



STAFF COMMENTS

FROM: Connie Brawders, Staff Planner

CB

TO: Jill Maclean, City Planner

DATE: August 7, 2015

Subject: **Case #38 – 14: Case Continuance for Request for Site Plan Review**

Request by applicant, Preferred Realty Services LLC, for Site Plan approval for New Construction of a Multi-Unit Residential Building (6 Two-Bedroom Units), to include demolition of an existing structure having no historical value, at the property known as 475 Union Street (Map Plot 51, Lot 269), in the Mixed Use Business zoning district.

Applicant: Preferred Realty Services, LLC, 386B Third Beach, Middletown, RI, 02842.

Owner: Preferred Realty Services LLC, 1735 Market Street, A492, Philadelphia, PA 19103

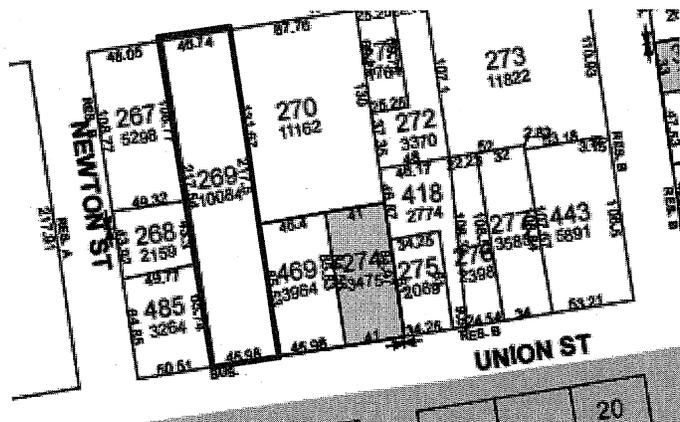
Applicant's Agent: Steven D. Gioiosa, P.E., SITEC, Inc., 449 Fauce Corner Road, Dartmouth, MA 02747

Architect: Neshamkin French Architects, Inc., 5 Monument Square, Charlestown, MA 02129

Case History

Case #37-14 was submitted to the Planning Board for consideration of finding as a Repetitive Petition and Site Plan Review on October 8, 2015.

Plans were first submitted to the Zoning Board of Appeals on March 26, 2014 as Case #4129 and Case # 4130; the applicant was *denied* the request for Variance of dimensional regulations and Special Permit for parking and loading. On July 24, 2014 the applicant appealed to the ZBA for the purpose of finding that plan revisions now before the ZBA were significantly different from the case submittals denied previously by the ZBA. Plan submittals initially illustrated construction of a 10-unit multifamily dwelling.



The applicant subsequently reduced the building footprint from 25' wide by 85' deep, to 23' wide by 74' deep, reduced the elevation height by approximately 1.5 feet, decreased the number of dwelling units to six, which include handicap access to all ground floor units, revised the exterior stairway plan, and increased the number of residential off-street parking spaces to 12.

The ZBA unanimously found on July 24, 2014 by a vote of five (5) to zero (0) that case submittals now proposed were significantly and substationally different from the prior application that was denied on March 26, 2014 and, therefore, not a repetitive petition. Case #4150 and 4151 were continued to the October 16, 2014 meeting of the Zoning Board of Appeals.

On October 16, 2014 the Zoning Board of Appeals reopened the hearing for Case # 4150 and Case #4151. The applicant was granted Variance relief for Case #4150 from Chapter 9 Comprehensive Zoning Sections 2700 - Dimensional Regulations. 2710. General. 2720. Table of Dimensional Requirements- Appendix B, by a vote of four (4) – one (1). Concurrently, the applicant received a Special Permit by a vote of four (4) – one (1), as the ZBA found the applicant to have satisfied the requirements under Chapter 9 Comprehensive Zoning Sections 3000 - Parking and Loading 3100. Applicability Section 3149. Vehicular Access from a public way.

A Variance will lapse one year from the finding, which is this case is October 16, 2015. However, the ZBA decision was challenged by legal action, and on June 16, 2015 dismissed by the Court. The Planning Division has requested legal opinion from the City of New Bedford Solicitors Office and will have their response for the Planning Board at the August 12, 2015 meeting.

The revised plan set dated 09/08/2014 prepared by Civil Environmental Architects (8 Peabody Street, Peabody, MA 01960), was delivered to the October 8, 2014 Planning Board meeting. Case #39-14 - Petition for Rehearing, and Case #38-14 - Site Plan Review were date stamped by the City Clerk on September 15, 2014. Board members present on October 8 were Colleen Dawicki, Janine Da Silva, Kathryn Duff, Peter Cruz and Arthur Glassman. The Board unanimously voted in agreement with the Zoning Board of Appeals to find case submittals were significantly and substationally different from the prior deliverables. A copy of the Decision may be reviewed at Attachment 1.

The Board may review the enabling legislation under MA General Law:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section16>

The Planning Board reviewed plans and specifications for Site Plan Approval, making recommendations for the applicant's second revision of plans, and continued the public hearing for Case # 38-14 to the December 10, 2014 meeting. The case has been continued from December 2014 thru August 2015 with due notice provided to the public. The applicant now presents for the Planning Board's August 12, 2015 consideration revised plans prepared by Sitec, Inc., as stipulated, thereby replacing former agent/engineer Civil Environmental Consultants; the architect remained Neshamkin French Architects, Inc., (Attachment 2).

Case Overview

Subject property is a 10,084 SF parcel located in the MUB zoning district. The site (Map 51, Lot 269) was purchased from Raining Hope Therapeutic Riding, a Rhode Island Corporation, on July 10, 2013 and recorded in Bristol County (S.D) Registry of Deeds at Deed Book 10833, Page 269 on July 11, 2013 (Attachment 3).

The applicant proposes the demolition and construction of a derelict building which requires restoration, adaptive reuse, or demolition. Case file research shows the structure has been used previously as a fish processing market with loading zone and house of worship. The applicant states in the Development Impact Statement that the City of New Bedford has found 475 Union Street to be a building of no historical significance (Attachment 4). A copy of the City of New Bedford Historical Commission Building Demolition Review for 475 Union Street is included for the Planning Board's information and review (Attachment 5). The Bristol County Jail House is three blocks east. The applicant proposes to create six new units of market rate housing with off street parking. Area amenities include a neighborhood park, proximity to a walkable, pedestrian friendly downtown, library, cultural venues, and Ellen R. Hathaway School serving grades pre-Kindergarten to grade five. The applicant has provided the Planning Board with a Project Narrative (Attachment 6).

Multi- family townhouse structures of three stories are a by-right use in the Mixed Use Business zoning district as per Appendix A – Table of Principal Use Regulations. The applicant presents a three story structure with Mansard roof, which provides an additional floor of living space for residents, meeting townhouse guidelines. According to Barron's Dictionary of Real Estate Terms (7th Ed.), "a townhouse is a dwelling unit, generally having two or more floors and attached to other similar units via party walls".

The applicant has specified an architectural style reminiscent of a ship captain's home, in keeping with and honoring the nautical history, culture, and contextualism of the City of New Bedford. Cost estimate for this project is \$800,000.00.

Zoning Requirements

- Minimum lot requirement for MUB is 15,000 SF for three or more family units. The applicant was granted a variance by the Zoning Board of Appeals on October 16, 2014 for his 10,084 SF redevelopment site.
- Density of Dwelling Units 1 per 1,000 SF for three or more family dwellings units. The applicant complies with this zoning regulation.
- Lot Frontage required is 150' for three or more dwelling units. The applicant was granted a variance for the non-conforming lot frontage of 45.98'.
- Building Setbacks for the Front are 15.6', thereby meeting zoning code.
- Building Setbacks for Side yard are 10' and 12'. The applicant meets code.
- Building Setbacks for Rear are 100'. The applicant meets code.
- Proposed building height is 39'; MUB by right allows up to 100'.
- Lot coverage by building is 17.4%, below the 30% maximum allowed by code.
- Green space meets the required 35% by code.

- Off street parking provided: 12 spaces. The applicant meets the parking requirements of Appendix C stipulating to two spaces per dwelling unit per multifamily (3) or more structure.

Planning Board Review of Plan Set presented by Civil Environmental Consultants

After review of the Planning Board minutes of the October 8, 2014 meeting, these points were noted:

Board member Duff recommended low maintenance colonial lawn, flowering shrubs and permeable pavement. (Sitec Landscape Plan Sheet 4 shows Stella D'Oro Day Lilies, Arborvitae, Fire Glow Japanese maple, and Emperor Japanese Maple.)

Chair Dawicki asked that the applicant verify Green Space calculations. (Sitec Site Layout Sheet 1 zoning table states proposed Green space to be 35 %.)

Board member Cruz asked that curb stops be constructed for safety in parking and mitigate storm water drainage. The applicant offered edging on both sides of lot in granite cobblestone or reveal cobblestone uniform around the perimeter. (Sitec Site Layout Sheet 1 notes a 6" concrete reveal on the East side of the parking area; Sitec Landscaping Plan Sheet 4 notes "Maintain Existing Foundation as Retaining Wall" at the East edge of parking area and notes "Concrete Curb" at the West edge.) Board member Cruz reminded the applicant to increase the ADA striping to 8' in width and provide van space for parking. (Sitec Plan Grading & Utilities Sheet 3 measures 8' in width by engineers scale).

Discussion ensued regarding lighting: The applicant proposed Washington style lighting which will be placed at every entry and egress, as well as the Union Street entryway. The applicant will provide wall sconces along the catwalk. (Neshamkin French Architects, Inc., Sheet A-402 depicts wall sconces by entrance doors along the cat walk.)

The Planning Board asked for Cut sheets (Attachment 7) and Lighting Plan showing foot candles, illumination casting effects to the neighborhood, and light shields. (No such plan illustrating foot candles and photometrics has been submitted to date; however, Cut sheets illustrate pole lighting style are noted on Sitec Site Layout Plan Sheet 1 and Sitec Site Grading & Utilities Sheet 7.)

The applicant expressed exterior materials used in construction would be 6"-8" clapboard of Hardy plank, with Mansard roof having scalloped asphalt shingles and low reflectivity roof, PVC trim boards. Exterior color palette would be a neutral color pallet, such as tan.

Email was exchanged between City Planner Jill Maclean to confirm desirable deliverables (Attachment 8). These stipulations are as follows:

- Replace asphalt with permeable material if possible – (The proposed walkway is noted as brick on Sitec Plan Sheet 1)
- Install a bike rack and depict on plan – (Bike Rack is shown on Plan Sheet 1)
- Relocated trash and recycle bins closer to the structure and replace current location with landscaping –(See Plan Sheet 1)
- Install **cobble curbing** with a 6" reveal along the parking spaces – (Plan Sheets 1 and 4 do not reflect this stipulation)

- Loading for ADA van must be 8' W and must be signed (Plan Sheet 1 reflects this stipulation; Plan Sheet 7 illustrates sign)
- Drywells must be relocated to the center of the lot (See site Plan 3)
- Relocate the windows on Union St—move towards the center (See Plan A - 401)
- HVAC units must be hidden by the roof lines (See Architectural Plan Sheets. This item is not clearly noted.)

Comments from Ronald Labelle, Commissioner of the Department of Public Works, dated October 3, 2014 are included with this report for the Planning Board's review (Attachment 9).

New Plan Set

A new plan set has been prepared by Site in response to the Planning Board comments at the October 8, 2014 meeting. Fourteen sheets are included in the plan prepared July 20, 2015. Lighting tear sheets have been provided with the case submittal documents.

1. Aerial Locus Map
2. Existing Conditions
3. Site Grading & Utilities
4. Landscaping Plan
5. Demolition/Erosion Control Plan
6. Detail Sheet
7. Basement Floor Plan A-100 (Neshamkin French Architects, Inc., 5 Monument Square, Charlestown, MA 02129)
8. First Floor Plan and Second Floor Plan A-101
9. Third Floor Plan and Fourth Floor Plan A-102
10. Roof Plan A-103
11. Longitudinal Section A-300
12. Cross Section A-301
13. Union Street Elevation-West Elevation A-401
14. East Elevation A-402

Staff Comments

Email response to staff request for comments follow:

475 Union Street is not in or within 100' of any State or Local wetland resource areas. Therefore a permit from the Conservation Commission is not required for this proposal.

-Sarah Porter, Conservation Agent, City of New Bedford, 508-991-6188

We have no comments.

Barry Rabinovitch [brabinovitch@newbedfordschools.org]

Public Comment

Objections and concerns were raised by abutters of the property as recorded in the October 8, 2015 minutes of the Planning Board meeting, with press coverage of the meeting on Southcoasttoday.com publicized on October 22, 2014 (Attachment 10). The Planning Board was asked by abutters to consider the following as they reviewed the application for Site Plan Approval: 1. Absentee landlordism, 2. Overall

height of the three- story, Mansard roof multifamily dwelling in context with existing neighborhood structures, 3. Drainage capacity and serviceable condition of the existing infrastructure, 4. Lighting spill, 5. Loss of on-street parking availability for current residents, 6. Diminishing property values of existing structures, 7. Building and fire safety in proximity to other structures, 8. Waste stream storage, 9. Landscaping, and 10. Snow storage (Attachment 11).

Staff recommendations:

- The Planning Board may want to remind the applicant to confirm the date the Variance shall lapse. A Variance will lapse one year from the finding, which in this case is October 16, 2015. However, the ZBA decision was challenged by legal action and on June 16, 2015 dismissed by the Court. The Planning Division has requested legal opinion from the City of New Bedford Solicitors Office and will have their response for the Planning Board at the August 12, 2015 meeting.
- The Planning Board has not received Lighting Plan illustrating foot candles and photometrics affecting abutting properties and may want to remind the applicant of their request of such plan. The Cut sheets provided, may however meet with the Board's satisfaction.
- The Planning Board has not received a cut sheet of the wall sconce style.
- The Planning Board may want to request a full drainage plan, which has not been provided for the Planning Board's review.
- Planning Board members may want to review plan Notes for the curb edge for the parking lot for clarification with the applicant.

Respectfully submitted.

Attachments:

1. Finding for Repetitive Petition by City of New Bedford Planning Board
2. Plan Set
3. Deed Book 10833, Page 269
4. Development Impact Statement
5. City of New Bedford Historical Commission Building Demolition Review
6. Project Narrative
7. Lighting Cut Sheets
8. Email Exchange Dated October 14, 2014 Between City Planner Jill Maclean to confirm desirable deliverables
9. Comments from DPI Commissioner Ronald Labelle Dated October 3, 2014
10. Public Comment
11. Minutes of the October 8, 2014 Planning Board Meeting



PLANNING BOARD

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

October 16, 2014

Mr. Dennis Farias, City Clerk
133 William Street
New Bedford, MA 02740

RE: Finding, Consent for Repetitive Petition
Case # 39-14, 475 Union Street (Map Plot 51 Lot 269)

Dear Mr. Farias,

Please be advised that the New Bedford Planning Board held a public hearing on October 8, 2014 to discuss a petition submitted for Planning Board consent to allow an application unfavorably acted upon by the Zoning Board of Appeals (ZBA) within 2 years of said action, on the basis that the proposal contains specific and material changes in the conditions upon which the previous unfavorable action was based. Proposal is for the New Construction of a Multi-Unit Residential Building at the property known as 475 Union Street, New Bedford, MA, 02740, Map Plot 51 Lot 269, in a Mixed Use Business zoned district.

Planning Board members reviewed the plan set originally submitted for review by the Zoning Board of Appeals, dated March 26, 2014, as well as, materials submitted for this request for Finding, date stamped by the City Clerk on September 15, 2014, and submitted by the applicant: Preferred Realty Services, LLC, 386B Third Beach, Middletown, RI, 02842.

Board Members Colleen Dawicki, Janine Da Silva, Kathryn Duff, Peter Cruz, and Arthur Glassman, were present on the evening of the public hearing.

Mr. Ed Redmond, representing the applicant, Preferred Realty Services, LLC, presented information on the proposed project. Mr. Redmond detailed the changes to his proposal to construct a multi-unit dwelling at the subject property following the ZBA's denial of a requested Special Permit and Dimensional Variances.

Chairman Dawicki then called for a motion to open the public hearing. A motion was made by J. Da Silva, seconded by P. Cruz, to open the public hearing. Chairman Dawicki asked the public to speak only to the item at hand, and address whether they felt that this petition contained significant and material changes from the previous petition that was denied by the ZBA.

Chairman Dawicki then invited to the podium anyone wishing to speak in favor of the application. No one spoke or was recorded in favor of the application.

CITY CLERKS OFFICE
NEW BEDFORD, MA
2014 OCT 16 AM 11:48
CITY CLERK

ATTACHMENT 1

Chairman Dawicki then invited to the podium anyone wishing to speak in opposition of the petition. Ward 5 City Councilor Kerry Winterson; At-Large City Councilor Linda Morad; abutters Steve Macedo, Eric Stotts, Richard Desouza, Nancy Andrade, Randall Ramos, Idalina Da Silva, Rene Nunes, Jose Pao, Thomas Melanson, and Diane Eccleston, spoke in opposition of the petition. No additional persons wished to be recorded in opposition of the petition.

On a motion by J. Da Silva, seconded by K. Duff, the public hearing was closed.

After further deliberation and consideration of all testimony, the Planning Board considered a motion by J. Da Silva, seconded by K. Duff, to grant consent for the ZBA to rehear the application, based on the following specific and material changes in the conditions upon which the previous unfavorable action was based:

1. The proposal now meets the required minimum amount of off-street parking spaces, and no longer requires a Special Permit for the reduction of off-street parking;
2. The number of dwelling units was reduced by 25% (from 8 units to 6 units);
3. The footprint of the structure was reduced;
4. The variances required for the project was reduced to one variance;
5. The relocation of the layout of egress stairs to the rear of the structure, rather than the facade;
6. And the increase of open space.

