



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING
May 10, 2017

Case #09-16: SPECIAL PERMIT For
ES South Sixth Street
Map 46, Lot 93

Applicant: Christopher Markey, Esq
555 Pleasant Street,
Ste. 5A
New Bedford, MA 02740

Owner: New Bedford
Urban Renaissance II
555 Pleasant Street
New Bedford, MA 02740



Overview of Request

Request by applicant for **Extension of Special Permit** for reduction of off-street parking located at ES South Sixth Street (Map 46, Lot 93), in the Mixed Use Business (MUB) and Downtown Business Overlay (DBOD) zoning districts, to serve a building conversion from general office to hotel use located at 222 Union Street (Map 46, Lots 32 & 33).

The parking area is located between School and Walnut Streets on the east side of south Sixth Street.

The applicant has requested an extension of one year to complete the project construction.

Attachments:

1. Letter of Request of Extension of Special Permit
2. Notice of Decision

MARKEY & GAUVIN

555 PLEASANT STREET, SUITE 5A
NEW BEDFORD, MA 02740

Christopher M. Markey, Esq.
chris@markeygauvinlaw.com

Pamela S. Gauvin, Esq.
pam@markeygauvinlaw.com

April 13, 2017

Jennifer Clarke, City Planner
City Hall
William Street
New Bedford, Massachusetts 02740

Re: 222 Union Street New Bedford, MA

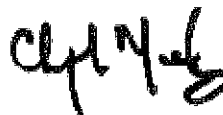
Dear Ms. Clarke:

Upon the one year anniversary of the Special Permit allowed by the City of New Bedford, regarding the above-mentioned property, I am asking on behalf of my client, New Bedford Urban Renaissance, LLC, to extend the one year expiration date.

I understand I am required to provide you notice before April 14, 2017, for the May 10, 2017 hearing date. Please consider this to be our request to be placed on the May 10, 2017 agenda for that purpose. NBUR II may be obtaining the permit and work begin prior to May 10, 2017, however we feel we should be on the May agenda.

Should you have any questions please feel free to contact me at the office at (508) 717-0284.

Sincerely,



Christopher Markey

ATTACHMENT 1

PLANNING
APR 13 2017
DEPARTMENT
CASE 09-16



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

CITY CLERK
 2016 MAY 27 A 10:57
 CITY CLERK'S OFFICE
 NEW BEDFORD, MA

CITY OF NEW BEDFORD
 JONATHAN F. MITCHELL, MAYOR

AMENDED NOTICE OF DECISION

Case Number: 09-16				
Request Type: Special Permit				
Address: 222 Union Street and ES South Sixth Street				
Zoning: Mixed Use Business (MUB) and Downtown Business Overlay District (DBOD)				
Recorded Owner: New Bedford Urban Renaissance II, LLC				
Applicant: Atty. Pamela Gauvin (on behalf of Shiawee Yang)				
Applicant Address: 555 Pleasant Street, New Bedford, MA 02740				
Application Submittal Date		Public Hearing Dates		Decision Date
March 14, 2016		April 06, 2016		May 27, 2016
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
46	93	11570	77	

Application: Case 09-16: Request for Special Permit for reduction of off-street parking located at ES South Sixth Street (Map 46, Lot 93), in the Mixed Use Business (MUB) and Downtown Business Overlay (DBOD) zoning districts, to serve a building conversion from general office to hotel use located at 222 Union Street (Map 46, Lots 32 & 33).

