



Planning Board

April 12, 2017 – 6:00 PM – **Minutes**
New Bedford Public Library – 3rd Floor
613 Pleasant Street

PRESENT: **Colleen Dawicki**, *Chairperson*
Kathryn Duff, *Vice Chair*
Arthur Glassman
Peter Cruz
Alex Kalife
George Smith

ABSENT: **None**

STAFF: **Constance Brawders**, *Staff Planner*

CALL TO ORDER

Chairperson Dawicki called the meeting to order at 6:07 p.m.

ROLL CALL

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

A motion was made (PC) and seconded (AG) to take Agenda Item #8 out of order.
Motion passed unopposed.

OTHER

Item 1-Whaler's Woods Estates: Request by applicant, Long Built Homes, Inc., for extension of time performance of subdivision completion. Applicant's agent: Atty. Lee Castignetti, Jr., Long Built Homes, Inc., 158 Charles McCombs Boulevard, New Bedford, MA 02745.

Att. Lee Castignetti, for Long Built Homes, stated that while the entire infrastructure for the subdivision is complete, the applicant is waiting to appear before the Conservation Commission to close out the Order of Conditions and the project engineers are wrapping up their plans with DPI. He stated these activities are expected to be complete within the next month. He submitted a final completion date of May 31, 2017.

In response to an inquiry by Board Member Glassman regarding a DPI acknowledgement of satisfaction, Ms. Brawders explained the process to follow prior to the board's final recommendation of road acceptance to the city council.

A motion was made (KD) and seconded (AG) to extend the time for satisfactory performance of all obligations from June 30, 2016 to May 31, 2017.
Motion passed unopposed.

A motion was made (KD) and seconded (AG) to take Case #11-17 and Case #13-17 out of order.
Motion passed unopposed.

PUBLIC HEARINGS

ITEM 2 - Case 11-17: Sidewalk Café Permit for use by Cultivator Shoals, Inc., at the property known as 35 Union Street (Map 53, Lot 198A) located in the Industrial A (IA) zoning district, Downtown Business Overlay District (DBOD), and Bedford Landing Historical District. Applicant: Cultivator Shoals, Inc., Jason P. Lanagan, 35 Union Street, New Bedford, MA 02740.

No one responded to Chairperson Dawicki's invitation speak on behalf of the applicant.

There being no board question on the matter, a motion was made (KD) and seconded (AG) to open the public hearing.

Motion passed unopposed.

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

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

A motion was made (KD) and seconded (AG) to close the public hearing.

Motion passed unopposed.

A motion was made (KD) and seconded (AG) to accept the application for a sidewalk café permit for use by Cultivator Shoals, Inc. at the property known as 35 Union Street, located in the Industrial A (IA) zoning district, Downtown Business Overlay District (DBOD), and Bedford Landing Historical District.

Motion passed unopposed.

ITEM 3 - Case 13-17: Sidewalk Café Permit Renewal for use by Cork Wine and Tapas Bar at the property known as 90 Front Street (Map 53, Lot 23) located in the Industrial A (IA) zoning district, Downtown Business Overlay (DBOD), and Bedford Landing Historical District. Applicant: Matterhorn RE, LLC, 90 Front Street, New Bedford, MA 02740.

No one responded to Chairperson Dawicki's invitation speak on behalf of the applicant.

In response to Board Member Glassman, Ms. Brawders explained the Planning Department is working on an amendment to the Sidewalk Café Ordinance to streamline the process by allowing for staff approval in renewal of Sidewalk Café permit requests.

There being no board question on the matter, a motion was made (KD) and seconded (AG) to open the public hearing.

Motion passed unopposed.

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

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

A motion was made (KD) and seconded (AG) to close the public hearing.

Motion passed unopposed.

A motion was made (KD) and seconded (AG) to accept the application for a sidewalk café permit renewal for use by Cork Wine and Tapas Bar at the property known as 90 Front Street, located in the Industrial A (IA) zoning district, Downtown Business Overlay (DBOD), and Bedford Landing Historical District.

Motion passed unopposed.

Chairperson Dawicki inquired of the audience in order to gauge which cases had persons in attendance.

A motion was made (KD) and seconded (AG) to take Case #9-17 and Case #10-17 out of order.
Motion passed unopposed.