This motion carried 5-0. (CD, KD, JD, PC, AG)

Sincerely,



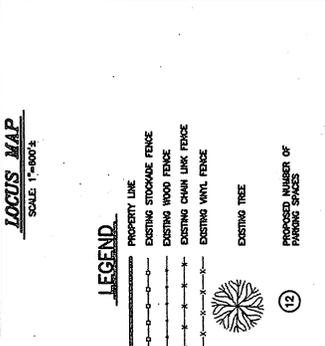
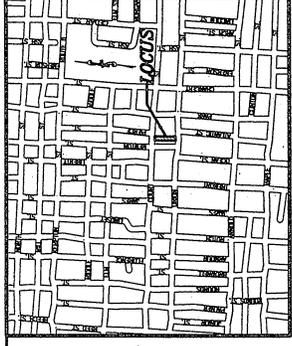
Jill Maclean, City Planner
Agent for the Planning Board

Cc: Ian Comerford, Chair, Zoning Board of Appeals
Danny Romanowicz, Commissioner DIS
Mikaela McDermott, City Solicitor
Ed Redmond, Preferred Realty Services, LLC
Ronald Labelle, Commissioner DPI
Scott Downing, Executive Secretary, Traffic Commission
Kerry Winterson, Ward Five City Councilor

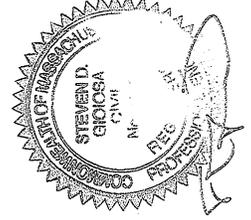
SIT/EC
 9 and 10th Floor
 44 Prince Street
 Boston, MA 02108
 Tel: (617) 452-2244
 Fax: (617) 452-2244
 www.sit-ec.com

PREFERRED REALTY SERVICES, LLC
 475 UNION STREET
 NEW BEDFORD, MASSACHUSETTS
 Tel: (508) 548-2244
 Fax: (508) 548-2244
 www.prs-llc.com

Scale: 1"=400'
 Date: JULY 20, 2015
 Project: 12015-0001



SHEET NUMBER	TITLE	DATE	REVISED
1 OF 7	SITE LAYOUT	JULY 20, 2015	
2 OF 7	AERIAL LOCUS MAP	JULY 20, 2015	
3 OF 7	SITE GRADING & UTILITIES	JULY 20, 2015	
4 OF 7	LANDSCAPING PLAN	JULY 20, 2015	
5 OF 7	EXISTING CONDITIONS	JULY 20, 2015	
6 OF 7	DEMOLITION / EROSION CONTROL PLAN	JULY 20, 2015	
7 OF 7	DETAIL SHEET	JULY 20, 2015	



PLANNING
JUL 29 2015
DEPARTMENT

OWNER/APPLICANT:
PREFERRED REALTY SERVICES, LLC
 395 B THIRD BEACH ROAD
 MIDDLETOWN, RI 02942

FILE COPY

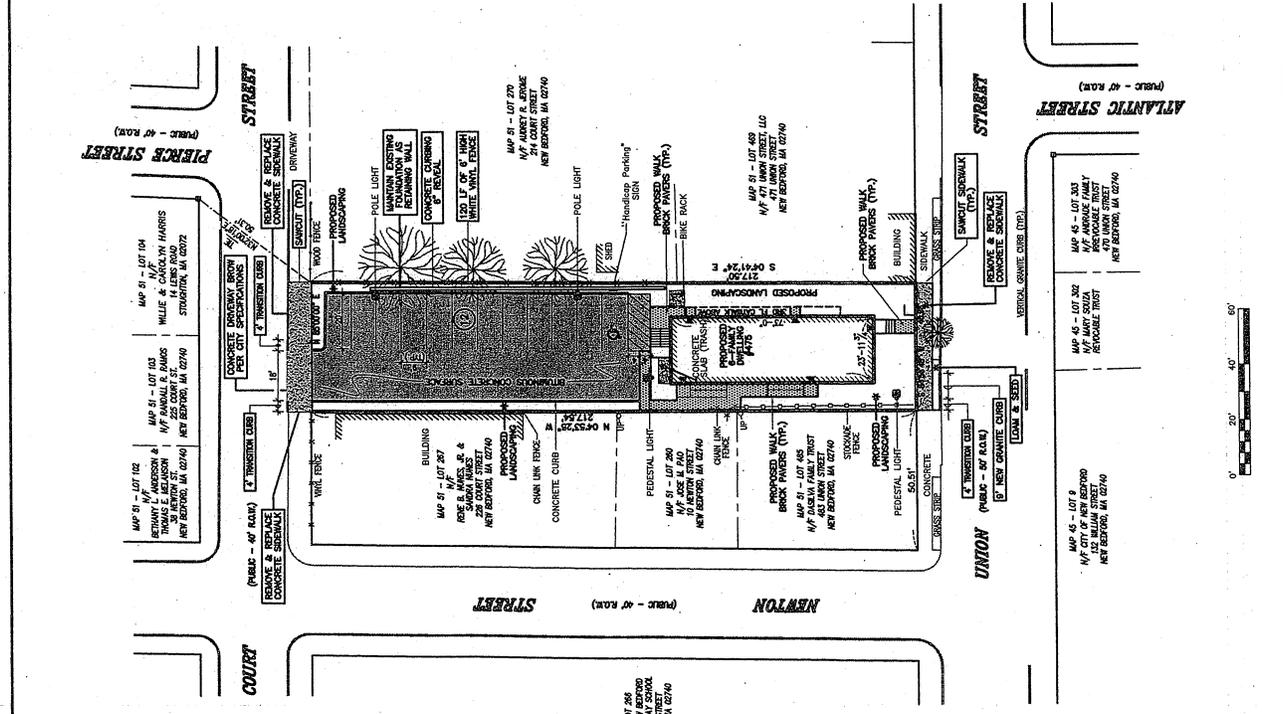
SITE SUMMARY
 ASSESSORS MAP 51 - LOT 269
 ZONING DISTRICT: MIXED USE BUSINESS
 PROPOSED USE: (6) UNIT RESIDENTIAL BUILDING
 DEED REFERENCE: BOOK 10833, PAGE 268

ZONING REQUIREMENTS	
REQUIRED	PROPOSED
LOT AREA	10,084 SF
DENSITY OF DWELLING UNITS PER LOT	6 UNITS
LOT FRONTAGE	45.98' (EXISTING)
BUILDING SETBACKS	
FRONT	15'
SIDE	10'/12'
REAR	30'
BUILDING HEIGHT	39'
LOT COVERAGE BY BUILDING	17.4%
GREEN SPACE	35%
OFF STREET PARKING	12 SPACES

NOTES

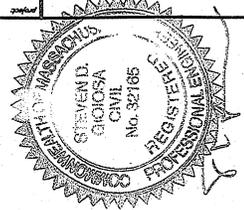
- PARKING LOT LIGHTING SHALL BE RAB LIGHTING (LED) MODEL # AL5276, SET ON 15' POLES OR APPROVED MODEL. ALL LIGHTS SHALL BE BRONZE OR APPROVED EQUAL BRONZE COLOR. ALL LIGHTS SHALL BE 20' SET ON 42" POST OR APPROVED EQUAL (BRONZE COLOR).
- LANDSCAPING SHALL BE DESIGNED TO MEET THE APPLICABLE PROVISIONS OF THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD.
- DRIVEWAY PERMIT SUBJECT TO TRAFFIC COMMISSION APPROVAL.
- PERMITS FOR SIGNAGE, DEMONSTRATION, WATER & SEWER INFRASTRUCTURE ENGINEERING DIVISION.
- ANY MINOR MODIFICATIONS (AS DETERMINED BY THE CITY ENGINEER) SHALL BE SUBMITTED TO THE CITY ENGINEER AS PART OF THE PERMIT APPLICATION FOR APPROVAL PRIOR TO THE WORK BEING PERFORMED.
- ANY WORK AND MATERIAL WITHIN THE CITY RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF NEW BEDFORD REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION.
- ALL PAVEMENT MEASUREMENTS AND SIGNS SHALL CONFORM TO MUTCD REQUIREMENTS.
- OWNER MUST CONTACT THE DEPARTMENT OF PUBLIC WORKS TO ASSIGN A NEW ADDRESS FOR THE PROPOSED BUILDING.

DATE: 7-29-15



SITBC Surveying and Professional Engineering 475 UNION STREET NEW BEDFORD, MASSACHUSETTS (508) 898-1234 FAX (508) 898-1234 WWW.SITBC-ENGINEERS.COM		PREPARED REALTY SERVICES, LLC 475 UNION STREET NEW BEDFORD, MASSACHUSETTS (508) 898-1234 FAX (508) 898-1234 WWW.PREPREALTY.COM	AERIAL LOCUS MAP Date of Map: 7/20/15 Aerial Number: 1-907-1
Order No. 11-5888 Date of Issue: 7/20/15 File No. 11-5888	1-907-1 Order No. 11-5888 Date of Issue: 7/20/15 File No. 11-5888		

CITY CLERK

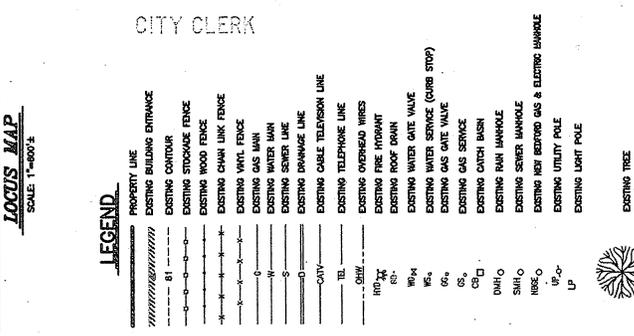
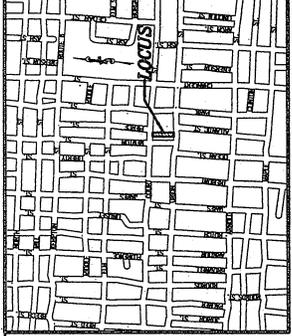


PLANNING
 JUL 29 2015
 DEPARTMENT
 FILE COPY

SCALE 1"=80'
 240'
 180'
 120'



Copy 38-14



LEGEND

- PROPERTY LINE
- EXISTING BUILDING ENTRANCE
- EXISTING CONTOUR
- EXISTING STORAGE FENCE
- EXISTING WOOD FENCE
- EXISTING CHAIN LINK FENCE
- EXISTING VINT. FENCE
- EXISTING GAS MAIN
- EXISTING WATER MAIN
- EXISTING SEWER LINE
- EXISTING DRAINAGE LINE
- EXISTING CABLE TELEVISION LINE
- EXISTING TELEPHONE LINE
- EXISTING OVERHEAD WIRE
- EXISTING FREE HYDRANT
- EXISTING ROOF DRAIN
- EXISTING WATER GATE VALVE
- EXISTING WATER SERVICE (CURB STOP)
- EXISTING GAS GATE VALVE
- EXISTING GAS SERVICE
- EXISTING CATCH BASIN
- EXISTING RAIN MANHOLE
- EXISTING SEWER MANHOLE
- EXISTING NEW BEDFORD GAS & ELECTRIC MANHOLE
- EXISTING UTILITY POLE
- EXISTING TREE

TEST PIT

- PROPOSED BUILDING ENTRANCE
- PROPOSED WATER SERVICE
- PROPOSED SEWER SERVICE
- PROPOSED DRAIN LINE
- PROPOSED CATCH BASIN
- PROPOSED ROOF DRAIN
- PROPOSED CONCRETE

TH

- 10215



PLANNING
 JUL 29 2015
 DEPARTMENT
 FILE COPY

CASE 50-14

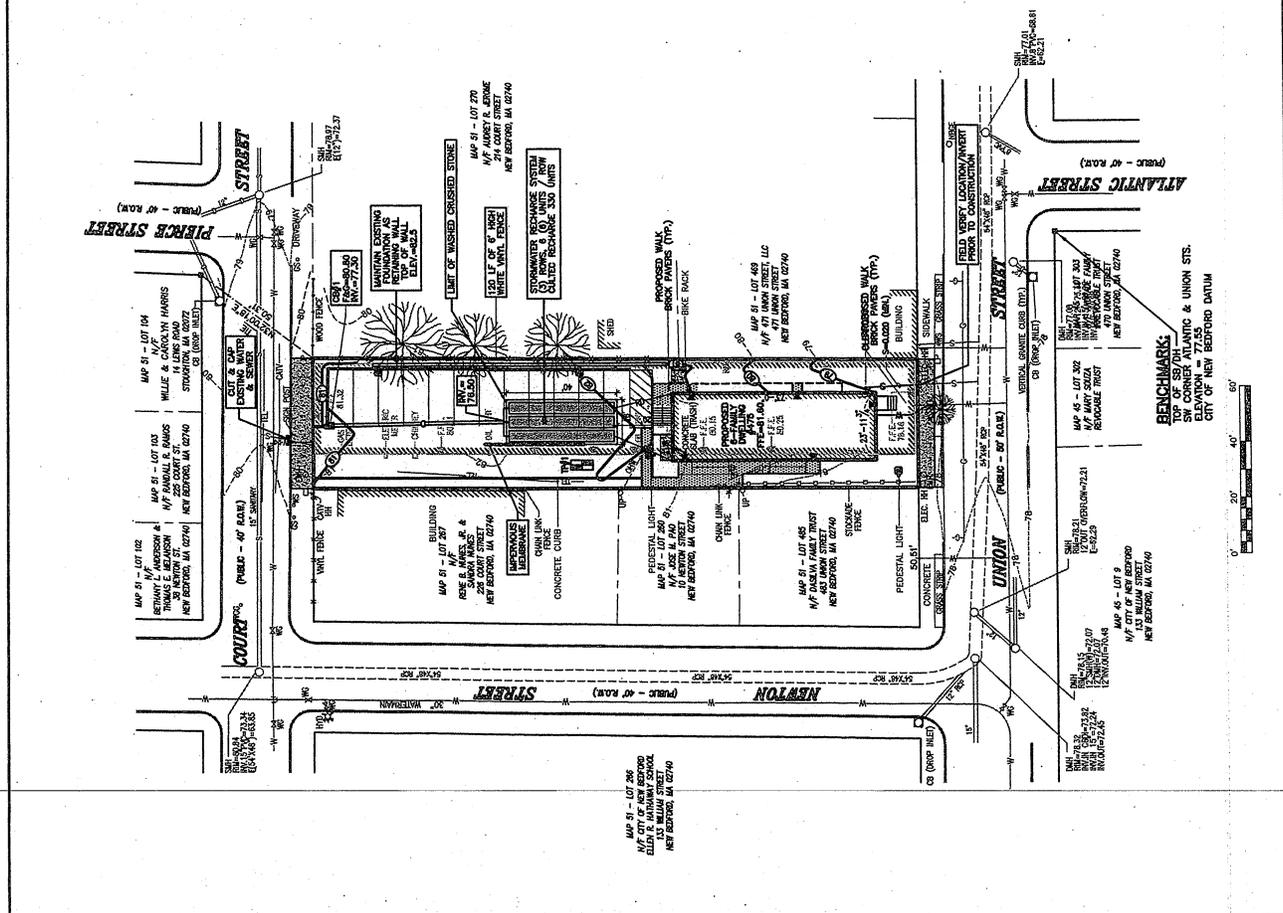
TEST PIT #1
 SOIL EVALUATOR: DANIEL GIOIOSA
 DATE: JANUARY 20, 2015

0	FILL
46"	A SANDY LOAM 10YR 4/2
56"	C FINE SAND 2.5T 0/2
102"	

MOTTLING @ 66" (ELEV. 75.5)
 10YR 6/8

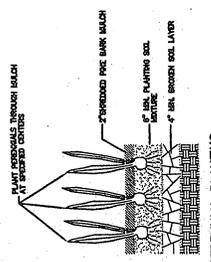
NOTES:

- THE DEVELOPER & SITE CONTRACTOR MUST SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY ENGINEER AND THE CITY PLANNING DEPARTMENT TO REVIEW THE SITE PLAN AND THE CITY ENGINEER'S COMMENTS PRIOR TO THE START OF CONSTRUCTION.
- ALL UTILITIES SHALL BE LOCATED AT THE NORTHWEST CORNER OF THE LOT. IF REQUIRED, SHALL BE LOCATED AT THE NORTHWEST CORNER OF THE LOT. ALL UTILITIES SHALL BE MARKED WITH REFLECTOR PILES THAT WILL REMAIN FOR MORE THAN 24 HOURS.
- SOIL FENCING SHALL BE INSTALLED ALONG DOWNGRADIENT PERMETER OF ANY EXISTING OR PROPOSED CONSTRUCTION PRIOR TO ANY CONSTRUCTION WITHIN THE RIGHT-OF-WAY.
- THE CONTRACTOR SHALL OBTAIN A STREET DISTURBANCE & OBSTRUCTION PERMIT PRIOR TO ANY CONSTRUCTION WITHIN THE RIGHT-OF-WAY.
- ALL WATER AND SEWER CONSTRUCTION SHALL CONFORM TO THE CITY OF NEW BEDFORD REGULATIONS.
- NEW CONSTRUCTION SHALL BE INSPECTED BY THE CITY OF NEW BEDFORD BEFORE BEING BACKFILLED.
- THE CITY SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO THE REQUIRED INSPECTIONS.
- UPON COMPLETION, ENGINEER MUST SUBMIT AS-BUILT DRAWINGS ON OAD FORM PRIOR TO THE COMMENCEMENT OF OCCUPANCY PERMITS.

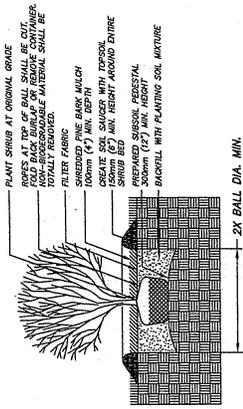


PLANTING NOTES

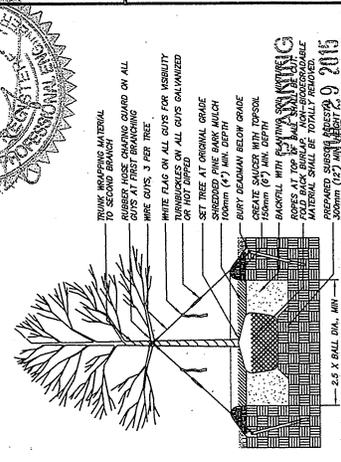
- All new lawn areas shall receive a minimum of 6 inches topsoil of the proper pH and organic content suitable for the healthy growth of lawn. These areas shall be seeded with a fine blend of grass seed.
- All trees and shrubs shall be at least 2 feet wider and 1 foot deeper than the tree or shrub root ball to be planted in it. Root ball shall be high quality form of the proper pH and organic content suitable for the healthy growth of plant material.
- All trees and shrubs shall be inspected and measured to planting standards.
- All plants shall be nursery grown and conform to the latest edition of ANSI Z601.1, American Standard for Nursery Stock.
- Plants shall conform to the botanical names as indicated in the latest edition of "American Joint Committee of Horticultural Nomenclature, Standardized Plant Names."
- Plants shall be installed at all times in accordance with the best horticultural practices. Plants shall be installed in the ground in a hole that is 20% larger than the root ball. The hole shall be backfilled with soil and compacted. Plants shall be installed in a hole that is 20% larger than the root ball. The hole shall be backfilled with soil and compacted. Plants shall be installed in a hole that is 20% larger than the root ball. The hole shall be backfilled with soil and compacted.
- All trees of deciduous species shall be inspected immediately after planting with two trees. They shall be staked or supported immediately after planting in accordance with best horticultural practices.
- The period for planting shall be from March 15 to May 15 and from September 15 to November 15, weather permitting.
- All electrical conduits, pipes, and cables shall be installed in note (A) above.
- All electrical conduits, pipes, and cables shall be installed in note (A) above.
- All electrical conduits, pipes, and cables shall be installed in note (A) above.
- All electrical conduits, pipes, and cables shall be installed in note (A) above.



