

PLANNING BOARD

City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
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CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	20-26			
Request Type:	Site Plan			
Address:	100 Duchaine Blvd.			
Zoning:	Industrial C, Mixed Use Business, and Residential A			
Recorded Owner:	SMRE 100, LLC & SMRE SUBLOT 20, LLC			
Owner Address:	255 State Street 7 th Floor Boston, MA 02109 & 401 Industry Road, Suite 100 Louisville, KY 40208			
Applicant:	SMRE 100, LLC			
Applicant Address:	255 State Street, 7 th Floor Boston, MA 02109			
Application Submittal Date	Public Hearing Date(s)		Decision Date	
September 8, 2020	September 30, October 28, November 18, and December 9, 2020		December 9, 2020	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
134	5 & 462	134	60	24201, 23339, 24417, 25024
133	67	12378	314	

Application: SMRE 100, LLC (255 State Street, 7th Floor, Boston, MA 02109) for a **Site Plan Review** for the expansion of an existing glass and plastics recycling and processing facility; including a 23,050± building addition, a 22,819± building addition, solar canopies, a railroad line spur, and associated site improvements. Located at **100 Duchaine Boulevard** (Map: 134 Lots: 5 & 462; & Map: 133 Lot: 67) on a 70 ± acre site in an Industrial C, Mixed Use Business, and Residential A zoned districts.

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 December 23, 2020. 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.

12/23/2020

Date

Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

SMRE 100, LLC (255 State Street, 7th Floor, Boston, MA 02109) for a **Site Plan Review** for the expansion of an existing glass and plastics recycling and processing facility; including a 23,050± building addition, a 22,819± building addition, solar canopies, a railroad line spur, and associated site improvements. Located at **100 Duchaine Boulevard** (Map: 134 Lots: 5 & 462; & Map: 133 Lot: 67) on a 70 ± acre site in an Industrial C, Mixed Use Business, and Residential A zoned districts.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The engineered plan submission is shown as “Phase I & Phase II Site Plan 100 Duchaine Boulevard Assessors Map 133 Lot 67 & Map 134 Lots 5 & 462 New Bedford, Massachusetts” dated July 3, 2020, last revision dated November 3, 2020; date stamped received by City Clerk’s Office on November 24, 2020. Plans were prepared by Farland Corp., in New Bedford, MA and stamped by Christian Albert Farland, PE. The plan set consists of the following sheets:

- Sheet 1 Cover Sheet
- Sheet 2 Existing Conditions Overall Site
- Sheet 3 Existing Conditions
- Sheet 4 Existing Conditions Cont.
- Sheet 5 Erosion Control & Demolition
- Sheet 6 Erosion Control & Demo. Cont.
- Sheet 7 Layout Overall Site
- Sheet 8 Layout
- Sheet 9 Layout Cont.
- Sheet 10 Traffic Circulation
- Sheet 11 Utilities
- Sheet 12 Utilities Cont.
- Sheet 13 Grading & Drainage
- Sheet 14 Grading & Drainage Cont.
- Sheet 15 Lighting & Landscaping
- Sheet 16 Lighting & Landscaping Cont.
- Sheet 17 Landscaping & Planting Schedule
- Sheet 18 Color Presentation
- Sheet 19 Notes & Legend
- Sheet 20 Details
- Sheet 21 Details Cont.
- Sheet 22 Details
- Sheet 23 Details
- Sheet 24 Details

The architectural plan submission is shown as “Parallel Products 100 Duchaine Blvd., New Bedford, MA 02745 – Planning Board Submission” dated September 16, 2019, last revision dated November 3, 2020; date stamped received by City Clerk’s Office on November 24, 2020. prepared by William Starck Architects, Inc., in Providence, RI, unstamped. The plan set consists of the following sheets:

- Drawing A1.1 Glass Building Extension Floor Plan

- Drawing A1.2 Side Bunker Building Floor Plan
- Drawing A1.3 Front Photovoltaic Canopy #1 Floor Plan
- Drawing A3.1 Proposed Side Bunker Building Elevation
- Drawing A3.2 Proposed Glass Building Extension Elevations
- Drawing A3.3 Proposed Front Photovoltaic Canopy #2 Elevations
- Drawing A3.4 Proposed Front Photovoltaic Canopy #1 Elevations
- Drawing A3.5 Proposed Rear Photovoltaic Canopy #1 Elevations
- Drawing C1A Proposed Architectural Site Plan

The solar panel details and architectural plan submission is shown as “Solar Canopy for Parallel Products at 100 Duchaine Blvd., New Bedford, MA 02745” last revision dated 8/29/19, prepared by RBI Solar in Cincinnati, OH, unstamped. The plan set consists of the following sheets:

- Sheet SC001 Cover Sheet
- Sheet SC002 General Notes & Module Specifications
- Sheet SC003 Site Plan
- Sheet SC101 Foundation & Column Plan
- Sheet SC102 Foundation & Column Plan
- Sheet SC103 Component Plan
- Sheet SC104 Component Plan
- Sheet SC301 Canopy Section
- Sheet SC302 Canopy Section
- Sheet SC401 Foundation & Base Plate Details
- Sheet SC501 Component Details