ITEMS 4 & 5

Case 09-17: 671 Summer Street Rezoning – Request by City Councilor at Large Linda M. Morad, on behalf of Nelson and Patricia Metil, for recommendation by the Planning Board for the rezoning of 671 Summer Street (Map 91, Lots 152 & 153) from Residence B and Residence C to Mixed Use Business.

Case 10-17: 674 Summer Street Rezoning - Request by City Councilor at Large Linda M. Morad, on behalf of RMS Property Managements, LLC, for recommendation by the Planning Board for the rezoning of 674 Summer Street (Map 91, Lot 249) from Residence C to Mixed Use Business.

Atty. Patrick Walsh spoke on behalf of Sullivan, Williams & Quintin, Councilor Morad and the owners of the properties. He stated the two general retail buildings, built in 1930, have been used as such since then, but were swept up in the most recent re-zoning, giving them a Residence C and B designation, rather than Mixed-Use Business. He stated one owner is attempting to sell, and the grandfather rights would not carry with the sale. He requested the board allow the re-zoning back to Mixed Use Business.

In response to Board Member Duff, Mr. Walsh confirmed that both building are currently occupied.

Chairperson Dawicki noted that a rezoning request was heard in 2014 regarding address 671 Summer Street, where the board voted a favorable recommendation to the city council. Ms. Dawicki inquired if the city council took up the matter. Mr. Walsh stated a special permit was issued for that owner to do light auto body work, but it was not re-zoned at that time.

There being no further discussion, a motion was made (KD) and seconded (AG) to open the public hearing.
Motion passed unopposed.

In response to Chairperson Dawicki's invitation to speak or be recorded in favor of either case, City Councilor-at-Large Linda Morad stated she brought forth the petition for rezoning due to the vacancy in the Ward 3 City Council seat where these properties are located. Morad stated that both properties have operated businesses for the past many years. She stated there is justification to rezone and encouraged the board to support these rezoning requests.

In response to Chairperson Dawicki's invitation to speak or be recorded in favor of either case, Ryan Potter, 150 Martin Street, Rehoboth, stated he is the managing partner of R&S Properties and owner of 674 Summer Street. He stated he is also the owner of Potter Electric, Inc., the occupant of 674 Summer Street, where he has been for 2 ½ years. He stated he runs his company out of the building, using it for office space and storage of materials.

In response to Chairperson Dawicki's invitation to speak or be recorded in favor of either case, Nelson Metil, owner of 671 Summer Street, stated he had appeared before the board about rezoning of the site. He stated he thought the matter was all taken care of the last time. He stated he has run his t-shirt business out of the property and then began getting harassed by the City of New Bedford regarding the zoning which does not allow for a business operation at the location. He stated he now has no tenants and no money coming in to pay his mortgage. He stated he needs this to go through and then everybody can be on the same page and move forward. He wants to make New Bedford a better place and spruce up the street for the neighborhood.

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

Speaking in response to Chairperson Dawicki's invitation to speak or be recorded in opposition was abutter

Stanley Gaj. Mr. Gaj stated Sawyer and Summer Streets have almost the highest traffic in the city, with school buses, cars, and trucks all day long. He stated all the school kids go by this property. He stated that in the summer the doors of the property are open till 9:00 – 10:00 at night fixing cars. He stated there is a lot of noise. He is against rezoning of the property.

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

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

Board Member Cruz confirmed this would be a recommendation to city council to change the zoning. Chairperson Dawicki noted that the April 14, 2014 meeting resulted in correspondence from then City Planner Jill Maclean, which Chairperson Dawicki read into the record, regarding the favorable recommendation from the board.

Board Member Glassman confirmed that there had been no changes to the building since 2014. Mr. Walsh stated the auto body shop will be a plumbing business.

Board Member Duff clarified that auto repair is not an allowed use in a Mixed Use Business zone [without approval from city council]. Mr. Walsh stated that it had previously been allowed for light auto body work only.

At this time, Associate Board Member Smith interjected for clarification purposes that he was not voting on this issue and informed those in attendance he was present to hear and vote on cases continued from the March 8, 2017 Planning Board meeting.

Board Member Glassman stated his memory of the last hearing on this matter was that the commercial use was not permitted by right in a residential zone, and not permitted if not zoned as Mixed Use Business. Chairperson Dawicki confirmed.

Chairperson Dawicki reminded the board of the considerations for rezoning a parcel, such as uniformity, consistency, neighborhood change, fiscal impact, and discriminating benefits.