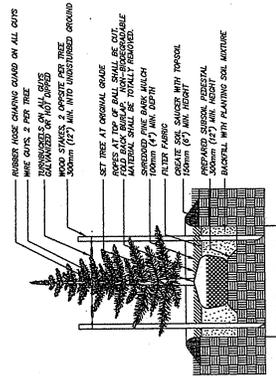
PERENNIAL PLANTING
NOT TO SCALE



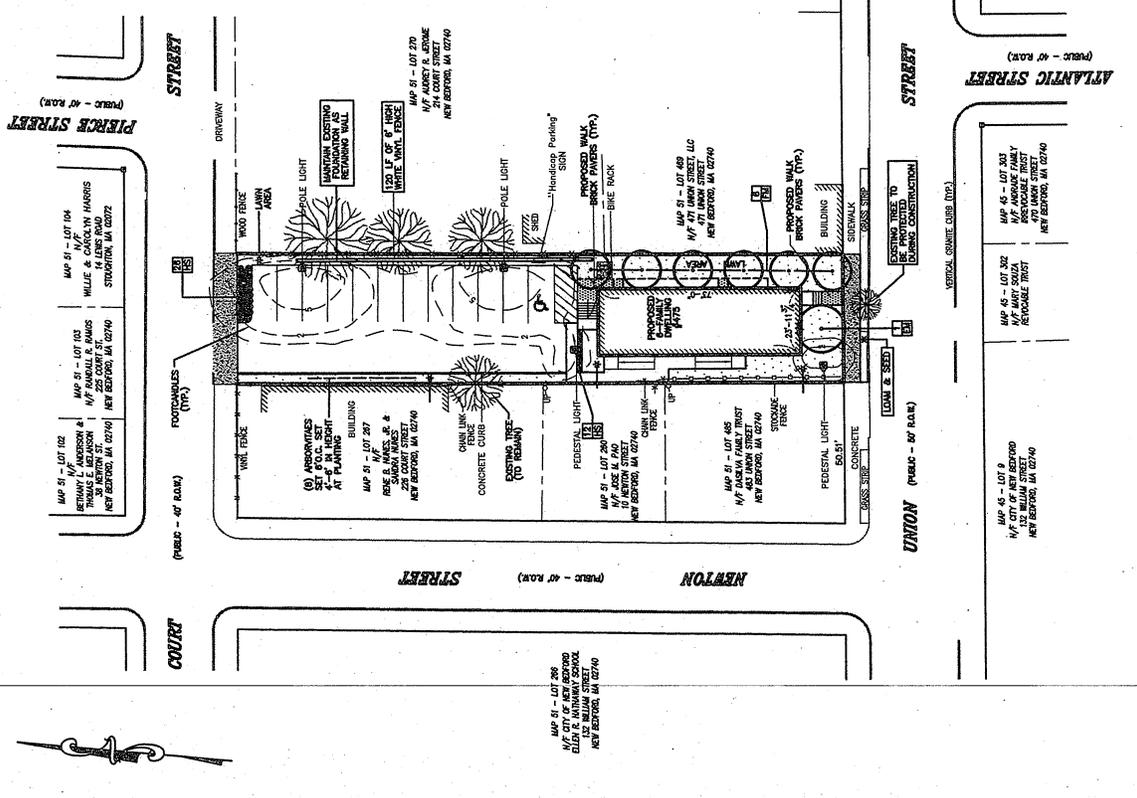
SHRUB PLANTING
NOT TO SCALE



DECIDUOUS TREE PLANTING
NOT TO SCALE



CONIFEROUS TREE PLANTING
NOT TO SCALE



MAP 51 - LOT 102
BRUNY & ANDERSON &
30 NEWTON ST.
NEW BEDFORD, MA 02740

MAP 51 - LOT 103
M/ F BANILLA & BANOS
255 COURT ST.
NEW BEDFORD, MA 02740

MAP 51 - LOT 104
M/ LIE & CAROLYN HARRIS
4 LEBUS BLVD.
STOUGHTON, MA 02727

WOOD FENCE
LAWN AREA
PROPAGULES (TOP)

(3) ARBORETTES
SET 6' ON CENTER
FOUNDATION AS
AT PLANTING

MAP 51 - LOT 207
ROSE B. MARSH, JR. &
220 COURT STREET
NEW BEDFORD, MA 02740

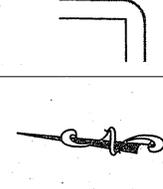
MAP 51 - LOT 485
M/ F JASNA FAMILY TRUST
450 JAMES STREET
NEW BEDFORD, MA 02740

MAP 51 - LOT 489
M/ F 471 UNION STREET, LLC
471 UNION STREET
NEW BEDFORD, MA 02740

MAP 51 - LOT 502
M/ F CITY OF NEW BEDFORD
132 MILLING STREET
NEW BEDFORD, MA 02740

MAP 51 - LOT 503
M/ F CITY OF NEW BEDFORD
132 MILLING STREET
NEW BEDFORD, MA 02740

STREET (Public - 40' R/W)

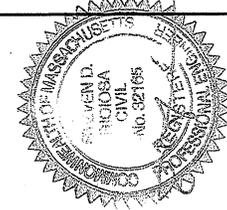


SITTEC
SITTEC, INC.
444 FIVE STAR BLVD
NEW BEDFORD, MA 02740
(508) 898-1554
WWW.SITTEC-ENGINEERING.COM

PREFERRED REALTY SERVICES, LLC
NEW BEDFORD, MASSACHUSETTS
475 UNION STREET
NEW BEDFORD, MASSACHUSETTS
02740
DATE: JULY 20, 2015
SCALE: 1"=20'

LANDSCAPING PLAN

NO.	DATE	DESCRIPTION
1	7/20/15	ISSUED FOR PERMIT
2	7/20/15	ISSUED FOR PERMIT
3	7/20/15	ISSUED FOR PERMIT
4	7/20/15	ISSUED FOR PERMIT
5	7/20/15	ISSUED FOR PERMIT
6	7/20/15	ISSUED FOR PERMIT
7	7/20/15	ISSUED FOR PERMIT
8	7/20/15	ISSUED FOR PERMIT
9	7/20/15	ISSUED FOR PERMIT
10	7/20/15	ISSUED FOR PERMIT



Case 3014



2015 JUL 29 P 1:19

CITY CLERK

LEGEND

- PROPERTY LINE
- BUILDING ENTRANCE
- EXISTING CONTOUR
- STOCKADE FENCE
- WOOD FENCE
- CHAIN LINK FENCE
- VINYL FENCE
- GAS MAIN
- WATER MAIN
- SEWER LINE
- DRAINAGE LINE
- CABLE TELEVISION LINE
- TELEPHONE LINE
- OVERHEAD WIRES
- FIRE HYDRANT
- ROOF DRAIN
- WATER GATE VALVE
- WATER SERVICE (CURB STOP)
- GAS GATE VALVE
- GAS SERVICE
- CATCH BASIN
- DRAIN MANHOLE
- SEWER MANHOLE
- NEW BEDFORD GAS & ELECTRIC MANHOLE
- UTILITY POLE
- LIGHT POLE
- TREE

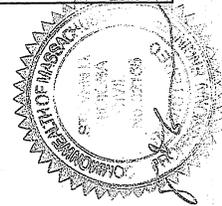
UTILITY COMPANIES

WATER/SEWER: DEPARTMENT OF PUBLIC INFRASTRUCTURE
100 SHAWMUT AVENUE
NEW BEDFORD, MA 02740

ELECTRIC: EVERSOURCE ELECTRIC
100 STATE STREET
WESTWOOD, MA 02780

GAS: EVERSOURCE GAS
1 INSTAR WAY
WESTWOOD, MA 02780

PLANNING

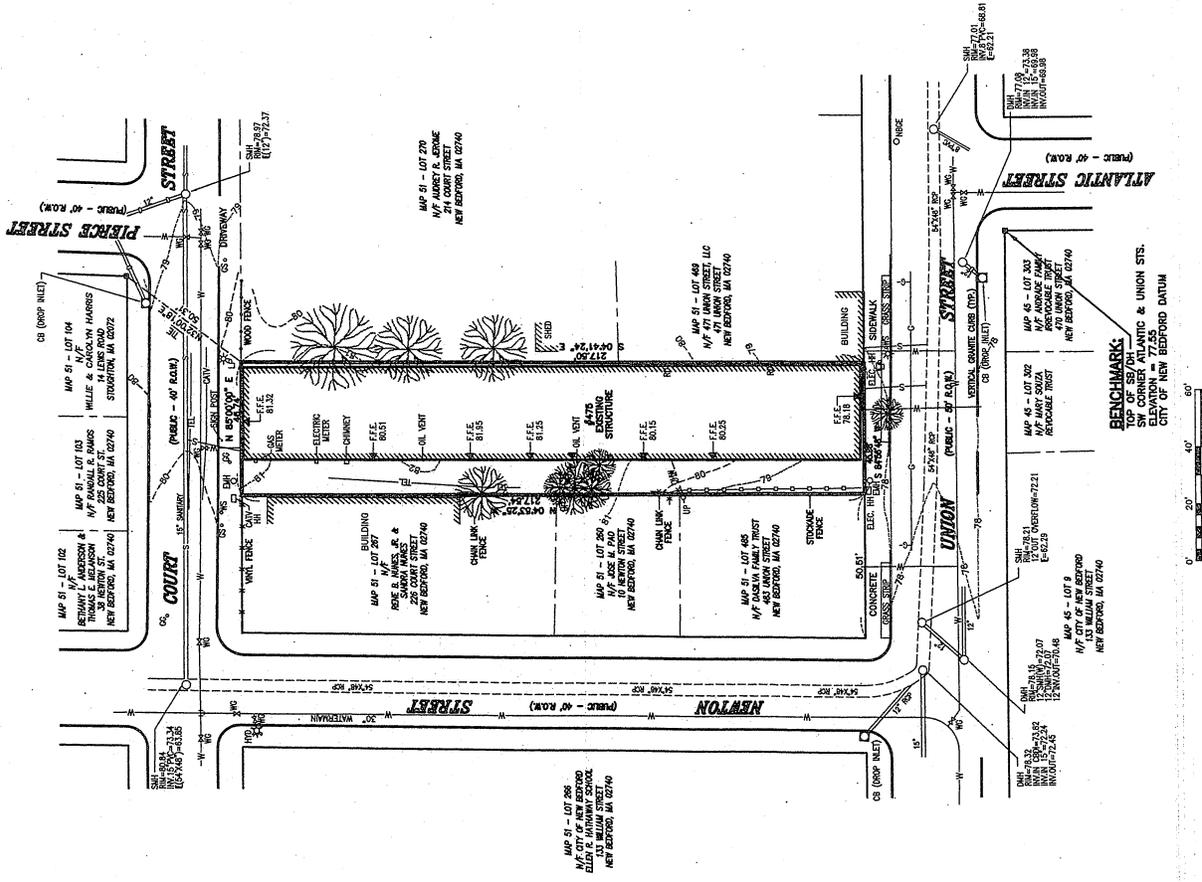


DEPARTMENT OF PUBLIC INFRASTRUCTURE

SURVEY DATE: DECEMBER 2, 2014

JULY 29, 2015

30-1A



BENCHMARK:
TOP OF SB/DB
SW CORNER ATLANTIC & UNION STS.
CITY OF NEW BEDFORD



Project	Address	Date	Scale	Author	Checked	Approved	Contract	Contract No.
475 UNION STREET	NEW BEDFORD, MASSACHUSETTS	JULY 20, 2015	1"=20'	SDG	SDG	SDG	SDG	EC-1

SITTEC

Professional Engineering
145 FORT STREET
NEW BEDFORD, MA 02740
Tel: (508) 848-7344
Fax: (508) 848-7344

PREFERRED REALTY SERVICES, LLC

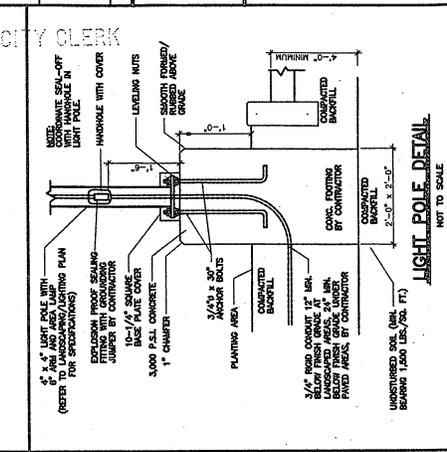
EXISTING CONDITIONS

No.	Date	Revised	By	Description
1	JULY 20, 2015		NAD	ISSUED FOR PERMIT
2			SDG	REVISIONS
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				

DATE NOT TO SCALE
 JULY 20, 2015
 NAD
 SDG
 DET-1
 DETAIL SHEET
 475 UNION STREET
 NEW BEDFORD, MASSACHUSETTS
 PREFERRED REALTY SERVICES, LLC
 CIVIL ENGINEERING
 100 STATE STREET
 NEW BEDFORD, MA 01905
 508-848-0000
 FAX 508-848-0001
 SITTBC
 State Registered Professional Engineer
 License No. 114-00000
 Exp. 12/31/2018

GENERAL NOTES:

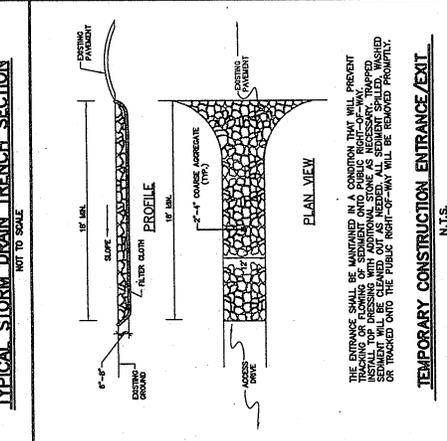
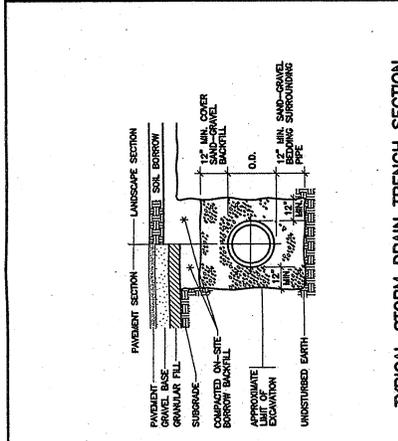
- CONTRACTOR SHALL NOTIFY THE CITY AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND RECORDED PRIOR TO THE START OF CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND RECORDED PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL NOTIFY THE OWNER AND ENGINEER IMMEDIATELY IF FIELD CONDITIONS ARE FOUND TO DIFFER WITH THESE DRAWINGS.
- ALL UTILITIES SHALL BE PROTECTED AND RECORDED PRIOR TO THE START OF CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND RECORDED PRIOR TO THE START OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND STATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND STATE.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF PUBLIC INFRASTRUCTURE CONSTRUCTION SPECIFICATIONS, LATEST EDITION.
- ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF NEW BEDFORD OPEN STANDARDS.
- THE PROPOSED CONCRETE SHALL BE 3000 PSI CONCRETE WITH 4% CEMENT CONCRETE WITH 6.5% GAUGE WIRE REINFORCING. THE PROPOSED CONCRETE SHALL BE 3000 PSI CONCRETE WITH 4% CEMENT CONCRETE WITH 6.5% GAUGE WIRE REINFORCING.
- ALL REINFORCING SHALL BE 3/8" DIA. STEEL REINFORCING. ALL REINFORCING SHALL BE 3/8" DIA. STEEL REINFORCING.
- ALL REINFORCING SHALL BE 3/8" DIA. STEEL REINFORCING. ALL REINFORCING SHALL BE 3/8" DIA. STEEL REINFORCING.
- ALL UTILITY WORK TO BE CONDUCTED PER CITY SPECIFICATIONS.
- THE DEVELOPER AND SITE CONTRACTOR MUST ENSURE A PRE-CONSTRUCTION MEETING WITH THE DEPARTMENT OF PUBLIC INFRASTRUCTURE PRIOR TO START OF CONSTRUCTION.
- PROTECT ALL EXISTING UTILITIES AND STRUCTURES. PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
- PROTECT ALL EXISTING UTILITIES AND STRUCTURES. PROTECT ALL EXISTING UTILITIES AND STRUCTURES.



PLANNING
 JUL 29 2015
 DEPARTMENT

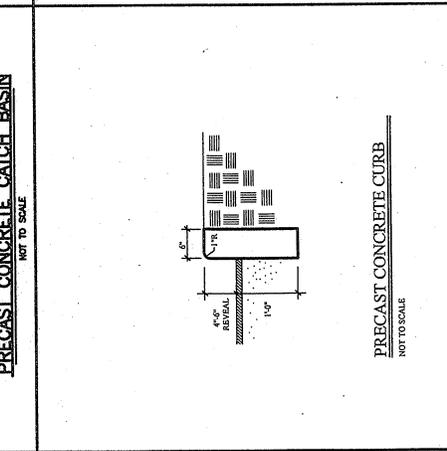
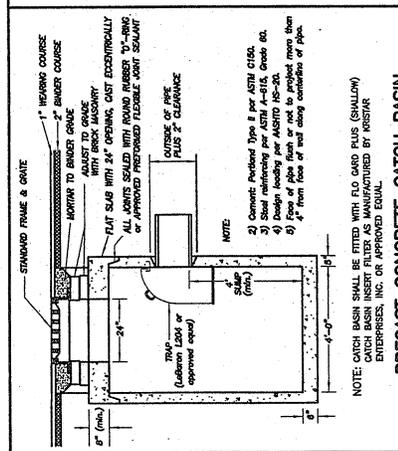
FILE COPY

CASE 30-14

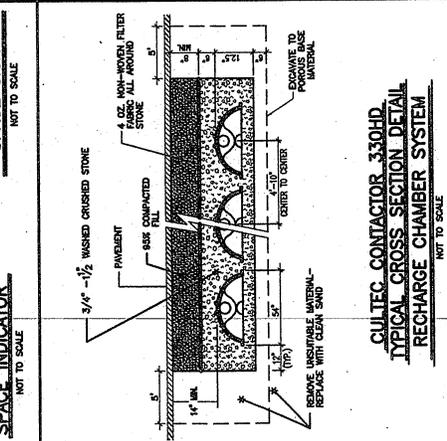
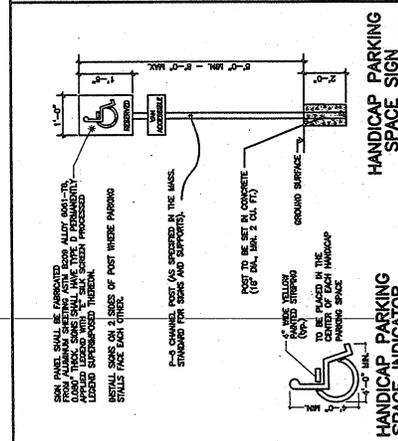


TEMPORARY CONSTRUCTION ENTRANCE/EXIT
 N.T.S.

THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY.