Other Documents and Supporting Materials

- ☒ Site Plan Review Application date stamped received by the City Clerk’s Office on September 8, 2020.
- ☒ Certified Abutters List
- ☒ Department of City Planning Staff Report dated September 24, 2020
- ☒ Department of City Planning Staff Memo dated October 27, 2020
- ☒ Department of Public Infrastructure Memo dated September 29, 2020
- ☒ Department of Public Infrastructure Memo dated October 28, 2020
- ☒ Department of Public Infrastructure Memo dated November 18, 2020
- ☒ New Bedford Fire Prevention Bureau Comments dated December 7, 2020
- ☒ Department of Public Infrastructure Memo dated December 9, 2020
- ☒ Conservation Commission Comments September 23, 2020
- ☒ Conservation Commission Comments November 12, 2020
- ☒ Applicant Response Letter dated October 9, 2020
- ☒ Applicant Response Letter dated November 3, 2020
- ☒ Applicant Response to DPI Phase 1 Traffic Comments dated November 3, 2020
- ☒ Letter from MassCoastal Rail dated September 30, 2020
- ☒ Letter from City Councilor At-Large Linda Morad, dated October 26, 2020
- ☒ Email from Tracy Wallace, New Bedford resident, dated December 9, 2020

3) DISCUSSION

Due to the COVID- 19 outbreak, the following meeting were held fully remotely in accordance with the Governor of Massachusetts' March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G. L. c. 30A, Section 20.

September 30, 2020

Board members Kathryn Duff, Peter Cruz, Alexander Kalife, Arthur Glassman, and Kamile Khazan attended the September 30, 2020 virtual meeting held online and over a conference call. Senior Planner Jennifer Carloni was also present during the discussion.

A motion was made by Mr. Glassman and seconded Mr. Cruz to open the public hearing. Motion passed unopposed.

Att. Michael Kehoe, New Bedford, appeared on behalf of the owner/applicant. He stated they are requesting the expansion of the glass recycling component of the currently operational facility. He described the scope and detail of the expansion, including solar canopies and parking, railroad spur line installation, and site improvements. He described the history of the project, including a 2017 planning board site plan approval; namely Case #32-17. He referenced the board's 2018 approval of a new pylon ground sign along with the structure addition. Attorney Kehoe provided further project details, including orders of conditions, MEPA review and the filing showing the project as Phase 1. He clarified that the applicant is seeking approval of glass recycling expansion at this time.

Chairperson Duff noted the addition of plastic as it was in the application and suggested the need to modify the request.

Timothy Cusson, Vice-President of Parallel Products, provided a history of the company and its operations. He noted no operational complaints at the original facility, and since moving to Duchaine Boulevard in 2019 and operating since February 2020 he has no knowledge of any complaints. He described the glass processing work that is presently being done at the facility, and he described the proposed expansion operations. He discussed storage, abutter concerns, and proposed changes in operation. He discussed outside operations, the scope of the proposed volumes, and traffic.

Mr. Cusson then discussed rail service details. There was further board discussion on the railway correspondence, which Chairperson Duff read into the record.

Attorney Kehoe introduced Christian Farland of Farland Corp. Mr. Farland, on behalf of the applicant, provided a history of their work on the Phase 1 project. He discussed the rail aspect of the project and the absence of the need for significant work on the same. He provided a presentation for the board to view, including site buildings. He discussed the operation and directions of travel within the project and stormwater. He then described project changes and additions. He noted steps taken to minimize various impacts, including wetlands and stormwater improvements. He acknowledged the staff report and DPI comments and said the applicant would address the comments.

Chairperson Duff provided positive comments on the project plan. She commented that several application items need clarification, including whether the applicant seeks a waiver versus permission.

Chairperson Duff requested further details about the plans, including the rail crossing and traffic circulation.

Mr. Cusson then explained site access and maintenance, product travel, loading, et cetera, on the site. Chairperson Duff asked about the use/direction of the conveyor, as well as employee traffic circulation and parking. In response to Chairperson Duff, Mr. Cusson stated there will be 75 employees over 3 shifts. He also discussed sidewalks, employee entrance, additional available parking and bike racks, and paved space versus green space.

Mr. Farland spoke further on green space/impervious space. In response to Chairperson Duff, Mr. Farland stated they would explore installation of planting islands in the northeast section. There was further discussion, noting the area in question is part of the applicant's Phase II. Chairperson Duff suggested delineation of the two phases, noting only Phase I is before the board.

Phil Viveiros of McMahon Associates, discussed traffic impacts from operation, noting their previous July 2019 memo which did not include glass trips and discussed the updated figures. Chairperson Duff requested clarification and suggested the applicant speak with DPI regarding an updated traffic study.

Board Member Khazan requested clarification regarding the DPI traffic study request and discussed buffering, truck traffic and other concerns with Mr. Cusson.