Action on Case 09-16: GRANTED, WITH THE FOLLOWING CONDITIONS:

To approve a reduction of parking for Case 09-16 for the property located at 222 Union Street for a reduction/a relief of parking of 99 spaces for the proposed hotel being developed, and/with the following conditions:

1. That the owner work with the city, specifically the planning department, to make certain that Section 3300 of the city code is met regarding the screening and the sizing and setbacks of the off street parking located on South Sixth Street;
2. That the applicant accommodate the staff comments in the application relative to some omissions and some changes;
3. That the applicant revise the proposed off-site parking at South Sixth Street to 62 proposed spaces; and

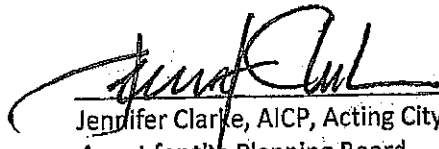
4. That the city planning work with the traffic commission regarding some concerns relative to valet parking and traffic in and around the block, specifically making a left hand turn when you have cars queuing up to make a left hand turn, when you have cars coming down Union Street.

A copy of the Notice of Decision in Case 09-16 was filed with the City Clerk of the City of New Bedford on April 15, 2016. All interested parties received notice of the decision and that the twenty-day appeal period had expired. The purpose of this Amended Notice of Decision dated May 27, 2016 is to correct clerical errors contained in the April 15, 2016 Notice of Decision, to accurately reflect the discussion that occurred and the motion that was adopted during the April 6, 2016 public hearing.

A copy of this Amended Notice of Decision was filed with the City Clerk of the City of New Bedford on May 27, 2016. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

5.27.16

Date



Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board

1) APPLICATION SUMMARY

The petitioner submitted an application for Special Permit under Chapter 9 Comprehensive Zoning, Sections 3000-General Regulations, 3100-Parking & Loading, 3110-Applicability, and 3120-3125-Special Permit for reduction of off-street parking located at ES South Sixth Street (Map 46, Lot 93), on a 25,579+/- SF site, in the Mixed Use Business and Downtown Business Overlay (DBOD) zoning districts.

The intent of this project is to provide valet parking for a proposed boutique hotel envisioned to accommodate visitors to New Bedford, through the adaptive reuse of vacant general office space.

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The submittal was shown as the Site Plan for New Bedford Renaissance II located at 222 Union Street and South Sixth Street (Map 46, Lot 32 & 33) dated March 12, 2016, prepared for Dr. Shiawee Yang, Columbus Group LLC, 800 Boylston Street, 16th Floor, Boston, MA 02199 by Farland Corp., 401 County Street, New Bedford, MA 02740, consisting of four (4) sheets:

1. Cover Sheet – Sheet 1
2. Existing Conditions Plan – Sheet 2
3. Layout – Sheet 3
4. Details – Sheet 4

Other Documents and Supporting Materials

Staff Review Comments were provided for the April 6, 2016 Planning Board meeting with the following attachments:

- Site Plan
- Special Permit Application
- Project Proposal
- Valet & Circulation Photos
- Deed – Bristol County (S.D) Registry of Deeds Book 11570, Page 77
- Plan of Land for South Sixth Street for National Equity Properties, Inc, 240 Union Street, New Bedford, MA, dated 05-14-2010 prepared by Alpha Surveying and Engineering, Inc, 695 Wareham Street, Middleboro, MA (Bristol County (S.D) Registry of Deeds Plan Book 165, Page 106)
- Site History describing lot size reduction along Pleasant Street
- Proposed Hotel Photos

3) DISCUSSION

Board Members Colleen Dawicki, Kathryn Duff, Arthur Glassman, Peter Cruz and Alternate Member George Smith were present on the evening of the discussion.

Acting City Planner Jennifer Clarke, AICP and Staff Planner Constance Brawders were present during the proceedings.

Atty. Pamela Gauvin introduced the case submittal for New Bedford Renaissance II and described the intent of the project. She stated, the developer, Dr. Yang comes to the board with a unique situation, she currently owns a parking lot at South Sixth Street approximately two and one half to three city blocks away from the proposed hotel site. She is proposing to use that parking lot site on South Sixth Street for the guests, employees and any patrons using the restaurant or function space

Christian Farland, P.E. of Farland Corp., elaborated on the proposed parking lot on S. Sixth Street. Christian Farland indicated that the lot will be striped according to the city standards and the developer will add three additional handicap accessible spaces which are required. The jersey barriers will be removed and proposing some additional green space will be added in the front as noted on the plan. He stated that the lot proposed a unique situation. He stated that in most cases presented to the board that have been proposed within the downtown don't have any parking at all and this is a unique situation that there is a lot.

