscaping plans. Chairperson Glassman noted concern at the angle of the property line, which was discussed with Mr. Halle.

Board Member Duff inquired as to the 4' zone and residential surrounding conditions. There was further landscaping discussion.

Board Member Cruz inquired as to the granting or requesting of any storm water waivers. There was discussion that the current situation will remain. Jen Carloni and Mike McCarthy clarified, relating lot size and response from DPI. Board Member Cruz raised the issue of a professional stamp being needed.

Board Member Khazan inquired as to the green line, which applicant explained was the edge of the lawn area. He noted the anchor fence will go along the perimeter of the property. There was further discussion to clarify the same, including the elevations.

Board Member Duff confirmed a compacted gravel surface for the parking area and inquired as to parking space delineation other than the tire stops on the four parking spaces.

In response to Chairperson Glassman's invitation to speak or be recorded in favor or opposition to the project, a female noted the chain link fence had already been erected and abuts her property. She spoke on a site check by Jim Berube, stating the original site plan submitted is not what's being followed. She stated the chain link fence extends onto Cape Verdean Band Club property. She spoke on prior property maintenance.

Board Member Duff drew the board's attention to photos of the same.

Mr. Halle clarified the locations of the fencing, noting no fence along the Cape Verdean building.

Chairperson Glassman noted the encroaching fence on the Cape Verdean Club property that needs to be addressed.

In response to Chairperson Glassman's invitation to speak or be recorded in favor or opposition to the project, Councilor Baptiste noted the past upkeep efforts of the property. He expressed concern that the plan is not being followed, and he expressed support for Ms. Silva and the Cape Verdean Band Club position.

In response to Chairperson Glassman's invitation to speak or be recorded in favor or opposition to the project, a female stated the original plan was like a triangle and she inquired as to required footage for a parking lot.

Mr. Halle objected, stating the plan before the board is the same which was submitted for site plan review.

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

Board Member Duff expressed concerns, to include the property line and fencing. She acknowledged Councilor Baptiste's comments and the community involvement and efforts. She expressed concern over limiting the project to just the four spaces, which she noted the city could enforce. She also expressed concern over a southerly residence regarding headlights and fencing, and suggested green slats being added for a visual barrier.

Female attendant inquired as to where the drivers delivering the four vans will park their vehicles.

Mr. Halle stated he was told they will park their vehicles within the lot. There was further discussion and Mr. Halle stated he meant the lot would be vacant of vans during the day.

Mike McCarthy clarified the parking question of where the van pick-up driver would park in the lot with four vans. Mr. Halle stated the drivers will move the vans and park their cars in the space.

Female attendant stated that the fence is already erected and is attached to the Band Club property. Chairperson Glassman acknowledged that her concern would be addressed by the board.

Female attendant went on further to state the lot does flood. Chairperson Glassman acknowledged her concerns, to include the encroachment of the fencing.

Jen Carloni clarified what would be an enforcement issue through Inspectional Services. She noted the plan correctly shows the items on their property, however there is the fence going over their property line. She clarified anything not on their property is an enforcement issue with Inspectional Services which will have to be corrected.

Chairperson Glassman clarified with the applicant the board's voting purview. There was board discussion on how to proceed, to include flooding and mitigating landscaping, fencing, both to be installed and eliminated, fencing slats. Board Member Khazan suggested a continuance to see new plans.

Mike McCarthy clarified property lines, fencing, delineation colors, which are before the board for approval this evening.

Board Member Cruz inquired as to property line/location of new fencing, as the plan before the board does not indicate installation of a new fence. He noted the benefits of tabling the matter for a month to get more information. Board Member Duff concurred after re-examination. Board Member Cruz had suggestions on what needed to be accomplished before returning to the board for a quick review.