There being no further board discussion, a motion (KD) was made and seconded (AG) to recommend the request by Councilor Linda Morad on behalf of Nelson and Patricia Metil for recommendation by the Planning Board to City Council for re-zoning of 671 Summer Street, Map 91, Lots 152-153, from Residence B and C to Mixed Use Business.

Motion passed unopposed.

A motion (KD) was made and seconded (AG) to recommend the request by Councilor Linda Morad on behalf of RMS Property Management, LLC, for recommendation by the Planning Board to City Council for the re-zoning of 674 Summer Street, Map 91, Lot 249, from Residence C to Mixed Use Business.

Motion passed unopposed.

CONTINUED PUBLIC HEARINGS

ITEM 6 – Case #8-17 - Request by applicant for Site Plan approval for construction of a 2,118+/- SF addition to an existing 1,322+/- SF structure on a 25, 424+/- SF site at 899 Pleasant and ES Foster Streets (Maps 58, Lots 300-302, 304 & 499) located in the Mixed Use Business (MUB) zoning district. Applicant's Agent: Architectural Consulting Group, Inc., 2206 Acushnet Avenue, New Bedford, MA 02740.

A motion was made (KD) and seconded (AG) to receive and place on file documents submitted by the applicant showing parking lot ingress and egress.
Motion passed unopposed.

Michael Josefek of Architectural Consulting Group explained the location and current condition of the subject property. He displayed and went over plans for the property, which he stated will be a historically sympathetic addition to the building that will fit the neighborhood. He stated they have gathered input from city departments for over a year, and as such, have met all the requirements. He noted that the Zoning Board of Appeals has granted the special permit, stipulating site plan review approval by the Planning Board.

He stated the applicant has, since the last meeting, provided plan revisions requested by the Department of Public Infrastructure, including plantings, buffer areas, and sidewalk interfaces with curb cuts. Mr. Josefek welcomed questions from the board.

With regard to site access, traffic and circulation, Mr. Josefek noted the two existing curb cuts on both Pleasant and Hillman Streets, will be reduced to one curb cut at Hillman Street.

In response to Board Member Duff, Mr. Josefek described the intent to move the carriage house and save it, per discussion with Historical Preservation Planner Ann Louro. He stated the applicant is willing to have it demolished, but is trying to work with the city to salvage it by moving it and creating a shared-parking use. In response to Board Member Duff, Mr. Josefek stated the city will make a decision on whether the building is to be demolished. He stated the building is not key to the plan as it is not designated a historic structure, and will be either razed or moved.

Board Member Smith confirmed that the applicant was not required to go in front of the Historical Commission. **[Note of clarification: For proposed demolitions of any building 75 years or older, the City of New Bedford's Demolition Delay Ordinance requires a determination as to the historical significance of the building that may result in a review by the New Bedford Historical Commission. Because this carriage house is over 75 years old, a proposal to demolish it would be subject to this ordinance and may required review by the New Bedford Historical Commission.]**

Board Member Cruz noted that locating the carriage house on the south end of the property impacts the parking. Mr. Josefek agreed, and noted that was when shared parking was discussed with City New Bedford Building Commissioner Mr. Romanowicz. Josefek stated the site plan shows forty spaces.

Board Member Duff noted that the applicant is proposing an addition to the existing structure, which increases the parking requirements. She stated her understanding is that the building will not be completely occupied by the dental practice. Mr. Josefek indicated the second floor will be unfinished. Board Member Duff noted that because there is the potential for the development of the second floor, the parking requirements reflect that. Mr. Josefek reiterated that the plan meets the requirements.

Board Member Duff referenced a report from Historical Preservation Planner Ann Louro noting that if the applicant seeks to demolish the carriage house, the city's demolition delay ordinance and process will be activated. Board Member Duff reminded the applicant he cannot simply demolish the building, but must go through a process. Mr. Josefek agreed.

Board Member Duff confirmed that the applicant is seeking approval for a plan that does not include the accommodation of the historic structure. Mr. Josefek concurred.

Board Member Smith reminded the applicant he will also need approval from city council for the carriage

house demolition, as well as reminding the applicant of the process for curb cut approval [which is under the purview of the Traffic Commission]. Mr. Josefek stated they are looking to close them off and to reconstruct the sidewalks, which will be continuous and across the curb cut as well.