Discussion ensued regarding the Special Permit request for parking reduction for off-site parking, which clarified for correction the number of spaces that should be shown on the revised plan. The Planning Board asked that the applicant revise the application and case submittal documents to reflect the sixty-two (62), not sixty-three (63) parking spaces are existing, and restripe the parking lot to Site Plan conformity, with ADA compliant parking.

Further discourse covered buffer screening and landscaping of the parking lot, as it abuts a residential use and district; serviceability of the existing stormwater mitigation at an existing parking lot; intrusion of light from the parking lot proximal to a residential use and district; illumination of the parking lot for user safety; planting of street trees; removal of jersey barriers parallel to South Sixth Street; signage associated with hotel parking; valet traffic circulation from Union onto Pleasant Street; and reduction of the number of parking meters at the Union Street loading zone. Chairperson Dawicki stated that the board would require the applicant meet the current code requirements under section 3330 with regard to screening and plantings separating the parking lot.

Chairperson Dawicki asked for a motion to open the Public Hearing. Board Member K. Duff moved to open the hearing, seconded by Board Member A. Glassman. Motion carried unanimously Five (5) to Zero (0).

Speaking in favor of the project were Mark Hess of HallKeen Management and Dana Rebeiro, Ward 4 City Councilor, who presented letters of support from Councilors-at-Large Debora Coelho, Ian Abreu, Naomi Carney and Brian Gomes, that were accepted into the record by the Planning Board (Motion G. Smith, second P. Cruz, vote 5-0).

No member of the public body asked to be recorded in favor of the proposal.
No member of the public body spoke or asked to be recorded in opposition of the proposal.

Hearing no further questions or comments, the motion was moved to close the public hearing by Board Member K. Duff, seconded by Board Member A. Glassman. Motion carried unanimously Five (0) to Zero (0).

Chairperson Dawicki informed the board that they should only treat the parking reduction as based on the site itself. Technically there are 0 spaces provided on the hotel site and there are 63 spaces available at the other parking lot site. The board must make the decision based on reduced from 99 required to the 0 available on the site in question. The board can have that additional lot influence its decision because that additional parking option exists, but the decision has to reflect 99 required on site and 0 available on site.

In considering this application for Special Permit, the Board took into account the characteristics of the site and the proposal in relation to that site, specific factors set forth under Section 5320 of the zoning ordinance, and the project's consistency in meeting the strategic goals set forth by the city's Master Plan.

4) DECISION

Board Member K. Duff made the following motion with conditions:


To approve a reduction of parking for Case 09-16 for the property located at 222 Union Street for a reduction/a relief of parking of 99 spaces for the proposed hotel being developed, and/with the following conditions:

1. That the owner work with the city, specifically the planning department, to make certain that Section 3300 of the city code is met regarding the screening and the sizing and setbacks of the off street parking located on South Sixth Street;
2. That the applicant can accommodate the staff comments in the application relative to some omissions and some changes;
3. That the applicant revise the proposed off-site parking at South Sixth Street to 62 proposed spaces; and
4. That the city planning work with the traffic commission regarding some concerns relative to valet parking and traffic in and around the block, specifically making a left hand turn when you have cars queuing up to make a left hand turn, when you have cars coming down Union Street.

Peter Cruz seconded the motion and the motion passed unanimously by the present Board Members: Board Member Glassman, Board Member Cruz, Board Member Duff, Chair Person Dawicki and Alternate Member G. Smith.

Filed with the City Clerk on:

5.27.16
Date



Jennifer Clarke, AICP, Acting City Planner
Agent for the Planning Board