After board discussion on a continuance, a motion was made (AK) and seconded (KD) to continue Case #23-03 to the March 8th meeting.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff - Yes

Motion passes 5-0

ITEM 6 - CASES #22-44/#22-45 - Request by applicant for Site Plan Review for the new construction of a gas station and associated site improvements, including improvements to existing building, and a Special Permit for a parking reduction at 2243 Purchase Street, a 11,100+ square foot site (Map: 92 Lot: 1) in a Mixed-Use Business zoned district. Owner: MD Washim Khan & Ashma Hossain Sharmin (104 Lexington Street, Dartmouth, MA 02747). Applicant: SB Gas Station, Inc. (104 Lexington Street, Dartmouth, MA 02747)

Steve Gioiosa, on behalf of the applicant, reviewed the project history before the board. While screen-sharing, Mr. Gioiosa reviewed project plans, and their changes to the dumpster enclosure and fencing plans. He also discussed their recent traffic study as requested by the board. He explained the result details, to include peaks and impacts. He welcomed questions.

Board Member Duff discussed scheduling deliveries as relates to impacts. Mr. Gioiosa assured the board that deliveries would not be during peak hours.

Board Member Khazan inquired as to any no left turns on either side, which Mr. Gioiosa represented as a self-policing issue. He displayed traffic route options. She inquired as to hours of operation. Mr. Gioiosa stated hours of operation had been previously discussed, but he believed them to be somewhere around 6:00 am to 10:00pm. Mr. Gioiosa represented that neighboring residents had submitted letters of support for the project.

Board Member Duff confirmed a seven day a week operation.

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

Chairperson Glassman thanked the applicant for their work in fulfilling the board requests.

Board Member Khazan expressed concerns with the traffic issues and explained the same, expressing disappointment that Traffic had not weighed in. She wished she had seen the letters of support and stated she felt the hours of operation were long.

Chairperson Duff noted the letters had been read into the record on the first time before the board.

There was further discussion on Board Member Khazan's traffic concerns.

After brief discussion on conditions, a motion was made (AK) and seconded (KD) to approve Case #22-44 site plan review for the new construction of a gas station and associated site improvements, including improvements to an existing building at 2243 Purchase Street, a 11,100+ square foot site (Map: 92 Lot: 1) in a Mixed-Use Business zoned district, with the following specific conditions:

- Operation hours shall be between 6:00 am and 10:00 pm;
- Fuel tankers shall not refuel storage containers from the public right of way and trucks shall be completely on the private property during all through deliveries;
- Fuel deliveries shall not occur between the hours of 7:00 and 8:00am and between 3:30 and 5:00pm;
- All other deliveries shall not occur between the hours of 7:00 and 8:00am and between 3:30 and 5:00pm;
- Waste management plan to be submitted in writing prior to issuance of a building permit;
- Lighting shall be illuminated no later than 1 hour after closing, and no earlier than 1 hour prior to opening;
- A ground sign is not approved as part of this site plan approval, and the applicant must reappear before the board for approval prior to the installation of any new ground sign;
- Applicant shall coordinate with DPI to resolve all comments in their forthcoming memorandum prior to issuance of a building permit;
- Applicant shall adhere to the conditions of the special permit issued by the City Council;
- Applicant shall adhere to the conditions of the variance issued by the Zoning Board of Appeals.

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 any departmental memos received in relation to plan and placed on file for planning board consideration;
- The conditions of such memorandum shall be considered to be 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 signifying no appeal has been brought against the project approval be provided for the Department of City Planning case file folder;
- 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 requires further review by the planning board;
- The rights authorized by the granted approval must be exercised by issuance of a building permit and acted upon within one year from the date of the decision or they will lapse;
- Developer and site contractor must schedule a pre-construction meeting with DPI prior to the start of construction.
- 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 issuance of a certificate of occupancy.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

Motion passes 5-0

Aa motion was made (AK) and seconded (KD) to approve Case #22-45 relative to property located at 2243 Purchase Street, request site plan review for special permit for a parking reduction at 2243 Purchase Street, a 11,100+ square foot site (Map: 92 Lot: 1) in a Mixed-Use Business zoned district, and that the following specific conditions be applied to this decision:

- Number of parking spaces shall be nine;
- Applicant shall adhere to the conditions of the special permit issued by the City Council;
- Applicant shall adhere to the conditions of the variance issued by the Zoning Board of Appeals.
- Applicant shall ensure copy of the Notice of Decision bearing the certification of the New Bedford City Clerk signifying no appeal has been brought against the project approval be recorded at the Registry of Deeds.
- Applicant shall ensure copy of the recorded decision be provided for the Department of City Planning case file folder.