With regard to parking, Board Member Cruz noted that if two ADA parking spots are side by side, they require an aisle. He added that a van accessible spot is required with the number of spaces in the plan. Mr. Josefek stated there was ample space to make the additions. Board Member Cruz expressed concern about the aisle width. Mr. Josefek stated he would look into it. Board Member Cruz asked for a condition on that issue, pending approval.

In response to Board Member Cruz, Mr. Josefek stated there were no car stops along the building. Mr. Josefek replied that curb stops are one option, and raising the sidewalk another. He did not want to specify which option the applicant would use at this time. There was further discussion on specifics of the handicapped parking and striping, which Mr. Josefek noted would be addressed once the project got underway.

Chairperson Dawicki mentioned that generally the board receives proposals that do not require acceptance with ambiguities. Mr. Josefek stated that at the level of site plan review there is generalization; these are not final plans with surveying, et cetera.

In response to Board Member Smith, Mr. Josefek stated he had absolutely no problem with a city punch list. In response to Board Member Smith, Mr. Josefek stated lights will be little bollards throughout that will not affect the neighbors. He also stated there is no dumpster on the site, in response to Board Member Smith.

With regard to the lighting plan, Mr. Josefek explained the contents. He added that the building will have a couple of period correct house lights. He asked the board to keep in mind that this is not a nighttime business, and the lighting seeks to discourage people hanging around. Mr. Josefek could not reference the page containing the foot candles. Ms. Brawders noted the applicant had not submitted any plan delineating light trespass. Mr. Josefek stated he found the request highly unusual and did not expect that could hold the project up. He stated the bollards had been submitted and the foot candles would be within those cut sheets. He stated these are more walkway path lights. He assured the board that the neighbors will be protected.

While Board Member Smith acknowledged Mr. Josefek's years of experience, other board members referenced the site plan review checklist that applicants are to follow. Mr. Josefek asked that the board provide what it is they want. He stated they could simply not put any lights in. He stressed the applicant's desire not to have to appear yet again just because of bollards.

With regard to landscaping, Mr. Josefek stated the majority of the plan is screening for the neighbors. He stated there will be scattered shrubs around the building. In response to Chairperson Dawicki, Mr. Josefek could not provide a specific percentage of green space. He indicated the gassy and pervious parking areas. He stated they are not adding to the current hardscape. In response to Chairperson Dawicki he indicated where the paving line would be, location of the grassy area, and location of the pervious parking.

In response to Board Member Smith, Mr. Josefek stated the parking spots could be delineated with sea shells, as he did in Nantucket. He stated that lines are not always needed. Board Member Smith inquired as to how the applicant will indicate how many parking spaces there are. Mr. Josefek stated that if the board wants a hard surface, they will do that. He stated the applicant could use parking tiles with differentiating colors.

Board Member Smith stated that while he understood the applicant's desire not to have to re-appear, he did not feel the applicant was providing clear plans. He reminded the applicant that the site plan is not derived at the meeting.

Mr. Josefek stated their plan was derived in their opinion. He stated they had identified the parking spaces, and the board's question is how they are differentiated. He again stated they can use pervious parking tiles of different colors to designate the lines.

Board Member Cruz noted that the drainage shows the entire area paved, and there is no demarcation point on the site plan showing a grassy area. Mr. Josefek apologized and stated the line was supposed to have been drawn by Farland Corp [who prepared the Drainage Report]. He indicated the paved and unpaved surfaces.

Board Member Cruz noted that the drainage calculations are based on a fully paved area. Board Member Cruz requested a revised plan identifying demarcation. Board Member Duff concurred, noting that while she appreciates any attempt at sustainable parking solutions, she daily sees failed pervious parking solutions. She stated she needs more detail and delineation for any approval. She stated she found the packet incomplete and lacking the needed tools [for site plan review by the Planning Board].

Mr. Josefek stated the site plan review statute in Massachusetts is very vague. He stated if it is easier to vote on if the parking lot is paved, they will do that. He stated they are trying to give back to the community, but do not want to jump through all these hoops to accomplish that. He stated that projects have been approved on a sheet of paper, and he feels it unfair to hold this project up on concerns about parking that will never be used.

With regard to drainage and storm water, Board Member Cruz noted the amount of water coming to the driveway where there is no catch basin. Mr. Josefek stated that the site currently drains to the street and they will capture as much as they can. He noted the law is that they not exceed what is there now, and they will be minimizing what is there currently.