Board Member Glassman discussed the impact of approving Phase I as it relates to any advantage created for Phase II and encouraged the board to consider these as two separate operations. Chairperson Duff welcomed comment from the City Solicitor's Office. Elizabeth Lydon, Associate City Solicitor suggested conditioning the project to address these concerns.

Board Member Cruz discussed a railroad and wetland crossing retaining wall with Mr. Farland as well as the stormwater system, noting the railroad area and associated traffic, storm receptors, wetlands, and other site improvements. Chairperson Duff requested plans of the layout improvements related to the railroad.

Board Member Glassman discussed train operating hours with Mr. Cusson.

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

ROLL CALLVOTE:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Chairperson Duff – Yes

Motion passes 5-0

In response to Chairperson Duff's invitation to speak or be recorded in favor of the project, Eric Bratemier, Intercorporation, an abutter, raised concerns about noise at conveyor operations, railroad spurs and associated work on the site, as well as traffic.

Elizabeth Swible, of Jennifer Lane, expressed concerns about piggy backing phases and the lack of information on Phase II. She inquired about the volume and employment opportunities. She stated she could hear the facility running late at night and questioned the need versus the benefit. Chairperson Duff provided comment on the same, noting the board's purview. Ms. Swible reiterated her concern that Phase II has impacts that are not being discussed.

Charles Kennedy, of Birchwood Drive, reiterated the comments of the prior speaker, noting he was up at 5:30 a.m. hearing noise from the operation as well. He inquired as to hours of operation. Chairperson Duff stated she believes it to be 3 shifts per day, 7 days a week.

Ken Costa of Greenbrier Drive reiterated previous comments about noise from the glass, and suggested studies on the same. He noted Phase II is already present on the rail drawings.

Vincent Carolan of Stephanie Place discussed safety of school children related to truck traffic.

Tracy Wallace of Stephanie Place expressed her traffic concerns and reiterated previous comments related to noise, which she described as significant. She noted her concern about safety when running on Phillips Road. She stated that in a 40-minute period she was passed by 14 Mack trucks and 4 tractor-trailers. She also noted the bike lanes and speed of motorists on that road. She spoke of trash, parked cars and Eversource traffic. She suggested a moratorium on traffic. She also expressed concern on the Phase I and Phase II distinctions and requested to include "waste" in the current documents for review by the public.

Councilor Linda Morad echoed the previous comments given the concerns expressed. She asked the board to clarify with the Solicitor's Office whether the City's noise ordinance applies, given the hours of operation. Councilor Morad requested the board limit rail cars loading hours of operation, as the loading occurs outside. She requested current truck volume numbers and information on dumpster locations and associated schedules and odors. Councilor Morad commented that an updated traffic study should be required for Phase I and requested installation of traffic signals at the corners of Braley and Phillips Roads, as well as the 140 exit ramps, as the board has previously required.

Charles Kennedy reiterated that in the mornings there is a large amount of truck traffic and noise as they hit surface patches in the road. He noted concerns with the dust from the loading/unloading. He agreed with changes to the traffic study and complained about the Phillips Road traffic.

Wendy Boucher, of East Freetown, thanked Councilor Morad for her comments and expressed concerns over noise, light pollution from a 24 hour operating site, vermin and traffic.

Chairperson Duff agreed with the traffic study points raised.

Jim Niiand, Stephanie Place, stated he supports all the public comments expressed both for and against the proposal. He stated that traffic is an issue. He expressed concerns about lighting and trucks on Phillips Road, which would affect quality of life.

At the conclusion of the comment period, Chairperson Duff highlighted the concerns expressed, including noise. She confirmed the hours of operation with Mr. Cusson. Chairperson Duff again raised the conveyor operations and suggested closing the area on 2 or 3 sides. Chairperson Duff also noted the neighboring business's traffic concerns.

In addressing public comments, Mr. Cusson stated that all material is loaded inside of the building. He stated he would look into noise concerns and suggested he could restrict conveyor loading times. He addressed the early morning noise complaints, noting that Parallel Products is not the only operator in the area. He then discussed rail line access and construction of the same.

Eric Bratemier commented on the narrowness of the road and negative interference on Barnett Boulevard.

Mr. Cusson responded that he could include an area for construction vehicles and would look into traffic interruption due to the rail. Mr. Cusson stated that he would provide additional information addressing traffic concerns at the next meeting. Mr. Cusson stated that Phase II may never happen and discussed outstanding approvals needed. He commented on the economic feasibility and noted the limited build out of the rail. He acknowledged Phase II would not provide any extensive volume of jobs. He acknowledged the uptick in truck traffic in the Industrial Park due to the addition of many companies. He said they would self-police any trucks on Phillips Road, and noted their agreement to a truck exclusionary zone. He also discussed DPI comments and traffic signals. Chairperson Duff noted the concerns expressed about traffic and noise, and suggested a noise study. Mr. Cusson stated that there are currently no outside operations.

Board Member Glassman discussed ton limits on Phillips Road with fines.