General conditions previously stated also apply.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

Motion passes 5-0

Chairperson Glassman advised the meeting attendants of the work yet to come in the time remaining. He explained he, out of respect, would like to hear the patiently waiting public comments once hearing the cases, and then likely continue the matters.

ITEM 7 - CASES #23-04 - Request by applicant for Site Plan Review for the redevelopment of an existing building to 28 apartments and associated site improvements at 593 Kempton Street (Map:57 Lot:201), a 1.4+ acre site in a Mixed-Use Business (MUB) zoned district. Owner: Commonwealth of Massachusetts Division of Capitol Planning and Operation (1 Ashburton Place, Boston, MA 02108) Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

Marc Deshaies, on behalf of the petitioner, detailed the planned project. He introduced Dan and John Cruz, Ben Lee, Bob Rego and Bart Lipinski. He turned presentation over to Mr. Cruz

Daniel Cruz, Jr., addressed the board, providing their development history for the board. He then detailed the plan which will involves other properties as well; namely. The St. Joseph/St. Theresa School housing 31 apartments and Jenny and Dartmouth Streets yet to be presented to the board. He addressed the mixed income housing opportunities of the project. He noted their company roles and expertise. He discussed job opportunities with the project. He noted this to be a historic restoration, as are two of the others.

Ben Lee, architect, noted the preservation planned for the historic building and went through the plans, to include landscaping and accessible entrances and floor layouts.

Bob Rego explained for the board bullet points of utility plans, storm water management, partial wall removal,

catch basins, et cetera. He explained plans for resurfacing/removal and curb cut closure. He addressed parking, to include accessible spaces and pedestrian circulation. He noted the dumpster area must be added and traffic impact is expected to be minimal. He then discussed lighting.

Bart Lipinski, landscape architect, explained the landscaping plans for the project, to include street trees, light placement, et cetera.

In response to Chairperson Glassman's invitation to speak or be recorded in favor or opposition to the project, Councilor Baptiste expressed his support for the project and commended the applicant's efforts in affordable housing in the city and property upkeep.

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

Board Member Duff commented on the plans, and was interested in details on window replacements, lighting and brick wall restoration.

Board Member Cruz was interested in dumpster pad location and snow removal. He also requested erosion control.

Board Member Khazan confirmed no Kempton Street entrance.

Chairperson Glassman commented on the curb cut.

A motion was made (AK) and seconded (KD) to continue Case # 23-04 to March 8, 2023.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

Motion passes 5-0

ITEM 8 – CASE #23-05 - 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).

Nick Dufresne, Farland Corp., on behalf of the applicant, detailed the project property, location and current use. He discussed the proposed canopies and provided details and dimensions. He noted a transformer and battery storage for the canopies, as well as work on existing wires. Mr. Dufresne noted the need for zoning relief which they are addressing. He noted receipt of an Order of Conditions from the Conservation Commission. He welcomed questions.

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

Chairperson Glassman inquired of plans for screening along Rte. 140. Mr. Dufresne was unaware of any removals of vegetation. He noted associated wetlands and a 25' no touch buffer zone. He stated no trees will be taken down for construction of the canopies.

Chairperson Glassman inquired if applicant had spoken to the FAA regarding glare with solar panels. Mr. Dufresne stated they had started the process.