Board Member Cruz noted the applicant is adding a catch basin in the lawn area and relocating a catch basin on the southwest side, but is not catching any of the drainage on the isle toward the back of the property. Mr. Josefek stated that while something could be put in, the applicant is reducing the amount of shed off the property and that is what the law requires.

Board Member Cruz again stated that it will end up on the roadway. Mr. Josefek stated it ends up where it's ending up now. He stated he could easily turn one into a grate to solve the problem.

Board Member Duff noted the carriage house is present there as well. Mr. Josefek stated the water is not being captured by the building, but going around it.

At Chairperson Dawicki's suggestion, a motion was made (KD) and seconded (AG) to open the public hearing. Motion passed unopposed.

In response to Chairperson Dawicki's invitation to speak or be recorded in favor, John Silveira, an abutter at 61 Hillman Street, stated he felt this was a great plan. He stated he has no problem with the lighting. He felt it was an improvement to the neighborhood and he welcomes it. He stated nothing has been done to this building for a long time, and the property really wasn't taken care of. He thanked the dentist for investing in the property. At Board Member Smith's request, he indicated the location of his property.

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

In response to Chairperson Dawicki's invitation to speak or be recorded in opposition, John Aevazelis of Flagship Drive, Dartmouth, MA, stated he believes it is a good utilization of the property, but he has questions regarding the site plan and the grading. He stated he owns 52 Foster Street, abutting the subject property, which has a

slope. He has concerns about parking location stability in relation to his concrete walkway. He expressed concern about the screening plantings on that portion of the property. He stated there have been problems with “homeless people” in that area of the property, and he feels high arborvitae could increase the problem. He welcomed fencing to alleviate its use as a cut-thru to Foster Street.

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

Mofta El-ghadi, DMD, of Lakeville, MA, stated he had been practicing dentistry in the city of New Bedford since 2003. He noted he is the only prosthodontist specialist in the area. He stated that weak underground cable infrastructure lines have hampered his access to the necessary available technology. He stated he is more than willing to work with the city of New Bedford.

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

A motion was made (KD) and seconded (GS) to suspend the public hearing.

Chairperson Dawicki expressed appreciation for the investment being made on the project. She expressed concern about the lack of technical details presented by the [Site Plan review] application, and explained that there is a review process in place.

Board Member Duff stated she completely concurs with Chairperson Dawicki. She welcomes the expansion of business in the area, but feels the site plan needs more clarity for the board, and would like the property line further articulated. Board Member Cruz also agreed with both of his colleagues regarding the lack of information and details on the plans. He stated that to do their job correctly, they need the information. He again requested a revised set of plans, to include specifics on what is paved and what is not, as well as addressing the contradictions in drainage and curb cuts. Board Member Smith also agreed, and stated that if made to vote this evening he would vote no. He felt the proposal for the property is excellent, but has concerns about the parking layout and the drainage. He stated the plans should reflect that clearly at Site Plan review, not after. Board Member Glassman also agreed with board members’ opinion.

Chairperson Dawicki noted the consensus around the table with need to continue the case and see plans that meet the board and city ordinance stipulations. She suggested clarifying the board’s specific needs on what they want to see. The Chair suggested the applicant work with the planning staff and one or two board members before the next board meeting in May.

Board Member Duff noted the board wants the following addressed:

- The entrance handicap accessibility for van and parking.

Mr. Josefek again argued that they had agreed to do the spots as the board wishes, and he does not believe the process should be held up due to a couple of parking spots and lighting. He again stated it is unfair.

Chairperson Dawicki clarified for the applicant that the board is in agreement about things they need to see prior to voting, and that the board is trying to list what they need to see in the plans in order to wrap up the matter as expediently as possible.

Mr. Josefek requested a list with details of what the board wants. He noted that originally the plan was to tear down a historic building and erect a small one level modern building, which could have already been done. He stated in order to do something nice, they are being delayed over parking spaces that will never be used.