After discussion with the applicant on meeting availability, a motion was made (AG) and seconded (KK) to continue the matter to October 28, 2020.

ROLL CALLVOTE:

Board Member Glassman– Yes

Board Member Kalife – Yes

Board Member Cruz – Yes

Board Member Khazan - Yes

Chairperson Duff – Yes

Motion passes 5-0

October 28, 2020

Board members Kathryn Duff, Peter Cruz, Alexander Kalife, Arthur Glassman, and Kamile Khazan attended the September 30, 2020 virtual meeting held online and over a conference call. Senior Planner Jennifer Carloni was also present during the discussion.

A motion was made by Mr. Glassman and seconded Mr. Cruz to open the public hearing. Motion passed unopposed.

Chair Duff read into the record a communication from the Department of Public Infrastructure dated October 27, 2020.

Attorney Kehoe presented on behalf of the applicant and requested that many of the concerns outlined in the DPI memorandum could be made into conditions of approval and requested the board vote as such. He explained the traffic report numbers included the existing operation and highlighted that the rail line would further reduce the number of vehicular trips to the site.

Mr. Farland, project engineer, detailed the revisions made to the plans since the last hearing. He noted the applicant made all the revisions previously requested by DPI. He further requested the new DPI comments received on the latest plan revisions be made conditions of approval. He noted the projected number of vehicles in question would be about six and should not require any further traffic studies. He indicated the information provided by the project team is adequate for review and approval. Mr. Farland then read and reviewed each item outlined in his response letter dated October 9, 2020 for the board.

Chair Duff inquired if the applicant had quantified the existing noise on the site. Mr. Farland replied that he did not feel there was a need to do so and it is not a requirement of site plan review. He said noise is not an issue on the site and it complies with the City noise requirements. He reiterated that the use is not changing, just expanding. He noted the concerns about noise expressed by the neighborhood were related to the adjacent business and not this site. He noted Parallel Products does not use backup alarms on their vehicles so those complaints would have to be related to an adjacent business. Lastly, he noted the property is located in the industrial park and the property is not in violation of any noise issues. He also noted there is no exterior machinery proposed.

Mr. Farland noted the traffic engineer is working with DPI to address their concerns and questions related to traffic. He also noted the team submitted a letter from MassCoastal dated September 30, 2020, which outlined the potential service levels for the rail operator to the site.

Mr. Farland continued to read and review his response letter outlining the changes made to the plan since the last hearing.

Chair Duff clarified that the Board received a letter clarifying that information contained in a previous traffic report was for a larger proposal at the site. Mr. Farland noted that the traffic to be generated by this phase is minimal and does not warrant a full traffic study.

Chair Duff asked for clarification about the rail lines. Mr. Farland noted some revisions still need to be made to this section of the plan for clarity. He explained that at this time the applicant proposes to have the rail cars and rail line enter the building in the rear. The plan has been revised to have one rail line entering the building and one rail line on the exterior under the canopies. Rail cars would be loaded inside the building to further reduce any noise impacts then be moved to the exterior rail line until they were picked up by the rail operator.

Mr. Cusson, of Parallel Products, further explained that the architectural plans have an overhead door on the west side of the building. It is in that location where the rail line would be entering the building for loading the processed materials.

At the request of Chair Duff, Mr. Cusson further detailed how the rail cars would be moved between the two rail lines utilizing an electric rail car.

Chair Duff requested that a rail car be added to the plan revision for a sense of proportional scale and better understanding by all.

Chair Duff outlined the concerns expressed by abutters were related to noise, traffic, and impacts to neighboring businesses in the park when the rail service stops traffic in the park.

At the request of Chair Duff, Mr. Farland pointed out the wetland area that would be flooded. Mr. Farland noted the plans had been peer reviewed and approved by Conservation Commission. He indicated he could follow up with the Conservation Agent and coordinate with DPI.

Mr. Cusson provided clarification about the hours of operation. He noted they are an existing business already approved for 24-hour operation. He explained the rail line service would be based on when MassCoastal serves the area but again referred to the letter provided for more specifics. He noted there would likely be two service visits per week, whereas the real problem for the park businesses will be the commuter rail once that becomes operational.

Regarding the truck traffic on Phillips Road, Mr. Cusson offered that they would train their employees not to utilize Phillips Road, and provide signage and instructions to outside vendors to not use that route as well. They would also be supportive of any petition made to the Traffic Commission to limit heavy trucks on that portion of roadway.

Chair Duff asked for questions from the board. Ms. Khazan asked for clarification about the revisions made and DPI comments. Chair Duff noted the comments from DPI were for the most recent revision submitted. The comments were received moments before the meeting so some revisions the applicant verbally described tonight have not yet been made on the drawings. Mr. Farland noted most concerns are minor and typical. Senior Planner, Jennifer Carloni interjected that it is very unusual for DPI to request a continuance for further revisions. If it could be conditioned, DPI would not request a continuance.

At the request of Chair Duff, Mr. Cusson provided an overview of the site operation and procedure for processing the recyclable materials. He explained they received material from redemption centers, sort, process and bale it by types and ship it back out to vendors who reuse the material to create new products.