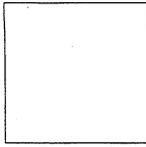


CULTEC CONTACTOR 330HD
 TYPICAL CROSS SECTION DETAIL
 RECHARGE CHAMBER SYSTEM
 NOT TO SCALE

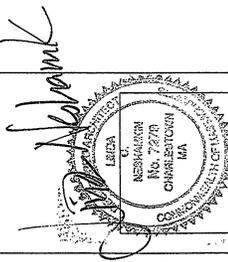


HANDICAP PARKING SPACE INDICATOR
 NOT TO SCALE

475
UNION ST
NEW BEDFORD, MA



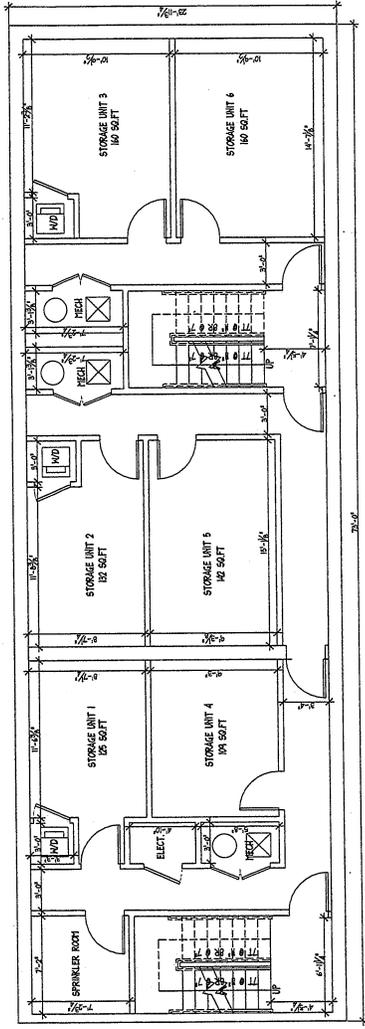
2015 JUL 29 10:18
Nashamlin French Architects, Inc.
ARCHITECTS
1000 STATE ST. SUITE 200
NEW BEDFORD, MA 01905
OFFICE
NEW BEDFORD, MA



Drawn By: [Blank]
Checked By: [Blank]
Date: 05/27/2014
Project No: NFA #1522
File Name: [Blank]
Drawing Title: BASEMENT FLOOR PLAN

SHEET NO. A-100
SCALE: 1/4" = 1'-0"
FILE COPY

CITY CLERK

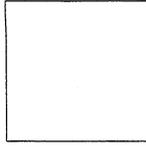


PLANNING
JUL 29 2015
DEPARTMENT

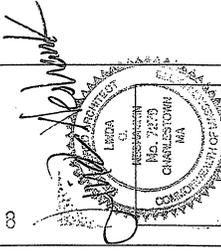
1 BASEMENT FLOOR PLAN
1/4" = 1'-0"

CASE 38-14

475
UNION ST
NEW BEDFORD, MA



2015 JUL 29 10:13
PLANNING OFFICE
CITY OF NEW BEDFORD, MA



Drawn By: [Blank]
 Checked By: [Blank]
 Date: 05/27/2014

Revision	Description
1	ISSUED

Permit No. [Blank]
 Fee No. [Blank]
 Drawing Title: [Blank]

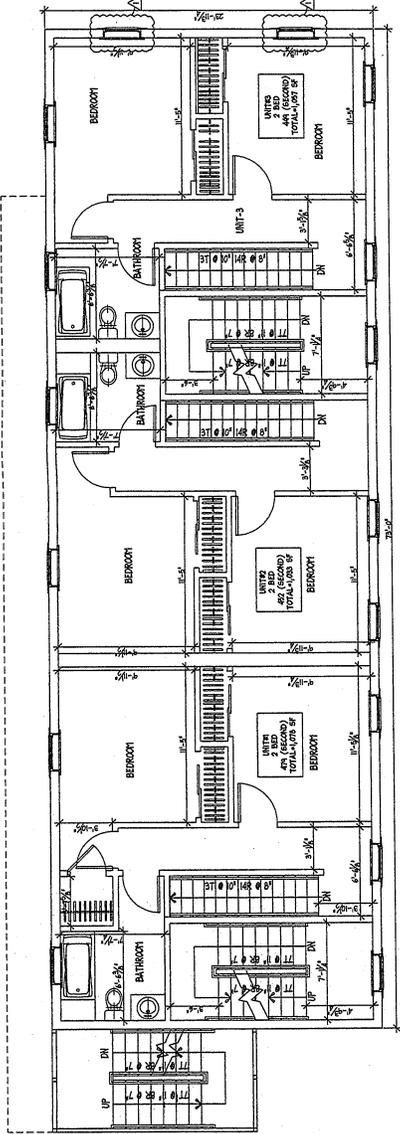
FIRST FLOOR PLAN
SECOND FLOOR PLAN

Sheet: A-101
 Scale: 1/4" = 1'-0"

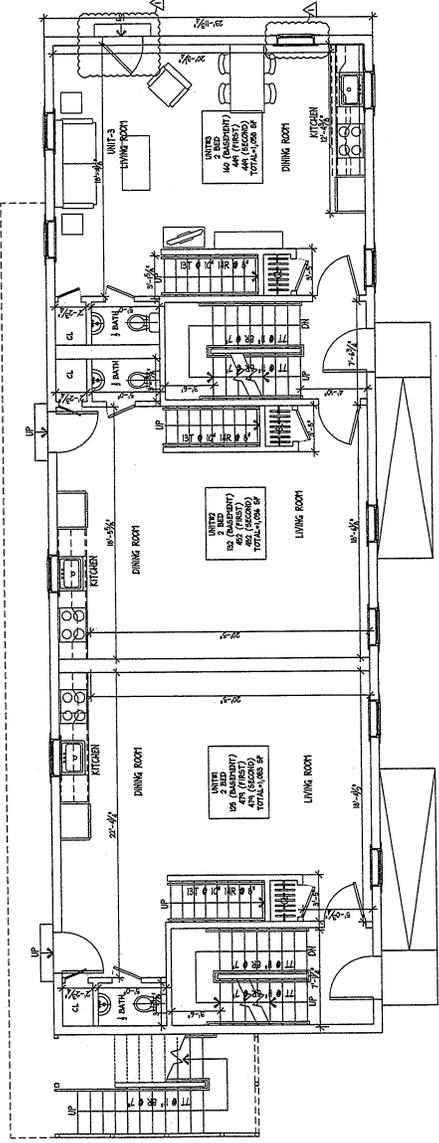
CITY CLERK

PLANNING
JUL 29 2015
DEPARTMENT

CASE 35-14

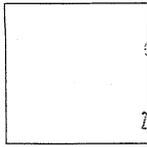


2 SECOND FLOOR PLAN
1/4" = 1'-0"

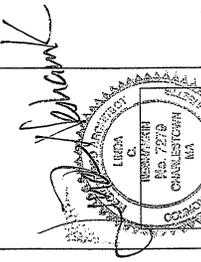


1 FIRST FLOOR PLAN
1/4" = 1'-0"

475
UNION ST
NEW BEDFORD, MA



2015 JUL
CITY OF NEW BEDFORD
PLANNING DEPARTMENT
CITY CLERK

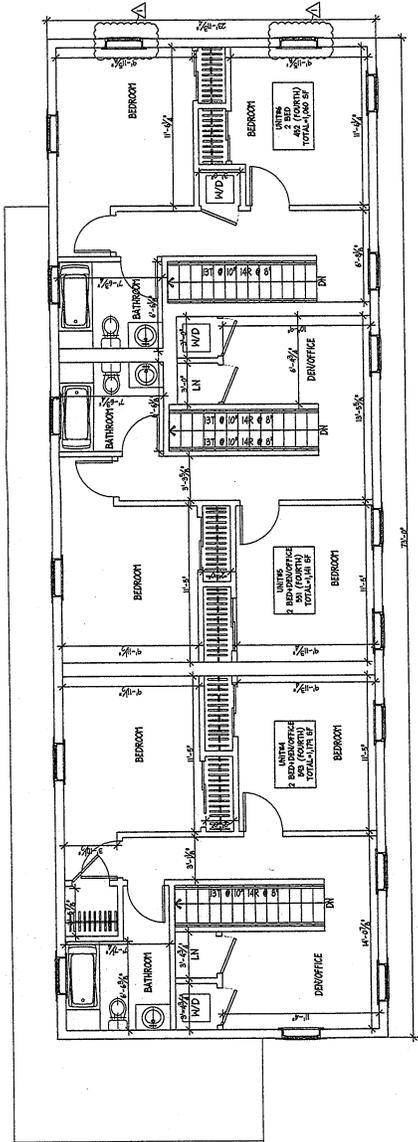


Drawn By:	05/27/2014
Checked By:	
Date:	
Revision:	1
Project No.:	1427015
Sheet No.:	1
Project Name:	NEW BEDFORD
Drawing Title:	

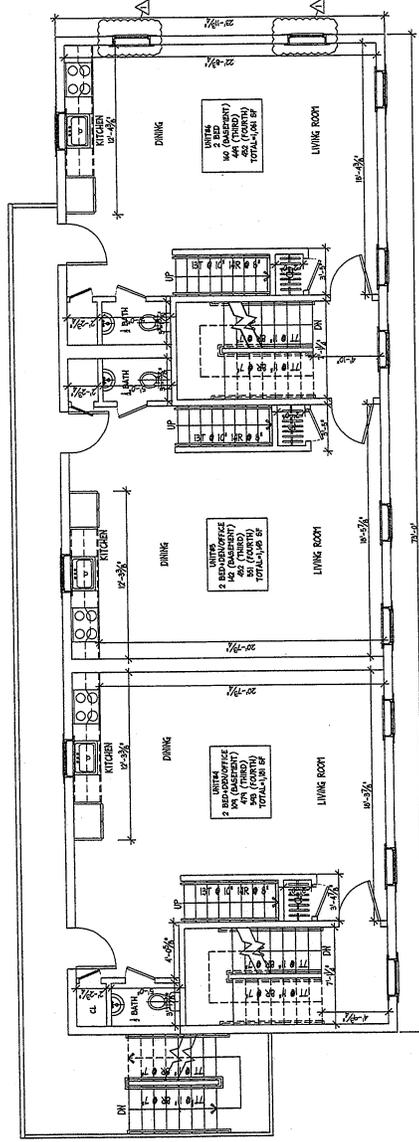
THIRD FLOOR PLAN
FOURTH FLOOR PLAN

Sheet No. A-102
Scale: 1/4" = 1'-0"

CASE 26-1A



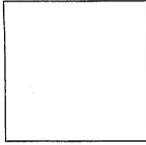
2 FOURTH FLOOR PLAN
1/4" = 1'-0"



1 THIRD FLOOR PLAN
1/4" = 1'-0"

PLANNING
JUL 29 2015
DEPARTMENT

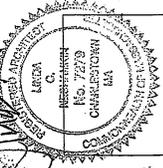
475
UNION ST
NEW BEDFORD, MA



CITY CLERK'S OFFICE
NEW BEDFORD, MA

2015 JUL 29 D 1:18

Signature



Proposed By: _____
Checked By: _____
Date: 05/27/2014
Revised: 06/20/15

PROJECT:	NEA #322
DATE:	
SCALE:	
BY:	
CHECKED BY:	
DATE:	
REVISIONS:	

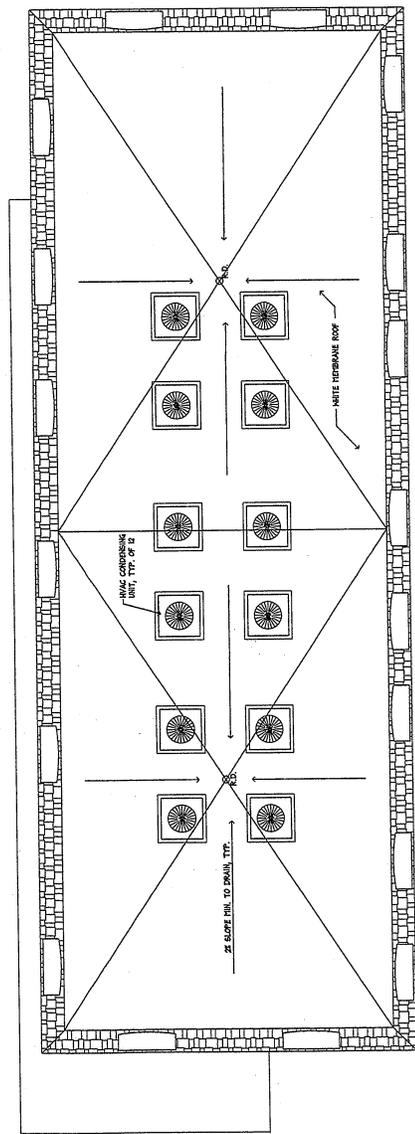
ROOF PLAN

SHEET NO. A-103
Scale 1/4" = 1'-0"
COPY

CITY CLERK

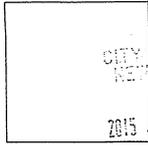
PLANNING
JUL 29 2015
DEPARTMENT

CHG 38-14

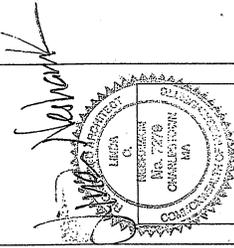


1 ROOF PLAN
1/4" = 1'-0"

475
UNION ST
NEW BEDFORD, MA



City of New Bedford
Department of Public Works
Engineering Division



Drawn By: [Blank]
Checked By: [Blank]
Date: 09/27/2014

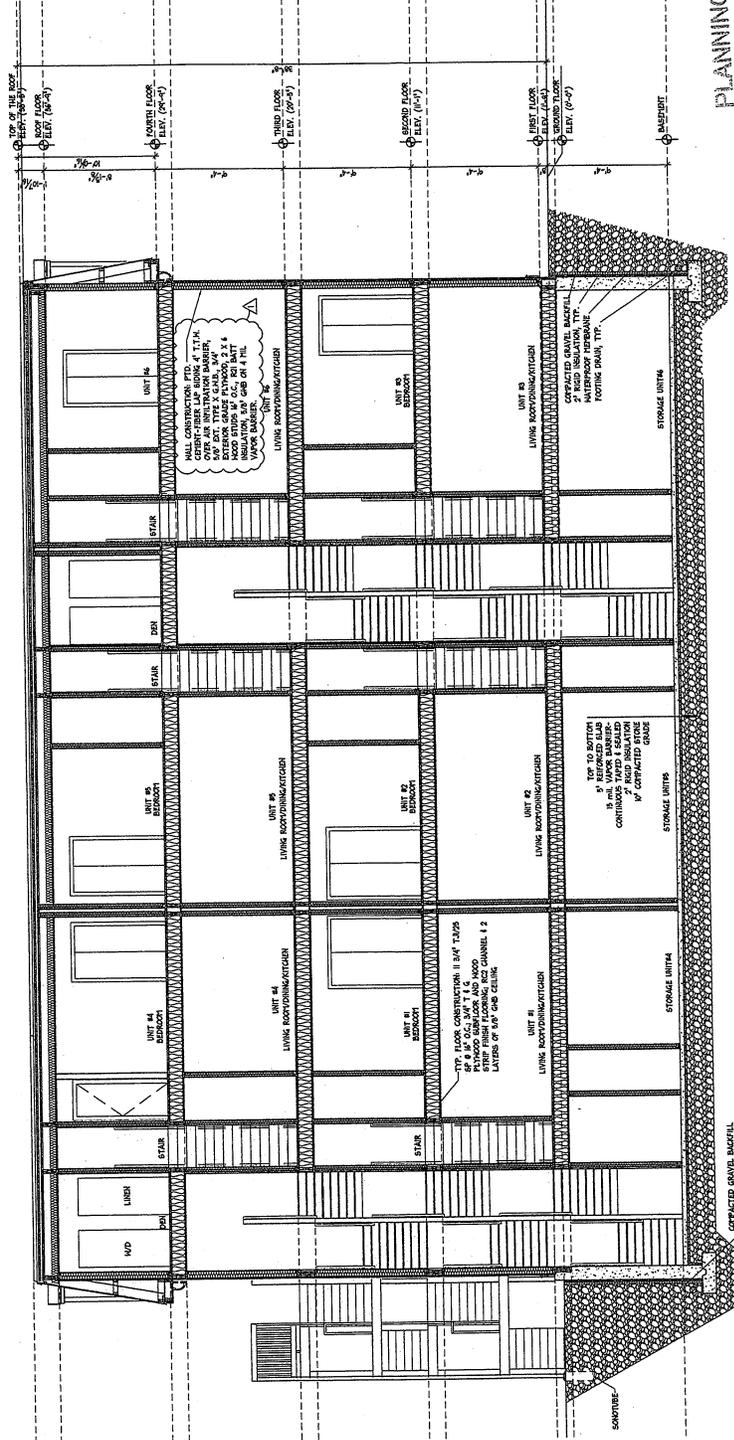
NO.	REVISIONS
1	ISSUED

Project No.: NFA #322
Title: [Blank]
Drawing: [Blank]

LONGITUDINAL SECTION

Sheet: A-300
Scale: 1/4" = 1'-0"

CITY CLERK



PLANNING

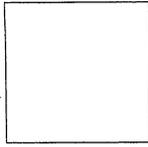
JUL 29 2015

DEPARTMENT

CASE 36-14

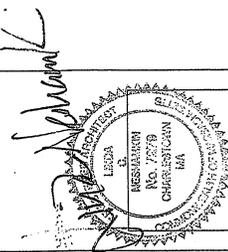
1 LONGITUDINAL SECTION
1/4" = 1'-0"

475
UNION ST
NEW BEDFORD, MA



2015 JUL 29 10:11 AM
CITY OF NEW BEDFORD
PLANNING DEPARTMENT

OFFICE
NEW BEDFORD, MA



Drawn By: _____
 Checked By: _____
 Date: 05/27/2014

Revisions	DATE	BY	REVISIONS
1			ISSUED

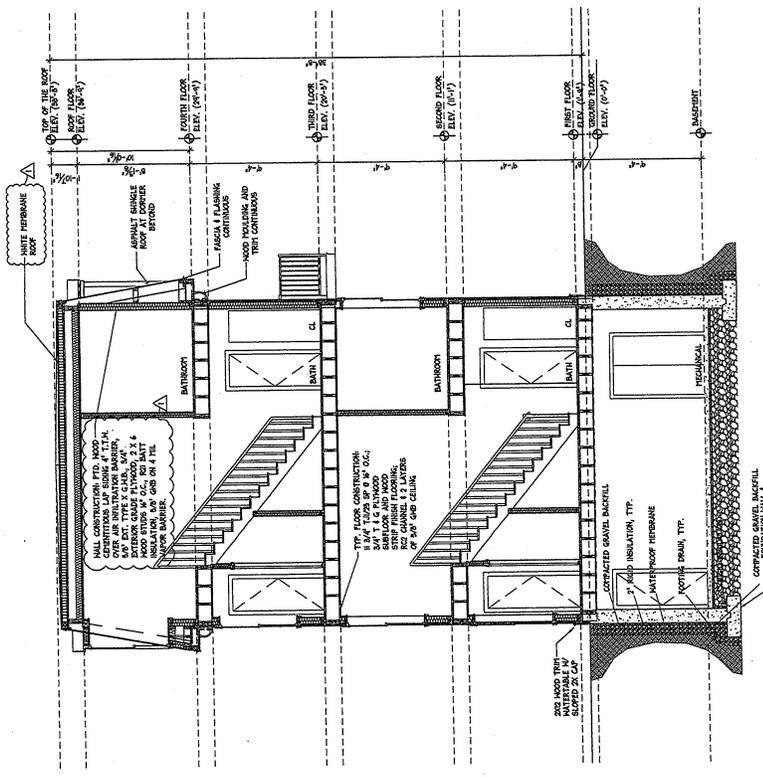
Permit No.: NFA #132
 Drawing Title: _____

CROSS SECTION

Sheet No. A-301
 Scale: 1/4" = 1'-0"