Chairperson Dawicki interrupted Mr. Josefek and asked that Board Member Duff resume listing the technical considerations that need to be met:

- Show the handicap spots on the site plan in front of the building, both the quantity and have them

called out in number of the parking spots provided, show the aisle width, showing ADA compliance, as well as van accessibility;

- Note the total number of spaces provided and the number required on the site plan, along with the aisle width;
- Indicate area of curbing and/or car stops;
- Provide a lighting plan that shows the specifics and specifications on the light fixtures, giving the lumens and/or light candles/foot candles;
- Indicate the areas of landscaping with dimensions on the landscaping plans, particular to the sensitivity and treatment of the property line, especially the property line on the western edge abutting the residential neighborhood;
- Provide a clear demarcation of what is grass and what is pavement;
- Provide a revised drainage plan to show pervious impervious areas, with revised calculations;
- Provide and update of the drainage along the aisle as it interacts with grading to a low spot in front of the building where the water will pool;
- Provide an erosion control plan regarding protection of the city catch basins, such as calling out silk sacks and straw bales;
- Provide any proposed signage to be considered, on the building or otherwise.

Ms. Brawders noted the Department of Public Infrastructure comments of 3/7/17 stating DPI did not recommend Site Plan approval. She read that memorandum into the record. She stated that on 3/27/17, an e-mail from DPI noted after subsequent review of revised site plan submittals, the applicant had addressed drainage only; the email from DPI reiterated the 3/7/17 memorandum from DPI was still valid. Board Member Duff requested any DPI comments be addressed by the applicant and that a follow up memorandum with recommendations from DPI be provided for the Planning Board's consideration and information.

A motion was made (KD) and seconded (GS) to continue Case #08-17 to the May 10, 2017 meeting. Motion passed unopposed.

ITEM 7 – Case #7-17 - Request by applicant for Modification of Subdivision Plan approval, from 35 to 15 lots, on a 12+/- acre site east of Acushnet Avenue, south of Phillips Road and north of Victoria Street (Map 130D, Lots 117, 379-387, 392-419) located in the Residence A (RA) zoning district. Applicant: New Bedford Cousins, LLC, P.O. Box 36, Scituate, MA 02066.

John Cavanaro, of Cavanaro Consulting in Norwell, covered the history of the project started in 2006. The original 38 lot subdivision was approved. He stated the subdivision was subsequently modified to a 35 lot subdivision which was approved in 2008. When the housing market came back, the order of conditions was addressed by the filing of a new Notice of Intent with the Conservation Commission reflecting the latest wetlands delineation. Subsequently, the proposal was downscaled to a one 660' length road terminating at a cul-de-sac and lot size expanded from 8,000 SF to 20,000 SF.

Mr. Cavanaro stated the benefits include reduction on overall pavement, the footprint, and the cost. He stated the redesign dramatically increases open space and buffer zones, it eliminates the need to fill any portion of wetlands as approved, and put a lot of the land in "quasi-permanent" open space. He noted the storm water management still drains to an underground infiltration system, and the water main will be looped through the site due to an easement.

Mr. Cavanaro stated were two waivers requested in the original application and there are now three per DPI comments. Mr. Cavanaro noted the addition of pedestrian connectivity along Phillips Road per DPI request, with sidewalks and crosswalks.

Mr. Cavanaro stated as of today, there is a lot reduction of about 60%, from 35 to 15; a total reduction of roadway from 2,400' to 660', a 72% reduction; traffic impact reduction. He stated the Conservation filing would be the last thing to address in the present plan, per a DPI request to have the drainage reviewed. He invited questions.

Chairperson Dawicki noted that, on behalf of the board, the planning office requested two opinions from the city solicitor's office. One opinion was with regard to an easement. The second opinion was in regard to the status of the subdivision plan. She stated those questions remain pending.

Board Member Duff inquired if the DPI letter dated 2/28/17 was the most recent. Ms. Brawders stated there is a subsequent DPI memo.

Mr. Cavanaro referenced a 4/5/17 letter from DPI, noting the granting of the waiver requests.

Board Member Duff inquired if the dark green areas on the plan are a buffer zone adjacent to the wetland area. Mr. Cavanaro clarified that the dark green area marries the proposed tree line, just showing that in the present plan the tree line is at the buffer zone.

Board Member Smith confirmed that the buffer is part of a purchaser's property. Mr. Cavanaro concurred, but noted that it was not a no-build restriction.

Board Member Cruz asked if the utilities tie-ins were in a grassy area. Mr. Cavanaro indicated where there is a driveway. In response to Board Member Cruz and Board Member Smith, Mr. Cavanaro agreed that the driveway will be fully replaced.

Ms. Brawders inquired if the driveway Mr. Cavanaro described was Monson Street, with two property owners sharing frontage. Mr. Cavanaro clarified the driveway was off of Victoria Street, the former Monson Street alignment.