There was further discussion between Chair Duff and Mr. Cusson about the revisions to be made and the requirements and regulations that apply to the project.

Chair Duff then offered the opportunity for anyone in attendance to speak or be recorded in favor or opposition. No one was recorded in favor.

Chair Duff read a letter in opposition from City Councilor At-Large Linda Morad, dated October 26, 2020.

Then the following individuals spoke and were recorded in opposition: Vincent Carol (75 Stephanie Place New Bedford), City Councilor Ward 1, Brad Markey (133 William Street New Bedford, Ma), Tracy Wallace (75 Stephanie Place New Bedford, MA), Jim Niland (47 Stephanie Place New Bedford, MA), and Elizabeth Swible (Jennifer Lane New Bedford, MA).

Those in opposition expressed concerns about traffic impacts to the nearby Pulaski Elementary School, Phillips Road neighborhoods, noise, odors, independent drivers coming to the site using Phillips Road, environmental impacts to air and ground water and the material being processed on site. They also expressed concern for approving elements in this phase that are designed for future phases.

In response to a request from Chair Duff, Mr. Cusson explained how they communicate with the independent haulers coming to their facility. Mr. Cusson offered to provide signage around the site and instructions to all vendors. He further reiterated his support for the City to have the traffic commission put a heavy truck restriction on Phillips Road, which is outside of their control.

Mr. Phil Viveiros addressed questions about the traffic study. He noted the current proposal would not generate significant additional traffic volumes. The full site build-out which the full traffic study was originally based on would have much higher traffic volumes and any mitigation measures would be reviewed as part of the MEPA review and subsequent site plan review processes with the city. It was further clarified that the 2018 traffic study projected the site would see 108 trips per day once Parallel Products relocated to the site. The current traffic counts are 90 vehicle trips per day. With this proposed expansion they anticipate a total of 6 additional trips per day bringing them under their 2018 study projections.

There was further discussion on concerns of abutters and revisions the applicant could make to the plan.

Mr. Glassman made a motion, seconded by Mr. Cruz to continue the case hearing to November 18, 2020. With all in favor the motion passed.

November 18, 2020

Board members Kathryn Duff, Peter Cruz, Alexander Kalife, Arthur Glassman, and Kamile Khazan attended the November 18, 2020 virtual meeting held online and over a conference call. Senior Planner Jennifer Carloni was also present during the discussion.

A motion was made by Mr. Glassman and seconded Mr. Cruz to open the public hearing. Motion passed unopposed.

Chair Duff read a memo from the Department of Public Infrastructure dated November 18, 2020 noting DPI required more time to review the revised plans and documents submitted since the October meeting. It was also noted that Senior Planner, Jennifer Carloni had received word from Fire Prevention Office that they too required additional time to review the plan for the rail to enter the building.

There was brief conversation about the need for further time and the applicant expressed frustration with the process and requested comments be provided in a timely fashion prior to the next hearing.

Mr. Glassman made a motion, seconded by Mr. Cruz to continue the hearing to December 9, 2020. With all in favor the motion passed.

December 9, 2020

Board members Kathryn Duff, Peter Cruz, Arthur Glassman, Alexander Kalife, and Kamile Khazan attend the December 9, 2020 virtual meeting held online and over a conference call. Preservation Planner Anne Louro, Staff Planner Michael McCarthy, and Associate Solicitor Elizabeth Lydon were also present during this discussion

Chair Duff began the discussion by reading into the record a letter with comments from the New Bedford Fire Prevention Bureau dated December 7, 2020, which contained questions about the submitted plan such as the materials to be handled in the rail cars, at what times rail cars will be in the building, what type of a rail cars will be in the building, and plans for relocating a fire hydrant.

Chair Duff read into the record a memo from the Department of Public Infrastructure dated December 9, 2020 (attached), which detailed comments from DPI along with a request that the applicant's engineer contact DPI for a review meeting to discuss all of DPI's outstanding and new comments.

Chair Duff read an email dated December 9, 2020 from a neighboring resident, Ms. Tracy Wallace, into the record. The letter detailed concerns with the Parallel Products site and the abutting homes owned by Parallel Products, including unkept properties, trash along the roadside, odors, noise, and traffic concerns related to Theodore Rice Blvd. Ms. Wallace attached photos to her email.

Attorney Michael Kehoe presented on behalf of the applicant and began by stating that the applicant team felt that the current plans had been revised to adequately address previous concerns voiced by the public and City departments. With regards to the comments from the Fire Prevention Bureau, Attorney Kehoe felt that the current revision of the plans provided enough information to answer any questions. Attorney Kehoe noted that at the time of a building permit application, the application team would submit detailed construction plans, which will include plans for a fire safety system. Attorney Kehoe stated that most of DPI's comments up until the most recent memo dealt with traffic concerns, an issue that he considered to be resolved. He added that DPI called the traffic study analysis thorough. Attorney Kehoe said that adding in conditions that are already tied to the issuance of building permit conflated the issue and asked the Board to focus on the site plan review requirements.