Board Member Duff spoke on the Conservation Commission report and the trash on site. She inquired of the applicant's willingness to install a chain link fence buffer in front of the wetlands in the northeast and southeast corners. She also inquired as to applicant's willingness to acquire a DOT review regarding glare on the highway traffic. Mr. Dufresne acknowledged that would be done. He stated the wetlands trash was addressed in the Conservation process and screening had been discussed. Applicant stated they merely lease the land for the canopy, and underlying ownership is also dealing with conservation. Applicant noted they are repairing the chain link fence to the west of the property, as they control it.

Christian Farland, Farland Corp., noted the glare study he did for the Gazette site, which was closer to the airport and in light with the flight path. He welcomed a condition of approval, as the process is underway.

Board Member Cruz inquired as to panel orientation direction. Applicant replied the lower end is to Rte. 140 at a 5° pitch toward the top of the page.

Chairperson Glassman inquired about installation of slats to address the highway visual. Applicant agreed to do so along the Rte. 140 line.

Board Member Cruz inquired as to the use of area under the panels. Applicant stated the current use will be continued, but more organized and cleaner.

Chairperson Glassman inquired as to the transformer and battery leakage. Applicant stated all oil products are non-hazardous bio-degradable with secondary containment built in. He noted they are the same as the Goyette project.

Board Member Cruz and Board Member Duff discussed minimum requirements for distance to on-site buildings. Board Member Duff noted uplift requirements only. Chairperson Glassman noted the site has no abutters.

Board Member Duff requested details of the self-contained battery backup systems.

Chairperson Glassman inquired whether it should be a condition or a continuance. Board Member Duff agreed to a condition.

Board Member Khazan noted her concerns had already been addressed by others' questions.

After board discussion on conditions, a motion was made (AK) and seconded (KD) to approve Case #23-05 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, with the following specific conditions:

- Applicant shall submit a final solar canopy revision indicating the following to the Department of City Planning prior to the issuance of a building permit
 - (inaudible)
 - transformer and battery storage details;
- Applicant shall submit final site plan revisions indicating the following to the Department of City Planning prior to the issuance of a building permit:
- Utility Plan;
- Applicant shall coordinate with DPI to resolve all comments in their forthcoming memorandum prior to the issuance of a building permit;
- Conditions of the special permit issued by the Zoning Board of Appeals shall also apply to this decision;
- Conditions of the 2022 Order of Conditions issued by the Conservation Commission shall also apply to this decision;
- Applicant shall submit evidence of completed and approved air space review done by the FAA and Mass DOT to the Department of City Planning prior to the issuance of a building permit;
- Applicant shall install green fence slats along Rte 140 for the length of their project.

The general conditions previously stated also apply.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

Motion passes 5-0

ITEM 9 – CASE #23-06 - Request by applicant for Site Plan Review for the new construction of a commercial retail building, parking lots, and associated site improvements at NS RR Church Street, and SS Park Ave, (Map: 126 Lots: 232, 229, & 221), a 31,384+ square foot site in an Industrial B (IB) zoned district. Owners: Winchester Street Holdings, LLC (5 Lang Road, E Freetown, MA 02717); Nolan’s Holding Trust, LLC (16192 Coastal Highway, Lewes, DE 19958); Park Plaza N. B., LLC (56 Potomska Street, New Bedford, MA 02740) Applicant: Metro Harvest, Inc. (292 Bedford Street, Bridgewater, MA 02324)

Steve Gioiosa clarified whether to open Case #23-07 simultaneously. Due to time constraints Chairperson Glassman requested Mr. Gioiosa proceed on the named case. Mr. Gioiosa discussed the proposed retail cannabis facility location and the details thereof. He described surrounding locations. He noted the application relates to 3 separate city parcels. One where the cannabis retail building is proposed to be located. One parcel between the cannabis building and its associated parking, noting the location. And a 3rd parcel adjacent to Church Street and Park Avenue. He stated each parcel is a paved surface historically serving a commercial use. He noted the allowed use of the proposed facility in the zoning district and discussed the parcels’ size. Mr. Gioiosa discussed the construction plans, to include the curb cuts access, circulation and parking.