In response to Chairperson Dawicki, Mr. Cavanaro noted the revised plan satisfies requirements by DPI for the number of street trees and lighting. He noted that DPI requested two additional street lights in their memorandum. In addition, the applicant noted arborvitae screening along the northeast abutting property line, as well as a landscaped area with two mature deciduous trees and arborvitae.

Board Member Smith inquired if the extra streetlights are to be given to the city, as done in the past. Mr. Cavanaro was unaware of that.

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

Motion passed unopposed.

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

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

A motion was made (KD) and seconded (GS) to suspend the public hearing.

Motion passed unopposed.

Chairperson Dawicki read a 4/12/17 e-mail from abutter Katie Knowles of 250 Fitzgerald Street into the record, wherein she notes the business additions in the neighborhood since the original proposal and the related traffic problems that have developed.

Board Member Glassman expressed agreement with Ms. Knowles' comments, but he did not feel the setup as

presented would have a negative impact, as it goes onto Phillips Road and not Acushnet Avenue.

Board Member Duff acknowledged the overall increase of green space having a positive effect on any traffic impact.

Board Member Cruz stated he would like the erosion control plan to reference straw instead of hay bales, as well as silt sacks for protection of city catch basins.

Board Member Duff inquired as to the practice of extending the public hearing pending city solicitor decisions. Ms. Brawders confirmed the practice was appropriate.

Mr. Cavanaro inquired as to a timeframe regarding any continuance. Ms. Brawders was hopeful the decision would be in by the next month's planning board meeting.

Both Chairperson Dawicki and Board Member Duff thanked the applicant for their hard work and thorough presentation.

In response to Board Member Cruz, Mr. Cavanaro stated there was no timeframe for completion of the subdivision presently.

A motion was made (KD) and seconded (AG) to continue Case #07-17 to the May 10, 2017 meeting. Motion passed unopposed.

PUBLIC HEARING

ITEM 8 - Case #12-17: Zoning Ordinance Text Amendment – To see if the City will adopt a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers, under Chapter 9 – Comprehensive Zoning., Section 5700. Planning Moratorium., for the purpose of adding Section 5720. Temporary Moratorium on Recreational Marijuana Establishments., so as to allow for sufficient time to address the effects of such structures and uses in the City and to enact the zoning ordinance in a consistent manner. 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 8.00AM to 4.00PM Monday through Friday.

Liz Treadup, of the Solicitor's Office, reminded the Board that Question 4 of the 2016 election legalized marijuana for non-medical uses in Massachusetts. She stated that the passage of that question has enabled the industry to develop recreational marijuana cultivators, testing facilities, and product manufacturers and retailers, which are not addressed in the city's zoning code. She stated that many cities and towns across the state are moving to put in place common sense measures that will allow for the study of the potential impacts of this new industry, as well as adopt local zoning and other regulations to ensure the facilities are properly sited and regulated. Ms. Treadup stated the city can benefit from taking this practical approach, used by other communities, by adopting the temporary moratorium. If enacted, the temporary measure would serve as a pause button for New Bedford, allowing the city to study and identify all the new eco planning and public safety issues associated with these facilities, and develop appropriate by-laws and ordinances. Given the work left to do at the state level on the 44 pending bills to modify the act, the prudent course would be to enact this moratorium.

There being no further questions, a motion was made (KD) and seconded (AD) to open the public hearing. Motion passed unopposed.

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

There was no response to Chairperson Dawicki's invitation to speak or be recorded in opposition

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

A motion was made (KD) and seconded (AD) to recommend to the city council that the city of New Bedford establish a temporary moratorium on recreational marijuana establishments.
Motion passed unopposed.

OTHER:

Ms. Brawders noted general information received by the planning division. She stated they can be viewed on the I-Pad or view them in the office.

Mr. Glassman briefly commented on the drainage reports included with Planning Board packets received by the entire board, stating he did not need the drainage report and did not want to waste the paper. Ms. Brawders noted the comments.

APPROVAL OF MINUTES:

A motion was made (KD) and seconded (AG) to approve the March meeting minutes.
Motion passed unopposed.

ADJOURNMENT:

A motion was made (KD) and seconded (AG) to adjourn.
Motion passed unopposed.

Meeting was adjourned at 8:20 p.m.

NEXT PLANNING BOARD MEETING SCHEDULED WEDNESDAY, MAY 10, 2017