Attorney Kehoe stated that Parallel Products should not be held responsible for the noise generated from that area of the business park and that the noise was what one could expect from that type of site in an industrial park. Regarding trash, Attorney Kehoe said that Parallel Products itself is not the source of trash dumped on the property, and that if they are made aware of any trash, they remove it.

Mr. Farland insisted that the current plans meet all the City's and state's standards and that he disagrees with Ms. Wallace's email.

Mr. Farland reiterated that the current plans met the City's standards and that they have addressed comments from the Planning Department staff report and from DPI's October memo. Mr. Farland remarked that the Planning Board typically includes DPI comments as conditions of approval, rather than withholding approval until issues are addressed. He said that he believed that outstanding issues related

to utilities should be resolved during the building permit process. He concluded by saying that the Board had everything in front of them that they needed to approve the plan at this time.

Chair Duff asked if Mr. Farland had any objections to the latest comments from DPI and he stated that he did not. Chair Duff then asked for a response to comment #10 from DPI's December 9, 2020 memo, which reads: "Coordinate site plan changes with Conservation Commission for filed Notice of Intent. Several utility relocations appear to have direct impacts on wetland resources." Mr. Farland responded that the Conservation Commission has approved the project and that any changes that cause work to be done outside of the limitations set by the Commission would require the applicant to refile for approval from the Commission.

Mr. Farland then responded to the comments from the Fire Prevention Bureau and argued that the typical process is for the fire protection plan to be reviewed as part of the building permit plan and not during site plan review. Chair Duff responded that these concerns were brought up at this time due to the unique nature of the project, which was recently revised to bring rail cars inside of the building.

Chair Duff noted that she had visited the location multiple times to understand the concerns raised by the public throughout the hearing. She said that the site was clean and that she never observed any issues with trash along the road during her visits. Regarding traffic, Chair Duff commented that Phillips Road is a very busy road and that concerns regarding that are correct, but that this must be addressed by the City and is not something that is solely the responsibility of Parallel Products.

Regarding noise, Chair Duff stated that the applicant was not required to adhere to the local noise ordinance because they are not surrounded by residential properties. Chair Duff and Attorney Kehoe discussed the possibility of setting a 60-decible limit on noise at the property boundary. Mr. Farland questioned how a baseline reading would be measured and suggested adding landscape features along the boundary line to dampen noise. Chair Duff agreed with this suggestion and Mr. Farland agreed to add evergreen plantings in this area.

Chair Duff confirmed that Parallel Products would add signage to direct inbound truck traffic to Theodore Rice Boulevard and outbound truck traffic to Duchaine Boulevard and that all proposed signage would be reviewed by Planning Department staff. Mr. Farland agreed to this condition. Chair Duff also confirmed that the applicant would replace all inoperable fixtures with down-shielded fixtures prior to the certificate of occupancy. Mr. Farland agreed to this condition.

Chair Duff then asked if Planning staff or Board members had any questions from the team and Ms. Louro stated that Captain Coons from the Fire Department would be on the call to speak on his concerns, but that he was not at the moment at the meeting. Mr. Cruz said that Chair Duff addressed all the points he wished to discuss and had no further questions for the applicant.

Chair Duff invited members of the public to speak on record in support or opposition of this case. City Councilors Linda Morad and Brad Markey spoke about concerns that they had already raised in previous meetings and heard from the public regarding noise and traffic. Both councilors asked that the Board

condition its approval in a way that gives the City a means to remedy these issues if they are not addressed by the applicant.

Mr. Vincent Carolan, a nearby resident, commented that the additional traffic projected in the traffic report posed a danger due to the current traffic levels, presence of a school, and pedestrian traffic in the area. Chair Duff acknowledged Mr. Carolan's concerns and asked the applicant team to speak to this. Mr. Farland said that the increase in traffic would only be 10 vehicles a day and that the report did not factor in the reduction of traffic due to the addition of the rail line.

Chair Duff turned the discussion to the reduction of operating hours and the condition that the applicant improve conditions between their property and the abutting residential properties to reduce noise. Mr. Timothy Cusson, of Parallel Products, suggested start and end times for the weekend. Chair Duff suggested limiting Sunday to 10AM to 2PM and ending operations at 6:30PM on Saturday, which Mr. Cusson agreed to.

Chair Duff and Mr. Cusson worked to clarify where landscape modifications would be done to reduce noise for the residential abutters. Mr. Cusson agreed to put plantings along the two residential properties owned by Parallel Products and along the northern and western boundaries of the abutting residential property.

Chair Duff asked how residents would be able to identify trucks from Parallel Products and Mr. Cusson responded that trucks marked "Tomra" are the only trucks that leave and return to their facility every day. Chair Duff and Mr. Cusson discussed how drivers would be disciplined if they took Phillips Road. Mr. Cusson agreed to develop a training program and share it with the Board but would not commit to any disciplinary actions without first consulting with Human Resources.