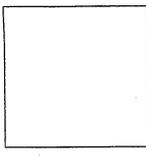
CITY CLERK

PLANNING
 JUL 29 2015
 DEPARTMENT
 FILE COPY
 CASE 36-14

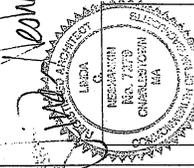


1 CROSS SECTION
 1/4" = 1'-0"

475
UNION ST
NEW BEDFORD, MA



2015 JUL 29 10:18
CITY CLERK
OFFICE OF THE CITY CLERK
CITY OF NEW BEDFORD, MA

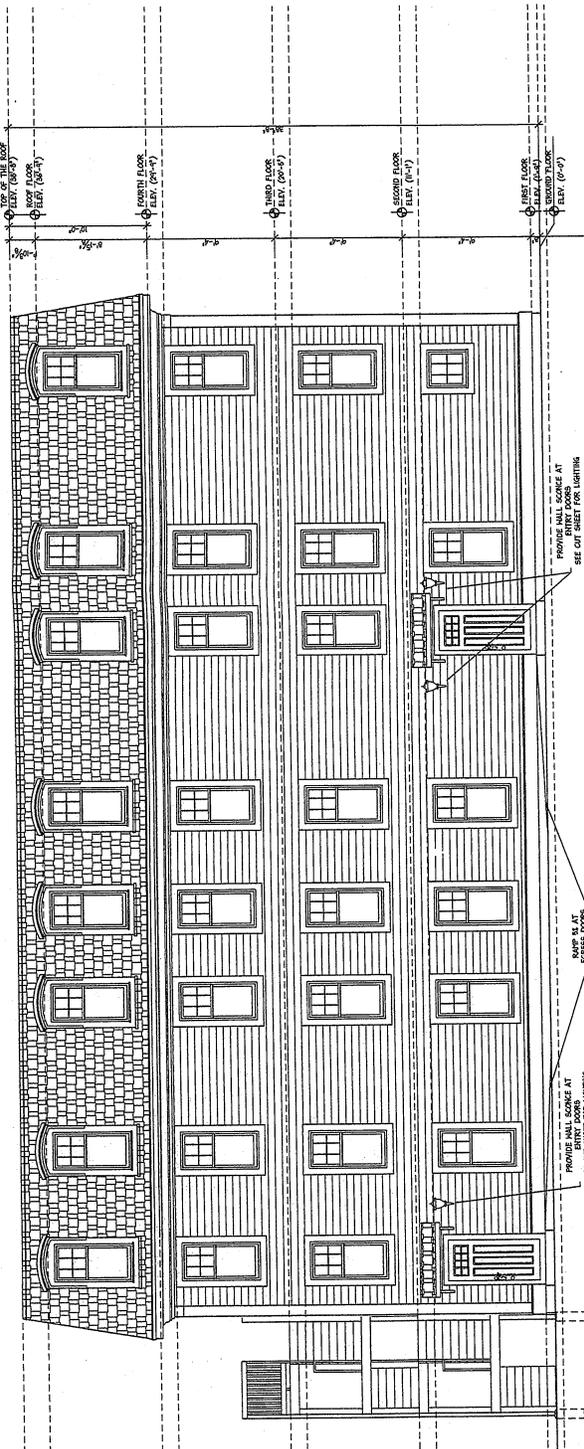


Drawn By: [Redacted]
Checked By: [Redacted]
Date: 05/27/2014
Project No: 052015
Project Name: NFA #1322
Drawing Title: UNION ST ELEVATION WEST ELEVATION

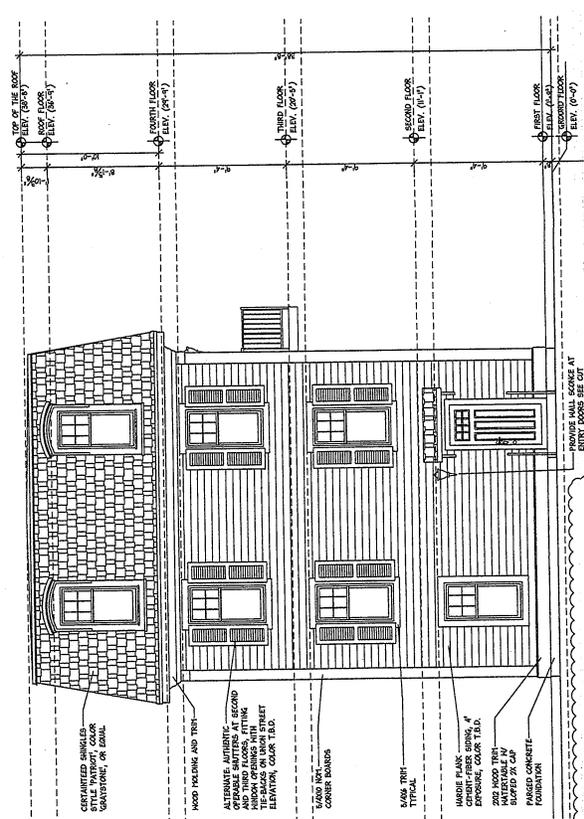
Sheet: A-401
Scale: 1/4" = 1'-0"

COPY

PLANNING
JUL 29 2015
DEPARTMENT
CASE 36-14



2 WEST ELEVATION
1/4" = 1'-0"



1 UNION STREET ELEVATION
1/4" = 1'-0"

QUITCLAIM DEED

Reining Hope Therapeutic Riding, a Rhode Island Corporation and having its usual place of business at 287 Third Beach Road, Middletown, RI 02842,

for Consideration of Forty-Five Thousand and 00/100 Dollars (\$45,000.00),

grant to Preferred Realty Services LLC, a Pennsylvania Limited Liability Company of 1735 Market Street, A492, Philadelphia, PA, 19103

with quitclaim covenants

the land with the buildings thereon in said New Bedford, bounded and described as follows:

BEGINNING at the southwesterly corner of the premises to be conveyed at a point in the northerly line of Union Street, said point being fifty and 51/100 (50.51) feet east of the easterly line of Newton Street;

thence NORTHERLY in line of land now or formerly of one Silva and land now or formerly of one Palletroni, two hundred seventeen and 54/100 (217.54) feet to the southerly line of Court Street;

thence EASTERLY in the said southerly line of Court Street, forty-six and 74/100 (46.74) feet to land now or formerly of one J. G. Dantsizen;

thence SOUTHERLY in line of said last-named land, two hundred seventeen and 50/100 (217.50) feet to the said northerly line of Union Street; and

thence WESTERLY in the said northerly line of Union Street, forty-five and 98/100 (45.98) feet to the point of beginning.

CONTAINING 37.03 square rods, more or less.

For title see deed recorded at the Bristol County (S.D.) Registry of Deeds in Book 9854, Page 342.

Property Address: 475 Union Street, New Bedford, MA 02740

This transfer does not constitute a sale or transfer of all or substantially all of the assets the grantor corporation, Reining Hope Therapeutic Riding, within the Commonwealth of Massachusetts.

Included in the purchase price above is the assumption of outstanding real estate taxes by the buyer.

Executed as a sealed instrument, this 10 day of July, 2013

Signed and sealed in presence of

[Signature]
Witness

[Signature]
Witness

Reining Hope Therapeutic Riding

By: [Signature]
Kamala S. Duffy (Corporate Seal)
Its: President
Duly Authorized

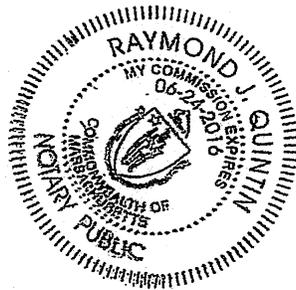
By: [Signature]
Suzanne A. Hourihan (Corporate Seal)
Its: Treasurer
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

July 10, 2013

On this 10 day of July 2013, before me, the undersigned Notary Public, personally appeared Kamala S. Duffy, the President and Suzanne A. Hourihan, the Treasurer of REINING HOPE THERAPEUTIC RIDING, who proved to me through satisfactory evidence of identification, which were R.F. De La to be the persons whose names are signed on this document, and acknowledged to me that said instrument was signed and sealed on behalf of said company and that they signed it voluntarily for its stated purpose before me,



[Signature]
Notary Public: Raymond J. Quintin
My Commission Expires: 6/24/2016

REG OF DEEDS
REG #07
BRISTOL S

07/11/13 12:59PM
000000 #7190

FEE

\$205.20

CASH

\$205.20

Preferred Realty Services LLC
386B Third Beach Rd
Middletown, RI 02842
617-719-6789

City of New Bedford
Department of Planning, Housing & Community Development
133 William St. Room 303
New Bedford, Ma 02740-6204

Property Location: 475 Union St. New Bedford, Ma
Subject: Development Impact Statement

The subject parcel is an infill level lot consisting of approx. 10,084 sq. ft with a legal frontage (45.98) address known as 475 Union St. The lot extends approx. (217.00) to Court St with frontage of (46.74). Currently there is an existing structure (33 x 215) which occupy's the majority of the parcel. Little to no vegetation is on the property as the current structure is hard on the abutting east lot line set back at (1.3). On the west side of the property is a curb cut and open area (11.5) to the abutting property line consisting of loose gravel and grass that extends from Union St to the rear of the property on Court St.

The New Bedford Historical Commission (NBHC) on January 14th 2014 upon review of an application to demolish the property has found,

- The structure is not located in a National Register Historic District
- The structure is of no notable historic significance either record or found with the existing condition of the structure
- The structure is in poor condition due to extensive deferred maintenance
- Restoration or preservation efforts would be impractical due to the existing condition of the structure

The proposed new building will have no negative impact to the current condition, but instead lends itself the opportunity to create open space and additional vegetation per the purpose site/ landscape plan submitted with the building application.

At present there is no surface drainage other than gutters and downspout leaders that are on the existing structure. The proposed new building and off street parking area improves on these existing conditions, with improvements proposed for drainage and on site water management systems to be installed as indicated on the site/utility plan submitted.

In conclusion..... it is our opinion that with the razing of the existing structure and subsequent improvements proposed. There will be no negative impact on the parcel and surrounding abutting parcels.

Respectfully

Preferred Realty Services LLC
Owner/Developer

DLS



HISTORICAL COMMISSION

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

To: New Bedford City Council
From: New Bedford Historical Commission
Date: January 14, 2014

RE: **Building Demolition Review**
475 Union Street
Circa 1915 one-storey concrete block commercial structure

In accordance with the requirements of the New Bedford City Code, Article XI, Section 2-157 Demolition of Buildings, the New Bedford Historical Commission (NBHC) has examined the property in question to determine the historical significance of the structure. The NBHC has reviewed the application for demolition and hereby forwards its findings in this matter to the New Bedford City Council.

- The structure is not located in a National Register Historic District.
- The structure is of no notable historic significance either recorded or found with the existing condition of the structure.
- The structure is in poor condition due to extensive deferred maintenance.
- Restoration or preservation efforts would be impractical due to the existing condition of the structure.

The NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.

Respectfully submitted,

Diana Henry
Chairman

DH:ael

Cc: Preferred Realty LLC, property owner
Jon Mitchell, Mayor
Danny Romanowicz, DIS Commissioner
Kerry Winterson, Councilor Ward 5

133 William Street, New Bedford, MA 02740

Tel: 508.979.1488

Fax: 508.979.1576

IN CITY COUNCIL, JANUARY 23, 2014

Demolition Granted
Presented to the Mayor for approval January 27, 2014
RETURNED UNSIGNED February 20, 2014
a true copy, attest:

Rita D. Arruda, City Clerk
Rita D. Arruda, City Clerk

City Clerk

ATTACHMENT 5

**PROJECT NARRATIVE
475 UNION ST
NEW BEDFORD MA**

The original application for a permit to raze the existing 7,000 sq. ft commercial building and replace with 8 units of residential housing was filed In February in 2014, and sought relief from the zoning code, as well as a special permit case numbers (4129 & 4130). The request for relief and special permit was denied at the public hearing.

In June 2014, after substantially changing the proposed building foot print, reducing the number of residential units from 8 to 6 along with adding additional off street parking to comply with the zoning requirements, A new application for a building permit was filed. The substantial changes to the proposed project eliminated the need for side yard relief and parking reduction from the zoning code.

A public hearing was held by the zoning board appeals in June of 2014 to determine if the new application filed was substantially change. The Zoning Board of Appeals voted 5-0 in a unanimous favorable decision that indeed the proposed project has been substantially change and continued the hearing for relief from the zoning code and special permit (case numbers 4150 & 4151), to be heard October 16th 2014.

The current proposal is to raze the existing dormant commercial building which encompasses over 7000 sq. ft of the property which has a lot area of 10,084 sq. ft and replace said structure with a new structure to contain 6 residential units of housing. The proposed new structure and site layout complies fully with the zoning ordinance. Off street parking of (12) spaces 2 per unit is being provided consistent with the zoning code.

The property will be held in fee-simple ownership, to be made available as market rate housing to the general public, managed and maintained by the owner of record.

It is estimated the after issuance of the building permit applied for. The time frame to complete the construction and obtain a certificate of occupancy shall be 8-10 months.

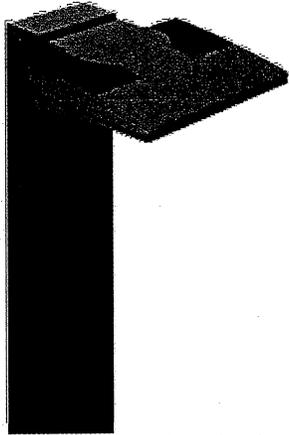
The estimated cost of improvements are as followed:

- Raze existing building.....50,000.00
- Site Improvements.....150,000.00
- Construct 6 Units of housing per plan.....600,000.00

Total Estimate cost to complete per proposed plans.....800,000.00

Drainage calculations and storm water management for the proposed site are provided on the plan(s) provided and filed herewith by CEC Associates a registered professional engineer.

BLED20



42" high rectangular Bollard with (1) 20 Watt LED fixture for a low level lighting applications. Equivalent to a 150 Watt MH. Great for pathway lighting! IESNA Full Cutoff, Fully Shielded optics. 5 year warranty.

Color: Bronze

Weight: 19.6 lbs

Project: 475 Union St	Type:
Prepared By:	Date: July 2015

Driver Info		LED Info	
Type:	Constant Current	Watts:	20W
120V:	0.19A	Color Temp:	5000K (Cool)
208V:	0.12A	Color Accuracy:	70 CRI
240V:	0.10A	L70 Lifespan:	100,000
277V:	0.08A	Lumens:	1,401
Input Watts:	22W	Efficacy:	64 LPW
Efficiency:	91%		

Technical Specifications

Listings

UL Listing:

Suitable for wet locations.

Dark Sky Approved:

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and 80, and have received the Department of Energy "Lighting Facts" label.

LED Characteristics

Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

Color Consistency:

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

Color Uniformity:

RAB's range of CCT (Correlated color temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2008.

Construction

Junction Box:

Junction Box Not Included.

Ambient Temperature:

Suitable for use in 50°C (122°F) ambient temperatures.

Cold Weather Starting:

The minimum starting temperature is -30°C.

Thermal Management:

Cast aluminum Thermal Management system for optimal heat sinking. The BLED is designed for cool operation, most efficient output and maximum LED life by minimizing LED junction temperature.

Housing:

Precision die cast aluminum housing, lens frame.

Mounting:

42" Bollard.

Gaskets:

High temperature silicone.

Finish:

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

Anchor Bolt:

The anchor bolts for the BLED's have the following dimensions 1/2 - 13 x 12 1/4" long with 2 3/4" hook.

Green Technology:

BLEDs are Mercury, Arsenic and UV free.

For use on LEED Buildings:

IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

Electrical

Driver:

Constant Current, Class2, 100 -277V, 50/60 Hz, 100 - 240VAC 0.3 - 0.15A, 277VAC 0.15A

THD:

7.35% at 120V

Optical

Fixture Efficacy:

64 Lumens per Watt

Lumen Maintenance:

The LED will deliver 70% of its initial lumens at 100,000 hours of operation.

Other

California Title 24:

See BLED20/PC for a 2013 California Title 24 compliant model.

Patents:

The BLED20 RCL design is protected under patents pending in Canada, U.S., China, Taiwan and Mexico.

Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

Country of Origin:

Designed by RAB in New Jersey and assembled in the USA by RAB's IBEW Local 3 workers.

ATTACHMENT 7

FILE COPY

Technical Specifications (continued)

Other

Buy American Act Compliant:

This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

Recovery Act (ARRA) Compliant:

This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010).

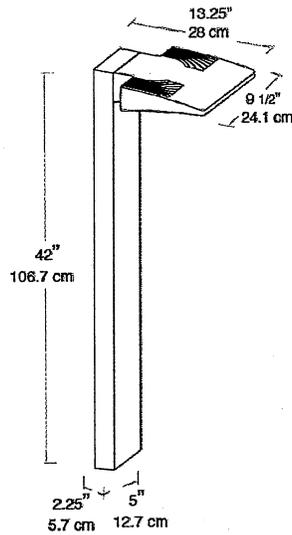
Trade Agreements Act Compliant:

This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

GSA Schedule:

Suitable in accordance with FAR Subpart 25.4.

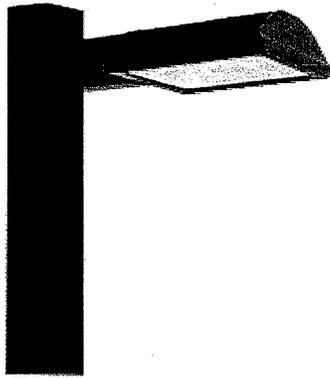
Dimensions



Features

- High output LED
- 100,000 hour life
- Superior heat sinking with die cast aluminum housing
- Meets ADA Requirements

ALED3T78



Specification Grade Area lights available in IES Type III distributions. For use in parking lots, roadways, pathways and general area lighting. Mounts to 4" square steel poles at 15-25'. Designed to replace 250W Metal Halide Area Lights. Patent Pending thermal management system. 5 Year Warranty.

Color: Bronze

Weight: 30.4 lbs

Project: 475 Union St	Type:
Prepared By:	Date: July 2015

Driver Info		LED Info	
Type:	Constant Current	Watts:	78W
120V:	0.66A	Color Temp:	5100K (Cool)
208V:	0.41A	Color Accuracy:	67 CRI
240V:	0.35A	L70 Lifespan:	100,000
277V:	0.30A	Lumens:	6,911
Input Watts:	78W	Efficacy:	88 LPW
Efficiency:	99%		

Technical Specifications

Optical

Lumen Maintenance:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

Replacement:

The ALED78 replaces 250W Metal Halide Area Lights.

BUG Rating:

B1 U0 G2

Construction

IES Classification:

The Type III distribution is ideal for roadway, general parking and other area lighting applications where a larger pool of lighting is required. It is intended to be located near the side of the area, allowing the light to project outward and fill the area.

IP Rating:

Ingress Protection rating of IP66 for dust and water.

Ambient Temperature:

Suitable for use in 40°C ambient temperatures.

Cold Weather Starting:

The minimum starting temperature is -40°F/-40°C.

Thermal Management:

Superior heat sinking with external Air-Flow fins.

Effective Projected Area:

EPA = 0.75

Housing:

Die cast aluminum housing, lens frame and mounting arm.

Reflector:

Specular vacuum-metallized polycarbonate

Gaskets:

High temperature silicone gaskets.

Finish:

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

Green Technology:

Mercury and UV free.

For use on LEED Buildings:

IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

LED Characteristics

LEDs:

Six (6) multi-chip, 13W, high-output, long-life LEDs.

Color Consistency:

3-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

Color Uniformity:

RAB's range of CCT (Correlated color temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2008.

Electrical

Driver:

Constant Current, Class 2, 2000mA, 100-277V, 50-60Hz, 1.1A, Power Factor 99%

THD:

5.3% at 120V, 13.3% at 277V

Surge Protection:

4kV

Surge Protector:

ALED78 is available with a 6kV surge protector (SP6). SP6 available .

Listings

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and 80, and have received the Department of Energy "Lighting Facts" label.

DLC Listed:

This product is on the Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities.

Dark Sky Approved:

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

PLANNING

JUL 29 2015

DEPARTMENT

TRUE COPY
CASE 38-14

Technical Specifications (continued)

Listings

UL Listing:

Suitable for wet locations as a downlight.