Mr. Gioiosa discussed parking requirements, noting 18 spaces exist on the cannabis lot. He stated they are in all providing 58 spaces. He discussed the primarily commercial area surrounding the property. He described

pedestrian connections. He spoke further on parking space totals, to include 3 designated accessible spots. He pointed out the screened dumpster pad location and the circulation. He discussed lighting.

Mr. Gioiosa discussed the current impervious surfaces and planned greenspace increases of 15%. He explained on-site storm water management upgrades.

Jen Carloni recommended the board open both related cases for discussion.

Chairperson Glassman opened **Case # 23-07, Request by applicant for a Special Permit for a Marijuana Establishment for the operation of a Marijuana Retailer at NS RR Church Street (Map: 126 Lot: 232), a 24,655+ square foot site in an Industrial B (IB) zoned district. Owner: Winchester Street Holdings, LLC (5 Lang Road, E Freetown, MA 02717) Applicant: Metro Harvest, Inc. (292 Bedford Street, Bridgewater, MA 02324)**

Mr. Gioiosa, while screen sharing, discussed the special permit elements of the proposal, which is specific to the parcel whereon the building is located. He noted community needs/benefits, traffic control and parking for this parcel. He noted the overflow parking the applicant acquired with secondary access to another public road, splitting the traffic load. He discussed adequacy of utilities, city infrastructure. He commented on the commercial/retail zone. Mr. Gioiosa noted the improvements the project will bring to water quality and green space.

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

In response to Chairperson Glassman's invitation to speak or be recorded in opposition, Att. Chris Saunders spoke on behalf of Michael Panogakos stated he would reserve his comments due to meeting time constraints.

In response to Chairperson Glassman's further invitation to speak or be recorded in opposition, Pastor of Lamb of God Christian Church, 606 Tarkiln Hill Road, related a conversation with the business owner who requested a letter of approval for the business. He stated he had spoken to all church members, who stated they could not sign/support such a letter.

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

Board Member Duff stated she suspected a traffic study would be needed. Mr. Gioiosa stated a traffic study had been done and he believes submitted as part of the licensing, but was from an earlier site plan. Jeff Bandini, McMahon Associates, confirmed an April 2021 traffic study was submitted, noting some presently modified access. He did not believe it had been peer reviewed.

Chairperson Glassman noted a problem with a left-hand turn out of either driveway. He suggested a peer review for the report. Board Member Duff concurred, especially in light of its time related to Covid. Board Member Khazan encouraged a new traffic study due to a new school. Board Member Khazan inquired as to any community meetings on the project regarding its impacts. She noted the neighbors across the street and a nearby preschool. She also inquired as to the 200' buffer zone.

John Markey, on behalf of the applicant, suggested board member questions be given to Jen Carloni so they can address them. Regarding Board Member Khazan's inquiry, Mr. Markey stated three community meetings were held with no opposition comments at any of the meetings.

Chairperson Glassman encouraged board members submit their questions so they can be forwarded to the applicant.

A motion was made (AK) and seconded (KD) to continue Case #23-06 to March 8, 2023.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

Motion passes 5-0

A motion was made (AK) and seconded (KD) to continue Case #23-07 to March 8, 2023.

ROLL CALL VOTE:

Chairperson Glassman – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Board Member Kalife – Yes

Board Member Duff – Yes

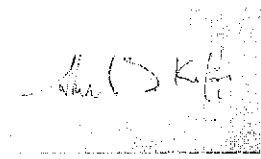
Motion passes 5-0

5. OTHER BUSINESS:

Jen Carloni provided details of the city's upcoming Comprehensive Plan Open House.

6. ADJOURNMENT:

A motion was made by Chairperson Glassman and seconded (KD) adjourn at 9:44p.m.



Date: 4/3/23

Alexander J. Kalife, Planning Board Clerk