Ms. Wendy Graca, a resident of Freetown, spoke to address the hours of operation and how it would disturb the sleep of residents, and suggested that fines should be involved if a driver takes Phillips Road. Chair Duff responded that the Board is not an enforcement agent and could not impose fines.

Ms. Elizabeth Swible, a neighboring resident, stated that opposition to this project extended beyond immediate abutters, because Parallel Products was undertaking this expansion to increase more business to this location. Given this, Ms. Swible questioned whether the traffic estimates were accurate. Chair Duff stated that the traffic report had been peer reviewed, revised, and accepted by the City.

Mr. Cusson responded to a question from Chair Duff regarding operations and noise levels, saying that trucks are not active on site after 11:30PM and most trucks are on the road from 6:30PM until 6PM. Ms. Swible asked if the doors to the facility would be open 24 hours a day, which she said caused noise. Mr. Cusson responded that generally, the doors are closed, and he invited to public to call and come visit when they hear noise.

Captain Daniel Coons of the New Bedford Fire Department expanded on the concerns outlined in the December 7 memo, stating that once a railroad system is in place, it is difficult to alter and that this is why the Fire Prevention Bureau requested additional details about the type of rail cars and fire safety system at this time. Mr. Cusson responded that crushed glass would be loaded into closed-top hopper cars moved

by an electric engine and that as part of the building permit process the Fire Prevention Bureau would receive fully engineered fire protection plans. Attorney Kehoe added that the applicant intended for the building expansion to be fully code compliant regarding fire safety and all other codes.

Associate Solicitor Lydon stated that section 5451 of the City's code of ordinances for site plan review required "a utility plan which shall include all facilities for refuse and sewage disposal or storage of waste. The location of all hydrants, fire alarms, and firefighting facilities on or adjacent to the site." Mr. Cusson and Attorney Kehoe insisted that the plans included these items and Mr. Farland requested that a plan sheet be brought up so that he could identify them.

Associate Solicitor Lydon reminded the Board that it was within their purview to continue a hearing and ask for more details at the recommendation of City departments if they wished to do.

Chair Duff asked Captain Coons to clarify if Fire Prevention was requesting additional plans. Captain Coons responded that Fire Prevention was asking for "engineered, stamped plans" that show the type of fire safety system. Chair Duff stated that stamped plans would have to be submitted for the applicant to receive a building permit. Associate Solicitor Lydon noted that a building permit will be issued after the rail line is constructed.

4) DECISION

Mr. Glassman made a motion, seconded by Mr. Cruz to approve Case #20-26: 100 Duchaine Boulevard – Request by applicant for a Site Plan Review for the expansion of an existing glass and plastics recycling and processing facility; including a 23,050± building addition, a 22,819± building addition, solar canopies, a railroad line spur, and associated site improvements. Located at 100 Duchaine Boulevard (Map: 134 Lots: 5 & 462; & Map: 133 Lot: 67) on a 70 ± acre site in an Industrial C, Mixed Use Business, and Residential A zoned districts. Owners/Applicant: SMRE 100, LLC (255 State Street, 7th Floor, Boston, MA 02109) & SMRE SUBLOT 20, LLC (401 Industry Road – Suite 100 Louisville, KY 40208).

The approval is subject to the following:

Special Conditions:

1. This approval is for the expansion of the glass recycling operation only. Any further expansion and additional uses resulting in increased impacts on the site, including an increase in traffic beyond 126 total daily trips, will require additional site plan review.
2. The project is required to address all DPI comments dated December 9, 2020 prior to the issuance of a building permit.
3. The project is required to receive approval from New Bedford Fire Prevention prior to the issuance of a building permit and a certificate of occupancy.
4. The project is approved subject to conditions established by the New Bedford Conservation Commission and all applicable federal, state, and local permitting authorities.

5. In lieu of a 60-decibel noise requirement, the applicant will install plantings along the boundary of the eastern property line running parallel to Phillips Road, following the property line westerly along the access road and behind the two abutting residential properties owned by the applicant. A landscaping plan shall be submitted to the Planning Department staff for review and approval prior to issuance of a Building Permit. Landscaping shall be provided according to the approved plans prior to issuance of a Certificate of Occupancy.
6. The Applicant must provide on-site signage directing Inbound truck traffic to Theodore Rice Boulevard and Outbound truck traffic to Duchaine Boulevard. Proposed signage, including the existing 25 mile per hour speed limit signage, and signage prohibiting idling and queuing to be added along the internal roadway on the east side of the site, shall be noted on the plans and submitted to Planning Department staff prior to issuance of a building permit.
7. All inoperable light fixtures shall be replaced with operable down shielded fixtures prior to the issuance of a building permit.
8. The hours of operations on Sundays shall be 10 AM to 2 PM and Saturdays closing at 6 PM.
9. The applicant commits to training drivers to stay off Phillips Road with repercussions to be determined at a later date. The training and personnel policy will be submitted to the Planning Department for review.