Other

California Title 24:

See ALED3T78/D10, ALED3T78/BL, ALED3T78/PCS, ALED3T78/PCS2, or ALED3T78/PCT for a 2013 California Title 24 compliant product. Any additional component requirements will be listed in the Title 24 section under technical specifications on the product page.

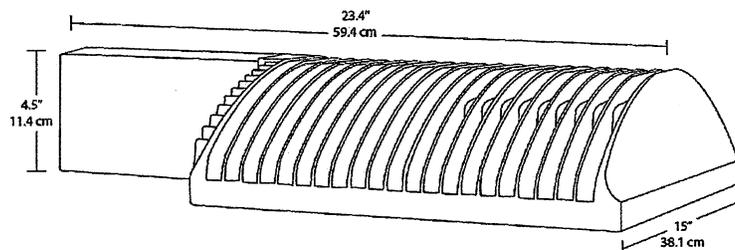
Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

Patents:

The ALED design is protected by patents in the U.S. Pat. 668,370, Canada Pat. 144956, China ZL201230100154.X, and Mexico Pat. 38423. Pending patents in Taiwan.

Dimensions



Features

- High output LED light engine
- Maintains 70% of initial lumens at 100,000 hours
- Weatherproof high temperature silicone gaskets
- Superior heat sinking with die cast aluminum housing and external fins
- Replaces 250W MH area lights
- 5-year warranty

Ordering Matrix

Family	Distribution	Watts	Mount	Color Temp	Finish	Voltage	Photocell	Dimming	Bi-Level
ALED									
	2T = Type II	78 = 78W	= Arm	= Cool	= Bronze	= 120-277V	= No Photocell	= No Dimming	= No Bi-Level
	3T = Type III		SF = Slipfitter	Y = Warm	W = White	/480 = 480V	/PC = 120V Button	/D10 = Dimmable	/BL = Bi-Level
	4T = Type IV			N = Neutral	RG = Gray		/PC2 = 277V Button		
							/PCS = 120V Swivel		
							/PCS2 = 277V Swivel		
							/PCT = 120-277V Twistlock		
							/PCS4 = 480V Swivel		

Constance M. Brawders

From: Jill Maclean
Sent: Friday, April 10, 2015 9:14 AM
To: Constance M. Brawders
Subject: FW: Planning Board review of site plan (475 Union St.)

Connie – below please find the revisions that the PB requested. Please print for the file.

Thanks,

Jill

From: Jill Maclean
Sent: Tuesday, October 14, 2014 11:27 AM
To: 'Ed Redmond'
Subject: RE: Planning Board review of site plan (475 Union St.)

Hi Ed,

Sorry for the delay—it was a very busy week. Below is a list of the items that the Board requested more information on, followed by a list of adjustments that they would like to see made to the plans. Please let me know if you have any questions. NOTE: the ZBA is meeting at the library across from City Hall.

More Information:

- Landscape plans – change privet hedge to a privacy fence preferably in a material that matches the structure;
- Lighting plan – you had proposed NB style LED with a cap—denote locations and photometrics; locate sconce locations on the structure—provide cut sheets of both;
- Full drainage plans
- Demo plan

Adjustments:

- Replace asphalt with permeable material if possible;
- Install a bike rack and depict on plan;
- Relocated trash and recycle bins closer to the structure and replace current location with landscaping;
- Install cobble curbing with a 6" reveal along the parking spaces;
- Loading for ADA van must be 8' W and must be signed;
- Drywells must be relocated to the center of the lot;
- Relocate the windows on Union St—move towards the center;
- HVAC units must be hidden by the roof lines

You are correct—the Board has no authority to dictate color schemes. I would suggest providing color samples of the body, trim and windows, if you wish as a show of good faith, but they cannot speak on it.

Let me know if you have any other questions.

Thanks,

Jill

From: Ed Redmond [<mailto:capt.redmond@gmail.com>]
Sent: Tuesday, October 14, 2014 9:39 AM
To: Jill Maclean

ATTACHMENT 8

Cc: Patrick C. Day

Subject: Planning Board review of site plan (475 Union St.)

Good Morning Jill,

If you get a free moment can you please confirm and/or add any information regarding the following items needed to be addressed per the comments made at the Planning Board meeting on the 8th.

From my notes I understand the following as it relates to the plans filed:

Landscape/Site Plan:

- Grass and plantings were accepted

Additional items to be address

- Bike rack
- Barrel storage or dumpster location
- Replace privet hedge on east lot line with fence

Electrical Plan

- Provide further detail as to lighting area/spread, foot candles etc as it relates to placement of fixtures on the site effecting abutting properties
- Provide cut sheets as to actual fixtures to be installed

Drainage Plan:

- Finish calculations and add info per drainage & over flow per final plan approved by Dept. of Public Infrastructure
- Incorporate the use of impervious asphalt in parking area

Demolition Plan:

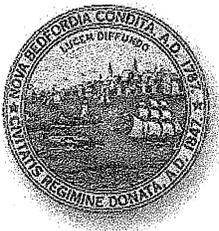
- Provide additional detail as it relates to dust control, erosion control, water management as it relates to the razing of existing structure
- Provide these additional details, as needed to achieve final plan and permit from the building commissioner to raze structure

Please clarify the need to provide a painting scheme/schedule for the building body

Thank you in advance for your continued assistance with the project.

E. Redmond
c: 617-719-6789
e: diveintolife@me.com
skype: e.redbiz

This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited.



Ronald H. Labelle
Commissioner

CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

Water
Wastewater
Highways
Engineering
Cemeteries
Park Maintenance

MEMORANDUM

TO: City of New Bedford Planning Board

FROM: Ronald H. Labelle, Commissioner, D.P.I.

DATE: October 3, 2014

RE: Site Plan – 475 Union St
Proposed 6 Family Dwelling
Plot 51 Lot 269

The Department of Public Infrastructure has reviewed the proposed site plan referenced above and recommends approval with the following conditions:

1. Install new cement concrete sidewalk on Court Street and a new ribbon cement concrete sidewalk on Union St, within the limits of the project.
2. Driveway permit is subject to Traffic Commission approval.
3. Driveway to be built in accordance with city of New Bedford regulations and with 4 foot transition curb on both sides.
4. Permits for sidewalk, driveway, drainage, sewer and water must be obtained from the Department of Public Infrastructure Engineering Division.
5. Contractor to protect tree on the Union Street side while working on the proposed project.
6. Owner must contact the Department of Public Infrastructure to assign a new address for the proposed building.
7. Plans do not show water and sewer connections for the proposed building. If using existing services, owner to check condition of pipes.
8. All utilities to be constructed in accordance with City of New Bedford regulations.
9. If an existing water service for this lot is not to be used, contractor must cut and cap at the water main.
10. If an existing sewer service for this lot is not to be used, contractor must cut and cap at the property line.

ATTACHMENT 9

11. Developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure, and provide a full set of the most recent version of the site construction plans prior to the start of construction.
12. Upon completion, Engineer must submit "As Built drawings" on CADD format prior to the certificate of Occupancy being issued.

Cc: Department of Inspectional Services
Environmental Stewardship
Civil Environmental Consultants LLC.
Preferred Realty Services LLC.

Wed. Oct 8
6 pm
Butterwood
Park Senior
Center

October 8, 2014

The New Bedford Planning Board

133 William Street Room 303

New Bedford, Ma 02740

RE: 475 Union Street Case#38-14 and Case#39-14 - new construction of SIX MULTI-UNIT Residential Building (6 -2 bedroom units with parking). Map Plot 51 Lot 269 MUB zoned district.

Please be advised that we the undersigned residents of the City of New Bedford ,Mass. are opposed to the above mentioned proposal which will present a detrimental atmosphere to our neighborhood. More neighbors, vehicles, and adding a burden to the Hathaway School.

See attached

- 1) Virginia Collier 483 Union St N.B.
- 2) Patricia L. McPherson 247 Ash St, NB
- 3) Barbara Pridade 237 Court St. NB
- 4) Kristy Small 219 Arnold St. N.B.
- 5) Michael Livramento 117 Park St NB
- 6) Chad 9 Studley St 02740
- 7) Erin Raymond 74 Chancery St. 02740
- 8) Nara Furtado 134 Arnold Street 02740
- 9) Michael Raymond 14 Chancery St
- 10) Heather Aneas 26 James Street
- 11) Elizabeth C. Lawrence 52 Newton St.
- 12) Adelma Silveira 39 Emerson St N.B
- 13) Tony Da Silva 54 James Street
- 14) Becky & Sul 98 Liberty St
- 15) Audrey Brown 214 Court St. NB.
- 16) Lubie Phung 461 Union St. N.B.
- 17) Paul 466 Union St.
- 18) Karen Schwartz 101 Park St NB
- 19) William M. Schwartz 101 Park St. NB

- 20 Andy De Souza 468 Union St.
- 21 Sherrie Santiago 468 Union St.
- 22 Mihaly Fey 450 UNION ST.
- 23 Lon Bird 42 Atlantic St.
- 24 Vivian Bird 42 Atlantic St. N.B. Ma.
- 25 Pamela Petes 37 ATLANTIC ST. N.B. MA.
- 26 Corde L. Parkaw 29 Atlantic St. N.B. Ma.
- 27 Mihaly J. Parkaw 29 Atlantic St. N.B. Ma.
- 28 David L. Parkaw 22 ATLANTIC ST. N.B.
- 29 Caesar Munion 12 ATLANTIC ST N.B.
- 30 ~~David L. Parkaw~~ 12 ATLANTIC ST. N.B.
- 31 Heather Munion 12 Atlantic St. N.B.
- 32 Rose Munion 10 Atlantic Street N.B.
- 33 Robert Munion 468 Union St. N.B.
- 34 Christa De Souza 468 Union St. N.B.
- 35 Bea Britto 461 Union St. N.B.



NEW BEDFORD

Development would increase traffic and hurt home values, neighbors say

By Simón Rios
srios@s-t.com

October 22, 2014 - 2:00 AM

NEW BEDFORD — A proposed four-story apartment building in the West End is drawing fierce opposition from neighbors, who argue that it would bring down property values in an already dense Union Street neighborhood.

“Nobody wants to buy a house with a 12-car parking lot beside it,” said Randy Nunes, owner of a home at 226 Court St.

A dilapidated vacant building now sits on the property at 475 Union St., near the intersection with Newton Street and two blocks from Hathaway School. Neighbors don't want that building to stay, but they'd even prefer it over the six-unit building proposed by a person they said would be an absentee landlord.

An original proposal to build an eight-family complex with 10 parking space was rejected by the Zoning Board of Appeals. Preferred Realty Services, the Rhode Island-based company that owns the property, returned with an updated proposal for a six-unit building with 12 parking places.

The project got the nod from the Zoning Board of Appeals last week and, with a site plan review meeting with the Planning Board on Dec. 10, it's on the verge of being approved. Neighbors said the proposed building is aesthetically out of place.

“I understand we want to do something in that area,” said Ward 5 Councilor Kerry Winterson, who represents the area. He said he has appeared at five planning meetings to stand with the neighbors in opposition to the project. “I just think it doesn't aesthetically match that neighborhood.”

With nearly a dozen residents turning out regularly to voice their opposition, developer

Edward Redmond of Preferred Realty Services is a lone voice in favor of the project. After a recent Planning Board meeting, Redmond refused to give his contact information to a reporter. He did not immediately respond to interview requests on Tuesday. "Somebody could buy that (property) and put a single-family home in there, even a two-decker, common to what we have here," said Richard DeSouza, a 23-year resident of 468 Union St. "Probably nobody would say anything."

"There's too many houses already in the area. There's just not enough room," DeSouza said.

Steven Macedo of 70 Ocean St. said he can see the site of the proposed development out his back door. Macedo, who rents one apartment in his house, said he's concerned about too much supply in the rental market.

"We have trouble enough renting one unit now, and the city keeps adding more and more," he said.

Planning Board Chairwoman Colleen Dawicki said it presents a challenge when a neighborhood opposes something yet a property owner is operating within zoning bylaws and, at this point there's not much the city can do.

"So if you want to develop a residential building and the property is zoned (for that purpose), you can't be told you can't develop," Dawicki said.

The Planning Board can ask for additions such as lighting and shrubbery, although nothing that would be prohibitive for the developer.

Though it's probably too late to act on this development, Dawicki said it points to how neighborhoods should get active prior to the arrival of a developer "who sees it as a way to make some money."

The more communities can be aware of the planning process and think strategically about what they want their neighborhoods to look like, they can look at zoning as a tool, Dawicki said.

"This is something we should start thinking about as a city, how to rethink some of the properties that are in the every neighborhood in the city, and think about what could, and should, be going there."

Follow Simón Rios on Twitter @simonfriosSCT



Popular Today	
(No Heading)	 
New Bedford man killed in pedestrian accident	
(No Heading)	 

NEW BEDFORD PLANNING BOARD
Wednesday, October 8, 2014
Buttonwood Park Senior Center Warming House

MEMBERS PRESENT:

Colleen Dawicki, Chairperson
Janine DaSilva, Vice Chairperson
Kathryn Duff, Clerk
Peter Cruz
Arthur Glassman

ALSO IN ATTENDANCE:

Jill Maclean, City Planner

Kreg Espinola, Assistant City Solicitor

Chairperson Dawicki called the meeting to order at 6:06 p.m.

A motion was made (KD) and seconded (AG) to approve the August and September meeting minutes. Motion passed 5-0.

PUBLIC HEARINGS

CASE # 37-14 - Proposed Zoning Change

Ward 1 Councilor Jim Oliveira addressed the board, stating the motion was put forth to bring an appropriate perspective on Shawmut Avenue. He noted most of the lots have been residentially owned over the years. Though mixed use for some time, he felt it made sense to change the zoning to Residential B, as that side of the street is all family homes.

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

In response to Ms. Dawicki's invitation to be heard in favor of the proposal, Greg Sirois of Shawmut Avenue addressed the board, noting he was already zoned as residential. He stated that his intersecting street, Falmouth Street, has an added cul-de-sac with single family homes and duplexes. He feels there is already enough activity on the street with A-1 Asphalt, the flight school, and the airport. He stated residents would not welcome additional businesses in the neighborhood, as they would like to keep it a residential neighborhood.

In response to Ms. Dawicki's further invitation to be heard in favor of the proposal, Mrs. Roy of Shawmut Avenue addressed the board and stated she is one of the plots requesting the change, having purchased her home some nine years ago. She stated she has three small children and does not want any more businesses. She feels the businesses already present make the area busy enough with small children present. She stated it is a young neighborhood with many kids and she would like no further businesses allowed on her street.

CASE 38-14 AND 39-14

In response to Ms. Dawicki's further invitation to be heard or recorded in favor of the proposal, Tom Welch of Shawmut Avenue addressed the board and stated he is in favor of the zoning change. He stated they are under siege with all the trucks there; that it is dirty and dusty and the house shakes. He stated he wants the area to become Residential B to keep it at bay.

In response to Ms. Dawicki's further invitation to be heard or recorded in favor of the proposal, Councilor Linda Morad addressed the board, having been one councilors to make the motion. She stated the change of this neighborhood over many years has now made it a residential neighborhood. She seeks a favorable recommendation to the city council from this board so that the neighbors can live a residential life and retain the value in their property.

In response to Ms. Dawicki's further invitation to be heard or recorded in favor of the proposal, Andrea Welch of Shawmut Avenue stated she is home a lot during the day and has her grandchildren there. She stated it is very busy with large trucks going by every 30 seconds, which is extremely dangerous. She stated they cannot support another truck on that road with the dust and the noise. She stated she is in favor of rezoning.

There was no response to Ms. Dawicki's further invitation to speak or be recorded in favor of the proposal.

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

The public hearing was suspended.

Ms. Duff expressed that she hates losing an industrial zone because you never get it back.

Ms. Dawicki expressed that this change is for six lots and not a single lot, which mitigates the concerns the board typically has with this type of proposal.

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

A motion was made (JD) and seconded (AG) that the planning board make a recommendation to the City Council that Assessor's Map Plot 124, Lots 150, 48, 34, 162, 161 and 160 be rezoned from Mixed Use Business to Residential B.

Motion passed 5-0

CASE #39-14 – Petition for Rehearing

Ms. Maclean informed the board that in the repetitive petition process, the planning board, in addition to the zoning board, must determine whether there has been a significant change in the project. The matter initially went before the zoning board for hearing, and then was before the zoning board again on whether there had been a significant change in the project. Ms. Maclean noted that the first case before the board is on the repetitive petition only. After the applicant presents his changes, the public will be allowed to comment on the significant change issue only. If, after a vote, the planning board determines there has been a significant change, the board will move on to the site plan review with its own public hearing on the entire plan.

Edward Redmond of Preferred Realty Services addressed the board. He displayed a certified plot plan for this 475 Union Street property. He stated the non-conforming existing use property was created prior to the building code. The structure currently on the property is also a nonconforming use, which encompasses some 70% of the 7,000 sf property. In its current state it provides for no off-street parking and does not comply with current codes regarding setbacks, et cetera.

Mr. Redmond stated that after meeting with city officials, his original application was reduced from 10 to 8 units voluntarily, and he filed for variance and special permit. He initially sought variances on lot width, side yard reduction and parking reduction, as well as special permit for property access at other than the legal address. This property, the width of an entire city block, fronts on two streets.

Mr. Redmond displayed a site plan for the original 8 unit proposal, explaining that though he met front and rear yard, as well as lot to area ratio, he still needed relief.

Mr. Redmond then displayed the existing proposal, and characterized the design of the 4 story building as an old ship captain's house, with discharge stairs on the side yard.

He stated with written recommendations from the planner suggesting the project be further reduced to 6 units, as well as neighbor and zoning board concerns, he has made significant changes and significantly reduced the building footprint. Mr. Redmond stated major concerns expressed were related to parking and any transfer of a parking hardship onto the surrounding neighborhood. The footprint reduction allowed him to comply with the parking requirement of 2 to 1 or 12 spaces. Additionally useable open space was gained. He stated everything else complies 100%. He stated the land under the zoning code qualifies for 10 units. He stated he had changed the project so that only the original land requires relief for frontage. The special permit he is seeking is still to access the property from the rear. He invited questions from the board.

Ms. Duff asked for clarification on the egress stairs. Mr. Redmond explained that the original building plan had a cat walk deck with a switchback staircase discharging to grade and putting him in violation. He stated the new building elevation has a catwalk discharge area cantilevered into the building which will only be the required width to discourage entertaining.

Mr. Redmond explained the units are duplex style, showing a 1st and 2nd floor and then a 3rd and 4th floor. He indicated the discharge from the 3rd floor of the structure. He stated that from Union Street it appears as a Juliet balcony as opposed to the large switchback staircase originally proposed.

Ms. Dawicki clarified that the applicant's significant changes presented are the building footprint, the number of units, the increase in parking, and the move of the discharge stairs to the rear of the building. Mr. Redmond added the increase in open space, full side, front and rear yard code compliance, as well as height and story. He stated he is seeking no relief for the building itself.

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

Ms. Dawicki clarified to the audience that comments would be heard on whether there had been specific material changes to the previous plan denied, and welcomed input on whether the plan as presented this evening has differences in the areas related to the basis of the previous denial; namely,

parking, building footprint, number of units. She asked that speakers keep their remarks specific to those items. She advised that if approved, the board would then move on to site plan review where all aspects of the plan could be addressed.

There was no response to Ms. Dawicki's invitation to speak in favor of the petition.