General Conditions:

10. The project shall be completed in accordance with approved plans, notes, reports, and specifications.
11. The Memorandum from the Department of Public Infrastructure received and placed on file on December 9, 2020 and directives contained within are hereby incorporated by reference. The project shall be consistent with the directives contained within and attached to this decision.
12. The applicant shall submit final plan revisions to the Planning Department 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 prior to the issuance of a certificate of occupancy.
13. The applicant shall ensure 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 a copy of the recorded decision shall be provided for the Planning Department Case file folder prior to the issuance of a certificate of occupancy.
14. The applicant shall present any proposed modification of the approved plans for consideration to the City Planner for determination as to whether it requires further review by the Planning Board.

- 15. 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 rendered, or they will lapse.
- 16. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

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 approved, four (4) to zero (1).

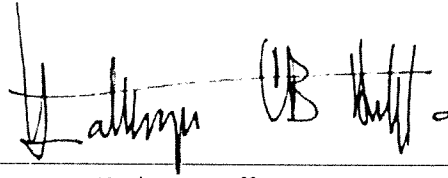
Chairperson Kathryn Duff – Yes
Board Member Kalife – Yes
Board Member Cruz – Yes

Board Member Glassman – No
Board Member Khazan – Yes

Filed with the City Clerk on:

12/23/2020

Date



Kathryn Duff
City of New Bedford Planning Board



CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

Department of Public Infrastructure

Jamie Ponte
Commissioner

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance
Forestry
Energy

Memorandum

TO: City of New Bedford Planning Board *JP (MRS)*

FROM: Jamie Ponte, Commissioner *JP*

DATE: December 9, 2020

SUBJECT: Parallel Products, Phase I – Site Plan
100 Duchaine Boulevard
Plot 133, Lot 67 and Plot 134, Lots 5 and 462

The City of New Bedford (City) Department of Public Infrastructure (DPI) has reviewed the revised plan dated 11/3/2020 along with all supporting documents submitted for the development of the above referenced site. The following summarizes DPI's comments to the proposed site plan and traffic impact analysis:

Traffic Impact Analysis

DPI has reviewed the technical memorandum titled Parallel Products Expansion – 100 Duchaine Boulevard Phase 1 Traffic Impacts, dated November 3, 2020 by McMahon and Associates (traffic analysis) and offers the following comments:

1. The transportation engineer has provided a thorough analysis acknowledging DPI comments from previous memo regarding the concern of assuming increased volumes to the Industrial Park would be by large trucks only. The revised traffic data clearly outlines the range in possible increase to daily trips in and out of the Industrial Park.

Site Plan Review

DPI has reviewed the proposed site plan for the above referenced location, prepared by Farland Corp, with revision date November 3, 2020 and offer the following comments:

100 Duchaine Boulevard

December 9, 2020

Page 2

1. Engineer must contact DPI to hold a review meeting of the plans. DPI team has multiple comments and questions regarding the various utility relocations for the proposed structures, canopies and railroad tracks.
2. Refer to previous DPI Memorandum, dated October 28, 2020, for comments that must still be addressed and/or adhered to:
 - a. Comment 2: Developer must conduct test pits regarding utility exploration for clarification on conflicts with water and sewer mains in the project area. Test pits to verify depth, diameter and location of existing mains to address conflicts. Submit proposed plan of test pit locations to DPI.
 - b. Comment 6: Refer to Sheet 14 of 25. Sedimentation and erosion controls shown to the east of proposed Side Bunker Building conflict with water main work shown on Sheets 11 of 25 and 13 of 25.
 - i. Revised plan still has conflicts that will require edits.
 - c. Comment 9: DPI has conducted a review of the submitted plans, Developer/engineer to request mark-ups from DPI to incorporate detailed edits into site design.
 - d. Comment 10: Coordinate site plan changes with Conservation Commission for field Notice of Intent. Several utility relocations appear to have direct impacts on wetland resource areas.
 - e. Comment 11: Permits for utilities must be obtained from the DPI, Engineering Division.
 - f. Comment 12: Existing water and sewer services to be capped at the main in accordance with the City Construction Standards.
 - g. Comment 13: Developer to contact DPI's IPP/FOG Engineer for sampling manhole maintenance and inspection permits/requirements.
 - h. Comment 14: Area of impact is greater than one acre. Owner must file a NPDES permit and supply a copy to DPI's Engineering Division. Coordinate sedimentation and erosion control site inspections with DPI Engineering Division.
 - i. Comment 15: Proposed fire hydrants, located on private property must be maintained in accordance with New Bedford Fire Department standards.
 - j. Comment 16: The DPI requires a final plan set to be submitted that reflects all revisions made prior to the start of construction.

100 Duchaine Boulevard

December 9, 2020

Page 3

- k. Comment 17: Developer and site contractor must schedule and attend a pre-construction meeting with the DPI's Assistant City Engineer prior to the start of construction.
- l. Comment 18: Upon completion of work, Engineer and Developer must submit As-built Drawings prior to Certificate of Occupancy being issued.

Cc:

Department of Inspectional Services
Department of Resiliency and Environmental Stewardship
Parallel Products of New England
Farland Corp.