There was no response to Ms. Dawicki's invitation to be recorded in favor of the petition.

In response to Ms. Dawicki's invitation to be speak in opposition, specifically as to whether the changes presented address the previous application denial, Councilor Linda Morad stated that several residents present would likely speak on the 2nd case. She contended the building had not significantly changed. She stated that while the number of units was reduced and the footprint decreased, the building had not changed. She stated the building does not fit in the neighborhood and there is nothing like it within the neighborhood. She stated it will be an issue for many of the neighborhood residents if the case goes on to the 2nd stage. Ms. Morad stated that reducing the number of units in the building does not change the fact that this will be a large apartment complex in the middle of Union Street, not in conjunction with remaining houses in the neighborhood. She stated that from that perspective alone, the project had not significantly changed.

In response to Ms. Dawicki's further invitation to be speak in opposition, Steve Macedo, a neighborhood property owner at 70 Ocean Street, expressed agreement with Councilor Morad that there is no other 4 story high building in the neighborhood or anything that comes close to that. He expressed that he expects the catwalk will be an issue. He stated that while not meant to be a place of public enjoyment, it will be. He stated he believes parking will still be an issue even with the reduced footprint.

In response to Ms. Dawicki's further invitation to speak in opposition, Eric Stotts of 214 Court Street spoke in opposition, stating there were not significant changes, as stated by the previous speakers. He expressed that this was a massive building. He noted that while mixed use business may allow for a 4 story building, everything around it is Residential B. He stated this building will be very out of place with what's already there and asked that the board reject it.

In response to Ms. Dawicki's further invitation to speak in opposition, a male asked to be recorded as unfavorable towards the project. He stated that despite the significant changes, he did not feel it was in the character of the neighborhood.

In response to Ms. Dawicki's further invitation to speak in opposition, Diane Eccleston asked to be recorded as opposed.

In response to Ms. Dawicki's further invitation to speak or be recorded in opposition, Councilor Kerry Winterson signed in opposition.

In response to Ms. Dawicki's further invitation to be speak in opposition, Thomas Melanson of 38 Newton Street stated he is disabled and has a disabled tenant, as well as a disabled family across the street and next door. He stated there are 3 handicap parking spaces in the area and they cannot find space. He stated that in snow storms the handicap people have to fight for their parking, as then there is parking on one side of the street only. He stated it is a hardship on the handicapped and elderly people, as they must park blocks away from their houses almost every night. He stated there is

vandalism to the cars.

Ms. Dawicki encouraged Mr. Melanson to raise those issues if and when the matter goes to site plan review. She again stated the board is merely hearing comment on whether the change is significant enough to move forward.

Mr. Melanson stated that the square footage of all lots in the area are under 3,000 sf and are single families. He stated the area is already too congested, and even two families complicate matters so that people don't want to live in the area.

In response to Ms. Dawicki's invitation to be recorded in opposition, Richard DeSouza of 468 Union Street, stated he feels the building will look out of place. He stated he is curious about the parking with the school a half a corner away with kids and the bus situation. He stated he opposes the project.

In response to Ms. Dawicki's invitation to be recorded in opposition, the following people approached the podium:

Nancy Andrade of 470 Union Street stated she is so opposed to the project;
Rene Nunes 226 Court Street, an abutting property owner;
Idalina Da Silva of 483 Union Street stated she is opposed;
Jose Pao of 10 Newton Street stated he is opposed to the project;
Randall Ramos of 225 Court Street stated he is against this. He stated he parks where their driveway is going to be as he is right across the street.

There was no response to Ms. Dawicki's further invitation to be recorded in opposition, and as such the public hearing was suspended.

In response to Ms. Dawicki's invitation for additional comment, Mr. Redmond expressed his appreciation for all the neighbors coming out, and stated he had listened to their concerns at the ZBA. He stated he wanted to clarify some misleading and inaccurate statements.

Mr. Redmond again stated that the building footprint had been reduced, meaning the foundation had been reduced in width and length, increasing the open space area. He again stated he is in full parking compliance and is not putting any cars on the street, but is actually taking them off. He stated the surrounding area, zoned Residential B two family, has numerous multifamily properties on the block, including his direct abutter, a 4 story 4 family with no parking or setbacks. He stated these are non-conforming existing uses.

Mr. Redmond stated the current commercial building has outlived itself. He stated the city planner letter stating it is not a detrimental impact speaks for itself. He stated he has made significant changes, and the Zoning Board, after reviewing the changes, voted 5-0 that there were significant changes.

Ms. Dawicki asked for clarification in the building footprint.

Mr. Redmond stated the building was in excess of 25' wide by 85' long. He stated it has been reduced to 23' x 74', along with a reduction in height, and it now allows handicap access to all ground floor units.

Ms. Maclean reiterated that the only consideration for the board is whether or not significant changes

have been made to the previous application. Any decision on whether or not the project is good for the neighborhood, fits the character, or is a public benefit is not applicable at this time.

Mr. Glassman asked for the definition of significant change. Ms. Dawicki directed him to a memo from Jane Friedman in the packet which outlines the process and contains some pertinent language. Ms. Dawicki read the language into the record as follows:

“The planning board will determine if there have been specific and material changes in the conditions upon which the previous unfavorable action was based, and will make findings setting forth the reasons for the board’s decision.”

Ms. Dawicki directed her colleagues to the zoning board denial of the initial application, namely the building footprint, the number of units, the number of variances being sought, parking and open space concerns, and the stairway.

Assistant Solicitor Espinola stated that in *Ranney vs Board of Appeals of Nantucket*, the Court focused on the materiality of changes necessary to constitute a sufficiently revised re-application. In that case, the Court held that the board may give weight to differences which in an absolute sense are relatively minor. Where several changes were cosmetic standing alone, the board could consider whether taken together they altered the conditions causing the unfavorable vote of the board. So, the specific material changes required under Section 16, must be something less than differences so radical that they obviate scrutiny under the statute altogether. Solicitor Espinola stated that in essence the Court indicated the board can give weight to differences which in an absolute sense are relatively minor.

In response to an inquiry by Ms. Dawicki, Solicitor Espinola advised that the board should mention the specific changes they found.

In response to an inquiry by Ms. DaSilva on any height change, Mr. Redmond stated the overall height had been reduced about 1.5’. He stated the accommodation of handicap ramps into the building took off almost 2’. He stated he is lower than the direct abutter on the left, with his mansard roof versus their 12/12 pitch roof.

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

Ms. Dawicki again clarified the decision before the board at this point, namely whether the items that were the basis for the previous zoning board of appeals denial have changed in specific and material ways.

Ms. Duff noted the ZBA minutes seemed to indicate substantial criticism over the building size, the number of units, and the fact that not all the parking was onsite and would produce spillover onto the street. She indicated having lived on Ocean Street, she could sympathize and would agree with that issue. She stated the revised drawings accommodate parking onsite and reduce the number of units by 25% and changed the building footprint in what she sees as substantive and relative to the issues causing the initial ZBA denial according to the minutes. She felt in accordance with the training she had received by Attorney Markey, the matter was straightforward.

Ms. Dawicki agreed. She expressed that her reading of the ZAB minutes showed one of the biggest

concerns was the number of residential units. She stated many ZBA members were calling for a reduction from 8 to 6, which is what the applicant is now presenting.

Mr. Glassman felt the applicant had addressed the concerns.

Ms. Dawicki reviewed items that she had listed for consideration as specific and material changes; namely, reduction in the footprint area, the number of units reduced by two, parking increased by two spaces, reduced number of variances required, layout change of the discharge stairs, and open space increase.

Ms. Maclean clarified there was now one variance and one special permit for parking to enter from the rear of the lot rather than the front.

After clarification, a motion was made (JD) and seconded (KD) that the Planning Board find that there has been a substantial and material change to Case #39-14, a re-hearing of an application unfavorably acted upon by the Zoning Board of Appeals, and the proposals for a multi residential unit at 475 Union Street, and the Planning Board has found that the changes in footprint, which has been reduced, the diminution of the variance requests has been reduced, with one special permit request, an increase in open space, a decrease in the number of units, the meeting of the required parking regulations, as well as the orientation of the egress stairs, constitutes a material and substantial change.

Motion passed 5-0

Ms. Dawicki announced that the board would proceed directly to site plan review where the board, with public input, will determine if there are conditions to be made. She welcomed input on parking, lighting and other aspects of the design.

Ms. Maclean clarified for the general public that site plan review is an "as of right use" and cannot be denied by the planning board. She stated that the applicant currently does not have the needed approvals from the zoning board of appeals, but after consultation with solicitors it was decided to let site plan move ahead and make all requirements and conditions the planning board is able to make to make it the best project possible for the neighborhood. The matter will proceed to the zoning board, along with the planning board's decision, and the zoning board will vote on whether the variance and special permit are approved. If the zoning board denies either the variance or special permit, tonight's site plan decision is null and void.

CASE #38-14 – Site Plan Review

Mr. Redmond addressed the board and presented photos of the existing landscaping around the property, some of which shows encroaching landscaping from an abutter. He noted that on the east side there is less than 8" between buildings. Mr. Redmond explained the orientation of the property.

Mr. Redmond stated the reduction in the building footprint allowed him to accommodate parking and opened up the area for more vegetation and address snow loading concerns. He stated he is planning a row of arborvitaes for his abutting neighbor on Court Street to act as a screening buffer between the properties.

He stated the increase in open space will now accommodate barrel storage, located on Court Street with a fence screening. He stated large trees on the east side will be maintained when the existing building is razed.

He stated the existing building has a zero lot line, and by pulling it back and meeting compliance at 15'5" it will provide a nice green space with grass. He indicated he is proposing fast growing Japanese maple trees with a 10' maximum height. These will provide shading and green space for the subject property. He is proposing another fast growing Japanese maple tree with a maximum height of 12-15 feet. The building height is just over 38'.

Mr. Redmond noted the increase in the brick paver walkways and stated the Union Street curb cut will be closed and will add neighborhood parking. He stated his direct abutter is a 4 story with one spot for four units. Mr. Redmond stated that the rear of the building was at one time a fish processing market with a loading zone which eliminated parking. It will now be removed and provide additional neighborhood parking. He said the project lends itself to many points of entry, and he does not believe people will be cutting through the lot.

Mr. Redmond displayed proposed planting beds consisting of perennials and seasonal plants to soften the walkways, and he invited recommendations from the board. He then noted his lighting plan will have sconces on the building controlled by residents, but exterior building lighting will be installed with motion sensors as well. In addition, he proposes some pole lighting in the parking area. He displayed his proposed lighting cut sheet. He stated the lighting could be on timers so as not to be obtrusive to abutters or on all night.

Mr. Redmond indicated he is proposing a 2-3 foot high privet hedge for the east side.

Mr. Redmond stated there is no current drainage system. His plan shows retention of impervious roof water into drywells in the parking area. He stated the abutter has his water shed onto Mr. Redmond's property, which floods the existing basement, so his plan will benefit this abutter. He said this new drainage will also help with snow melting and ice buildup.

He expressed that he felt they had done a lot with this tight and narrow lot and invited input from the board.

In response to a question from Mr. Glassman, Mr. Redmond stated air conditioning will likely be individual room units, like the Mitsubishi ductless systems for the apartments which are just under 1,000 sf. Confirming Ms. Duff's comment, he stated this has small condensers which can be hung off the building or hidden and screened on the mansard parquet. He expects the bedrooms will be the most desirable location for these AC units.

Ms. Dawicki asked the applicant to address parking and traffic flow. Mr. Redmond explained that Court Street is a one way, with the property being located between Newton and Park Street. He noted the nearby school and stated the school buses will run on the off hours of his young professional and empty nester occupants. He stated that though 2 to 1 parking is required he expects the small units will be one individual occupied. He stated his observations are that many of the buses turn prior to his lot. He feels the less traveled Court Street is a better access point to the parking lot. He stated with the ample setback there is no blind pull out.

Ms. Dawicki noted conditions from the DPI, one of which is a cement sidewalk on the Court Street side. Mr. Redmond explained a curb cut was approved for the Court Street side when the property operated as a fish plant. He also stated, in response to an inquiry by Ms. Dawicki, that the Court Street loading zone would be eliminated.

Mr. Cruz asked if the curb cut could be relocated so that people exiting the site don't shine headlights into someone's living room. Mr. Redmond responded that the proposed location is the most significant width of the lot. He stated that there are houses all the way along Court Street, so that regardless of the discharge driveway being on the west or east side the condition would still exist.

Ms. Duff inquired of paving material that might add permeability, noting the applicant is over on the percentage of permeable surface. Mr. Redmond stated that allowable lot coverage is 25sf and he is at 17.5. Ms. Duff clarified that figure represents the building and she is asking about permeable surface such as the parking area. Mr. Redmond stated he is proposing catch basins on the asphalt surface, which Ms. Duff noted is not permeable. She also noted that Mr. Redmond had left blank his permeable open space numbers. She suggested permeable asphalt or concrete precast units where some water moves through them.

Ms. Dawicki noted that Mr. Redmond's green space calculation may be inaccurate and asked the applicant to update the Page 5 numbers and add the permeable open space figures. The applicant agreed.

Ms. Duff stated she would want to see a permanent bike rack put in place. Mr. Redmond stated the basement contains 125 sf of individual storage cages for residents.

Ms. Duff noted she had seen creative bike storage areas made, such as under the egress stairs, which could be enclosed with a locked door. Mr. Redmond agreed.

Mr. Cruz stated he is somewhat concerned with 12 parking spaces along the property line and next to the abutter's houses. He asked if Mr. Redmond could provide some protection such as curb stops. Mr. Redmond agreed to some type of edging such as granite cobblestone with a higher elevation on both sides of the lot, or a six inch reveal cobblestone uniform around the perimeter. Mr. Cruz noted that would also help control the onsite drainage.

In response to an inquiry by Mr. Cruz, Mr. Redmond stated the spaces are 9' by 18' and the aisle width is 20'. Mr. Redmond stated there is a handicap accessible with an additional loading. Mr. Cruz stated one space would need to be van accessible. He also noted that Mr. Redmond shows a 5' striped loading area which needs to be 8' wide to be compliant per CMR 21. Mr. Redmond stated the architects would revisit that issue.

Mr. Redmond confirmed for Mr. Cruz that the appropriate signage would be installed.

Mr. Redmond, in response to Mr. Cruz and Ms. Duff, explained he is making the units accessible and adaptable, but being under ten units there is no Group 1 handicap unit requirement. He stated lowering the elevation and installing the ramp way makes all the ground floor units in full compliance.

Mr. Redmond and Mr. Cruz discussed relocating the barrel storage area closer to the building.

Mr. Cruz inquired about snow removal. Mr. Redmond indicated he had allowed for room in corners of the property. He expected significant snowfall would have to be removed and trucked out, but 2-4 inch snowfall should be stackable.

Mr. Cruz asked if fencing was planned for the property lines so snow removal would not spillover to an

abutter's property. Mr. Redmond stated there is an existing chain-link fence on one side. He believes the privet hedge will stop any overflow of snow. He stated he prefers natural boundaries as opposed to fencing.

In response to an inquiry from Mr. Cruz, Mr. Redmond stated he believes the curb cut will be 12' wide. Mr. Redmond confirmed he will have accessible ramps with tactile warning strips on either end.

With regard to landscaping, Ms. Duff noted that by taking down such a large building, much of the site will have to be restored. She discussed a large tree that appeared to be in the proposed parking lot, which Mr. Redmond stated was hard on his property line and will remain. He noted the roots do encroach the neighbor's yard and has overhang. He stated he plans to raise the canopy on the tree. He also noted a city sidewalk tree on Union Street shown in the photos.

Ms. Dawicki noted that DPI comments ask that the contractor protect that tree while working on the project.

Ms. Duff noted that privet hedges must be pruned. She also recommended low maintenance colonial lawn, and suggested flowering shrubs to take advantage of the southern sun coming in. She again suggested the applicant look into permeable pavement surfaces.

Ms. DaSilva inquired about the style of lighting on the building. Mr. Redmond stated they would be exterior sconces similar to the New Bedford Washington light fixtures, and there would be one at every entry and egress way, as well as one on the Union Street entryway. He stated there would be illumination onto the catwalk and brick pavers from the building. In addition there are two planned on the parking lot corners, two on the west side, two on the east side, and one where the barrel storage is shown. Ms. DaSilva inquired about any light spillover into the neighbors' homes. He explained one direct abutter has a large yard and significant vegetation screening. He stated the arborvitaes will provide a wall buffer to the other abutter. Mr. Redmond again stated lights could be on timers and motion sensors. He stated the wall sconces are controlled by the occupants. He stated he had not gone far into lighting specifics and welcomed suggestions, as he has not actively been a builder for some seven years.

Mr. Cruz suggested the board would need a plan showing foot candles and neighborhood effects, as well as cut sheets. Mr. Glassman and Ms. Duff agreed.

Ms. Duff suggested the lights have shields to focus light only on the parking area and not the neighbors.

Ms. Dawicki asked the applicant to incorporate board suggestions into a thorough lighting plan the planning staff could review with the board.

With regard to drainage, Mr. Cruz noted there were no DPI comments regarding the dry well, but asked the applicant why he had chosen a dry well system as opposed to a full underground chamber with full infiltration. He noted the drainage plan was very unclear as to piping, et cetera. Mr. Redmond explained he had not supplied a full set of construction documents, still having to appear before the Zoning Board. He stated any plan generated and any permit activated will have to comply with code.

Mr. Glassman expressed his hesitance to approve a project subject to zoning without the proper plans.

Mr. Cruz concurred that the plans appeared incomplete, with many unanswered questions on drainage, lighting, parking and landscaping.

Ms. Maclean noted lighting and parking are often deferred. She noted DPI comments did not flag drainage and she did not want to see the board compete with DPI.

Mr. Cruz noted the plans were unclear where the overflow connection is. Mr. Redmond explained there is a lot going on with the project plan consultations and he has to cut and cap existing dormant water lines and bring a fire and domestic line in off of Union Street. He noted two different sewer connections from Court and Union Streets. Mr. Redmond further stated he had had preliminary discussions with Manny Silva of DPW and that loose ends need to be tightened up. He stated he is looking for the variance relief to go forward and generate full construction documents. He noted that DPW suggested overflow pipes into the storm water system on Court Street, and noted that abutting two streets he has access to a lot of city infrastructure to manage storm water runoff.

Ms. Glassman inquired of Chairperson Dawicki whether the board should wait to get full plans after the applicant's ZBA appearance.

Ms. Maclean noted that in the past the ZBA has wanted the planning board to make site plan approval, similar to Kempton Street where the applicant and abutters had to come back and forth to some four meetings. She noted someone has to go first. She suggested the board state their concerns this evening so the applicant is aware of them. She stated that she believed the ZBA had kicked it back to the planning board on the last two occasions.

Mr. Redmond asked if any decision could be made on the preliminary site plan as presented, even with provisos, such as a cut sheet for the lighting plan, a final and approved DPW plan, which can be confirmed prior to any building permits being issued. He stated he believed they had addressed concerns with snow, landscaping and parking. He noted the drainage plan will evolve.

In response to Mr. Glassman, Chairperson Dawicki suggested the board make a rigorous set of conditions and requirements with what the board wants to see and review, in an effort to limit the times the neighbors have to keep coming out.

Mr. Cruz noted that typical drainage plans contain calculations of existing condition and what is being proposed. He stated that as Ms. Duff had mentioned, the current building has all this roof runoff, and though the applicant is decreasing the size of the new building, he is adding impervious area. He stated he believes the parking lot and building planned may exceed what is currently existing on the site. Ms. Duff agreed.

Mr. Redmond apologized and stated where the plan lacks details, they can and will be added. He noted he and his engineer need a definitive answer from DPW on where and how he is accessing the many utilities.

Mr. Cruz expressed concern that the drywells are shown in close proximity to the abutter's foundation and the applicant is looking to do 100% recharge. He suggested it be centered in the parking lot.

Mr. Redmond stated the first set of plans, with eight units, showed drywell overflow directed into the

city system off of Court Street.

With regard to erosion, Mr. Cruz asked what the applicant would use to address erosion control during construction and demolition. Mr. Redmond stated hay bales or straw bales. Mr. Cruz recommended straw bales or waddles.

With regard to protection for existing catch basins, Mr. Redmond stated he was unsure if any were near him, but would protect them. He stated if successful at the zoning board, the process would be to tighten up the demolition plan and seek the permit to raze the building, then continue with drainage and DPW water and sewer plans simultaneous with the foundation plan. He explained that he had an incomplete plan about how the building will be razed and trucked offsite and the protection associated with that, but will be finalize it before the demolition permit is issued.

Mr. Redmond acknowledged to Mr. Cruz that he has something in place to protect the abutting building and stated he has worked with zero lot lines before, and all the details will be spelled out in the final demolition plan.

Ms. Duff inquired as to the exterior materials of the building. Mr. Redmond stated it will be clapboards 6-8" to the weather. He stated in the past he has used a Hardy plank which holds paint well and is easy to maintain. He stated it is a wood structure with a mansard roof with scalloped asphalt shingles and an EPPM flat rubber roof system. Ms. Duff noted they would want a white roof rubber membrane or white PVC.

Ms. Maclean suggested the wording on that requirement be more open, such as a low reflectivity roof.

Mr. Redmond stated he expects to use PVC trim boards.

Ms. DaSilva suggested he move the windows closer together to be more aesthetically pleasing.

In response to an inquiry by Mr. Cruz, Mr. Redmond stated he did not yet have a color scheme, but expects it may be tan with a white gloss exterior trim. Ms. DaSilva suggested a trim color similar in shade to the building body color, which would look more elegant.

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

Ms. Dawicki explained to the general public that the board would now take comments both in favor and in opposition, but as mentioned, the planning board cannot deny a site plan. As such, she explained the board was looking for input on how the project could be made to be the best project for the neighborhood and what conditions the board might include.

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

In response to Ms. Dawicki's invitation to speak in opposition, Steven Macedo expressed to the board that Mr. Redmond's comments had shown that, as most absentee landlords, he has little concept of what goes on in the neighborhood. Mr. Macedo stated that even 4" of snow will be an issue and Mr. Redmond will not be onsite to deal with it immediately. He stated that it is a pipe dream to think there will only be one car per unit. He stated the neighboring property is not a four story building but a three story with a roof. He stated Mr. Redmond's building is totally out of place in this predominantly one

and two family neighborhood. Mr. Macedo believes drainage will be a problem as existing water and sewer is outdated. He felt that visitors to the building would park on the street and infringe on neighbors. Mr. Macedo added that a six inch cobblestone will not stop a car from going through.

Ms.Duff asked Mr. Macedo where the 4 story building was located.

Mr. Macedo was interrupted by inaudible comment from Mr. Redmond and then the general public.

Councilor Morad inquired of Chairperson Dawicki whether the meeting would be conducted per Robert's Rules of Order. Chairperson Dawicki stated they were planning on doing so.

In response to Ms. Dawicki's invitation to speak in opposition, Thomas Melanson stated there are no more than five three family homes in a two block radius. He concurred that the multi-story on Park and Court Street is a three family; a store with two apartments above it. He expressed concern for a building here as well as the land across the street, and whether this will encourage a housing authority project that may bring an additional 6-8 units. He feels it is ridiculous and does not feel the area needs the congestion. He did not believe anyone living in that neighborhood would want a four story building next to a beautiful home on the corner of Newton and Court Streets. He felt it was shameful to put residents through this procedure.

In response to Ms. Dawicki's invitation to speak in opposition, Eric Stotts, a direct abutter, addressed the board. He stated the single family home on the corner of Nelson and Court Street had a peak roof and was not a big massive complex. He reiterated that the area is Residential B but for a couple of mixed use businesses sprinkled in. He stated a six family complex in this two family neighborhood is very out of character to the area. Mr. Stott noted that even with the hedge on the east side, headlights will shine on his property, perhaps into his bedroom window, and he requested a fence. With regard to pole lighting, Mr. Stott said there is no vegetative screening as represented by the applicant, and that directional lighting would be needed to prevent him from being kept up the entire night. With regard to parking at the current loading zone area, Mr. Stott stated that people already park there and there will be no increase in parking by removing it. He stated that in fact the creation of the complex parking lot entrance will take away current parking. He stated these streets are already full at night. He stated that Mr. Redmond was incorrect when he said the buses don't travel down Court Street. He stated they travel there every day at 2:45 and this will add congestion to the area. Mr. Stott stated the petitioner had answered questions with "probably" or "maybe" throughout the night, suggesting he does not seem to have a plan with respect to lighting or landscaping, which he believes should be a problem for the board.

In response to Ms. Dawicki's invitation to speak in opposition, Rene Nunes indicated the location of his home. He stated he often gets up at 3:00 am to go to work, and is concerned that the parking area, which will be right beside where he sleeps, will generate noise. He stated the property is 45' wide and he does not understand how such a huge building and parking area can be fit in. He stated he too is concerned about what will be developed across the street. He stated three school buses are parked in front of his garage and there is a lot of traffic and children. He stated Mr. Redmond was asked questions and did not know the answers. Mr. Nunes stated the system is not working properly. He stated it was a beautiful concept, but really felt people would not want that beside their house. He stated with a parking lot beside him, the value of his home will drop tremendously and he will lose everything he has invested to better his property and the neighborhood. He added that as someone who had plowed for years, he felt there would be quite a problem getting the snow out of the parking lot.

He expressed concern over how close the building was in the event of a fire and the access to fight it. He stated he had pictures of the trees and the depth of the alleyway. He stated he has spoken to people who don't understand how this is feasible in New Bedford. He stated he is a lifelong resident of New Bedford and cannot fathom how this will work. He stated this area is not the proper area for this building.

In response to Ms. Dawicki's invitation to speak in opposition, Councilor Carey Winterson felt the building was outside the character of the neighborhood. He expressed that he was troubled by the planning process. He felt that simple questions could not be answered and he is opposed.

In response to Ms. Dawicki's invitation to speak in opposition, Nancy Andrade, a resident living across the street from the proposed project, addressed the board. She stated she has lived in her home since 1978 and this is the worst scenario she has even been put through. She submitted documents to the board.

A motion to accept the documents was made (AG) and seconded (PC).

Ms. Andrade stated she has a two and half car garage. She stated this proposed property is on the market. She stated she has even more questions than she did at the first meeting. She stated she has a catch basin in front of her home located at the corner of Union and Atlantic Streets, as well as one on around the corner on Atlantic Street and one across the street. She stated the area was flooded out today. She is concerned about more housing with more runoff, as they have a problem already. She stated she has an issue with the barrels, which are big. She inquired if there was going to be a dumpster.

Mr. Redmond indicated in the negative.

Ms. Andrade, asked how many barrels there would be, which Chairperson Dawicki deferred to board discussion on the application. She asked members of the public audience to conduct any discussion outside the hearing room.

Ms. Andrade noted that the nearby school has some 400 students, and she expects the potential residents will have children. She stated the "field of dreams project" at 478/480 has contaminated soil since '74 and she has been told housing will be going in there. So there will be two projects, and she does not need any more neighbors. She asked what the address would be, as she considered this an alley. She stated there will be cutting through with parking on Union Street. She stated it looks beautiful, but not in that area. She stated it will be like the Acushnet Avenue housing that towers over all the regular homes, and she feels that is an eyesore. She stated the neighborhood does not need more housing, that there are plenty of places for sale and rent. She feels this will be like a project. She stated you can only put so many people in one area, and this will draw an element. She stated she has a big question and feels this project has been misrepresentation. Displaying a sales ad, she stated she is concerned about who will take over this property, so she doesn't care what Mr. Redmond says as it will not be him. She stated the neighbors are appalled and she is upset. She reiterated the area is congested both in the morning and when school releases. She stated there is nothing about this project that will enhance their neighborhood. She stated it is breaking her heart that this could actually take place and the strain it will be on the area. She stated she has gotten no answers.

Ms. Andrade stated she wanted to know if there would be a 21E done. She stated her garage was

already damaged and wanted to know about rodent control if the current building is going to be knocked down. She also requested a list of those notified, because she stated one abutter never received notice. She stated her notice was postmarked the 29th and delivered the 3rd and she felt it was a tight timeframe for neighbors and abutters to get things together. She then submitted a document which she represented were from people unable to attend this evening who were opposed.

A motion was made (PC) and seconded (JD) to accept the document. Motion passed unopposed.

Ms. Andrade stated the project does not work for her and she does not see a plus and feels it will be detrimental to the neighborhood and everything will go down the tubes. She stated it is incomprehensible to her that this could take place.

In response to Ms. Dawicki's invitation to speak in opposition, Councilor Linda Morad asked Chairperson Dawicki to read into the record the number of signatures submitted in opposition.

Ms. Duff stated there were thirty-five line items which she had not yet verified. Councilor Morad asked that the board table this matter on behalf of the taxpaying New Bedford residents. She stated the developer has told her that he too is a taxpayer. She stated the people who spoke this evening are long-term residents of the city who have lived here many years and invested in the city. She stated they had come up one after another and expressed they did not know what the plan is, don't understand it and can't see a picture of it. Ms. Morad stated that each board member, but for Ms. Dawicki, had expressed they do not have enough information with regard to various aspects of the project to determine what it will look like. She stated the city planner had said there was prior precedence where this board approves a project contingent on other people reviewing aspects of a plan on your behalf. She stated there is no plan here. Councilor Morad stated that on behalf of the people here and the thirty-five that signed the petition, the item be tabled until there are plans for the board and residents to see and discuss. She stated that in her ten years she has never attended a meeting where this type of drawing is what the board uses to approve a plan. She stated there are always detailed architectural drawings. She stated she was unsure if in the minutes read from the ZBA there was an indication that the developer did not want to spend the money to have detailed plans done until he was sure he would have his approval. She stated she understands that, but that is not the way business is done in the City of New Bedford. She stated the various boards and commissions receive detailed plans from which they can make educated decisions. She asked if the board could make a decision on the lighting and where it will shine, or what it looks like, or the turn onto the very narrow Court Street, et cetera. She asked if the board could show her what the plantings will look like and whether they will be mature, et cetera. Councilor Morad stated that she believed the answer to all those questions was no, and again asked the board on behalf of those present this evening and those who signed the petition to table the matter and let Mr. Redmond go to the zoning board and then prepare his plans. She stated she understands the as of right use, but would like to see what it is the board is going to approve.

Ms. Dawicki noted the planning board had received a full set of plans that were available for view at City Hall. She noted the required utility and grading plans were absent.

In response to Ms. Dawicki's further invitation to speak or be recorded in opposition, Diane Eccleston of Atlantic Street stated her concerns were snow removal, parking, and the fact that the building was for sale. She wondered if the frontage requirement had been met. She stated that aside from the all the specifics that those present can talk about, the resounding theme has been "I don't know, I'll do that later, I'll start demolition and then worry about drainage plans." She stated that went on for almost

every subject and she does not understand how the board can approve a plan if there is no plan. She felt it important that the board hear that all those present have that concern and she feels the board should have that concern as well.

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

Ms. Dawicki suspended the public hearing.

Mr. Redmond asked to speak, to which Ms. Dawicki asked him to wait.

Ms. Dawicki sought to clarify several of the questions proposed. She stated that the lack of a drainage plan is in the purview of the Department of Public Infrastructure, and the board could approve the site plan with the condition that DPI conditions must be met.

Ms. Maclean stated that all abutters should have been notified two weeks in advance and she could confirm the same within a couple of days, as well as verify the green cards returned, should the abutters notified wish to follow up with the planning office.

At Ms. Dawicki's request, Ms. Maclean clarified that there was no longer a variance being sought for the frontage requirement.

Ms. Duff noted that the lighting issue was frequently raised and a detailed lighting plan would have to be reviewed by planning staff.

Ms. Dawicki clarified that detailed lighting plans will show the degree to which lighting spreads beyond the perimeter. She stated it is required and will be addressed. Ms. Duff and Ms. Dawicki noted the board may wish to discuss whether a fence on the east side makes sense and should be included as a condition.

Ms. Dawicki suggested the applicant address some of the questions raised on snow removal, trash barrels/recycling bins, and fencing on the east side.

Mr. Redmond stated that in light of his twenty-six years of experience he appreciated the concerns and difficulties associated with residential housing in tightknit communities. He stated there were misleading and inaccurate statements based in opinion.

Ms. Maclean asked that Mr. Redmond address the board and not the audience.

Mr. Redmond stated everyone has opinions, but he is presenting fact. He stated his building complies with all setbacks.

Ms. Eccleston made an inaudible comment. Ms. Dawicki again instructed those present that there was not to be an exchange.

Mr. Redmond stated that with regard to comments about there being no plan and him not spending any money, he had invested eighteen months and tens of thousands of dollars in architectural plans. He stated the plans are open for viewing as a public record. He stated there is a preliminary drainage plan, which will be developed in accordance with the Department of Public Works, as he cannot proceed unless it complies with all requirements. He stated there are landscape plans identifying species of

trees and grass. He stated the lighting plan is preliminary and board recommendations will be addressed. He stated with regard to a fence, he will work with any abutter who will work with him. He stated he has extended his card to neighbors, as well as invited Ms. Andrade, the spokesperson, to meet to discuss concerns. Yet he has received no calls.

Mr. Redmond stated a lot of thought and effort has been put into the plan before the board and it is 85-90% complete. He stated he needs to be granted the variance before going forward. He again invited any direct abutters to sit down and discuss their concerns prior to the ZBA hearing.

Ms. Dawicki asked Mr. Redmond to address trash and recycling concerns. Mr. Redmond stated he will meet city barrel requirements. He stated he was open to considering a dumpster and saw those type of issues as fine tuning.

Mr. Redmond stated that with regard to snow removal and management, he will do the best he can with the land he has to work with. He stated his abutters have snow removal and management problems, having zero parking and little open space to manage their snow. He stated that the drainage proposed will take the runoff of melting snow and any excess snow will be trucked offsite.

In response to comments that everything will go to pot if he is an absentee owner who does not live there, Mr. Redmond stated he is not going to invest thousands of dollars in his property to let it go to pot. He stated numerous abutters are absentee owners, living in Florida and Stoughton.

Ms. Dawicki asked where a snow plow would deposit the snow. Mr. Redmond stated snow management would consist of shovels and snow blowers which will direct and pile snow in the corners of the significant open space.

Mr. Redmond stated that the lights shining on the parking area will not come anywhere near the dwelling residence of his abutter. He stated the privet hedge screening buffer will also help any concerns.

Ms. Duff stated that lights do bleed and it is important and is helped by shields.

Mr. Redmond again stated he is open to erecting a fence, but has not directly heard from this abutter.

Ms. Dawicki stated that was not germane.

Ms. Duff noted with regard to frontage that this non-confirming lot was in existence prior to zoning regulations. She stated currently lots require 150 feet of frontage, and this lot has 45.98'. Likewise this lot is 10,084' and current requirements are 15,000'.

Mr. Redmond stated the lot allows for one unit per 1,000 sf, equaling ten units. He stated he is not subdividing the lot and did not create it, and that is the hardship.

Ms. Dawicki raised the issue of possible conditions and whether the board had adequate information to proceed.

Mr. Glassman felt the preliminary plan was not fine tuned to the aspects the board was looking for. He questioned whether the matter should go before the ZBA and then the petitioner come back before this board to address their concerns. Mr. Glassman stated he had four issue listed.

Ms. Maclean noted that colors were not within the board's purview.

Mr. Glassman noted the lack of drainage plans, lighting plans, and was not clear on AC units. He did not feel he had enough information to vote on the matter.

Ms. Duff felt the barrels would require a large storage area which may take up the same area needed for a dumpster.

Ms. Dawicki stated that, if continued, the board could be provided an updated representation of the barrel storage area, since it is being relocated.

Mr. Cruz expressed his agreement with Mr. Glassman, Councilor Morad and the residents that there needs to be more definitive answers not included in the preliminary plan set before him. He expressed his concern with the drainage and wants more definitive calculations and storm water management answers prior to plan approval.

Mr. Cruz noted the large resident turnout and expressed his desire to see something that everyone in the neighborhood could live with that would enhance the neighborhood. He also commented that he felt the lighting plan was huge and should show the dwellings, not merely lots.

Ms. DaSilva stated the light pole on Court Street must already be in the windows of the nearby house.

Ms. Dawicki noted the site plan review application checklist and noted the lighting plan description and the applicant's lack of some of the items listed.

Mr. Redmond clarified that it needs to include the locations of abutter dwellings.

Ms. Dawicki referred the applicant to the site plan review application checklist, Item 3L on the Lighting Plan, and 3F on the Utility and Grading Plan.

Mr. Cruz noted the demolition plan checklist was also not complete. He felt there were many loose ends, and he desired a more definitive plan prior to making a decision. Mr. Cruz directed the applicant to go through the checklist to address the missing pieces.

Ms. Dawicki added that she would like to see a plan for the fence discussed.

Ms. Duff agreed, citing the need for the layout for the 1'5" on such a tight lot; i.e., where is the fencepost, will there be 16" of grass, et cetera. She also expressed concern about the parking and the turn off of Court Street, as well as car stops to prevent accidents.

In response to Ms. Dawicki, Ms. Maclean stated she had taken extensive notes to advise the applicant on the board's concerns.

Ms. Dawicki stated the public hearing would remain open with Case #38-14 being continued to the next meeting on November 5th.

Mr. Redmond requested his matter be continued to the hearing date of December 10th to afford him

time to make the changes.

A motion was made (JD) and seconded (PC) to continue Case #38-14 to the December 10, 2014 Planning Board meeting. Motion passed unopposed.

Ms. Maclean noted for the general public that the continuance announcement just made meant they would not be receiving notification by mail.

In response to Ms. Dawicki, Ms. Maclean stated that the planning office prefers to have plans available two weeks prior to the meeting. Ms. Dawicki noted that the public could contact the city planner's office to view plans.

OLD BUSINESS

Ms. Maclean updated the board with regard to the Bismark Meadows Subdivision. She reminded the board that they had seized remaining funds on the project. She stated the DPI had subcontracted the work and the detention basin had been fixed and will be seeded in time for the winter season. She stated the Conservation Commission was working with Mitch Engineering to provide the as built plans for the detention basin, and DPI was working on the street as built plans. She expected these to be submitted to City Council within a month for street acceptance.

In response to an inquiry by Mr. Glassman, Ms. Maclean stated that Eastland Terrace had completed all work but had not yet submitted final plans to the city. Ms. Maclean stated she believed DPI was verifying the completion of the items. She stated they will receive snow removal this winter if the street acceptance plans are submitted by the owner/developer as those funds were not seized by the city.

There being no further business, a motion was made (KD) and seconded (PC) to adjourn. The motion passed unopposed and the meeting adjourned at 8:50 pm..

The next meeting will be November 5, 2014.