

**DEVELOPMENT IMPACT STATEMENT  
FOR  
TWO PROPOSED COMMERCIAL/RESIDENTIAL BUILDINGS  
AT  
115, 117, 121, 127-129 UNION STREET, 7 NORTH SECOND STREET  
NEW BEDFORD, MA 02740**

**PREPARED FOR:**

**117 UNION STREET LLC  
128 UNION STREET  
NEW BEDFORD, MA 02740**

**PREPARED BY:**

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## 1.0 INTRODUCTION

This is a Development Impact Statement to accompany applications for renovations to the 3 story Moby Dick building at 127-129 Union Street which is being referred to as Phase 2. This submission includes updated plans for the previously approved 5 story building proposed at 115, 117, 121 Union Street and 7 North Second Street which is now being referred to as 117 Union Street (Phase 1).

It is proposed to raze the five existing one-story attached buildings at the corners of Union Street, North Second Street and Barkers Lane in New Bedford and construct a five-story commercial/residential building and to renovate the three-story building at 127-129 Union Street. That requires Site Plan Review approval from the New Bedford Planning Board. Other than a single handicap space, it is proposed to not provide off street loading or parking. This requires a Special Permit from the New Bedford Planning Board. There are several dimensional standards from which relief from the Zoning Board of Appeals is being sought. This Report has been prepared in support of those petitions.

The site is in the Mixed Use Business zoning district. It is also in the Downtown Business Overlay District and the New Bedford Landing Waterfront Historic District, also known as the New Bedford National Register Historic District, which is characterized by buildings with shops on the ground floor and living quarters above. The Historic District is focused on preserving buildings constructed in the early 1800s.

## 2.0 EXISTING CONDITIONS

The locus is a 12,479 square foot parcel bounded by Union Street on the south, North Second Street on the east and Barkers Lane on the north. It contains a three-story and five attached single-story, brick faced retail buildings and a small paved parking lot. Each building is on an separately taxed Assessor's lot and they are referenced as follows:

Address	Assessor's Map	Assessor's Lot	Deed Reference Book	Deed Reference Page	Year Built Circa
115 Union Street	53	41	12830	27	1920
117 Union Street	53	216	12830	27	1930
121 Union Street	53	215	12830	27	1930

7 North Second Street	53	40	12830	27	1910
127-129 Union Street	53	146	12830	27	1916

Each lot was non compliant with the area requirement of the New Bedford zoning ordinance. They are all owned by 117 Union Street LLC. An Approval Not Required plan has been submitted in order to dissolve the five Assessor's lots and create a one lot for the 3-story Moby Dick building and one lot for the remainder of the site.

There is an existing 42' by 47' paved parking lot at the northeast corner of the site, but its odd dimensions only allow five cars to park in that area and involves a 25 foot curb cut on North Second Street and a 42 foot curb cut on Barkers Lane. Appendix C presents photographs of existing conditions.

There is a full basement with poured concrete foundation walls under the Moby Dick building. There is a slab on grade (no basement) at 121 Union Street. The remaining buildings have stone masonry walls and shallow basements. Appendix D presents photographs of existing conditions.

### 3.0 PROPOSED DEVELOPMENT

It is proposed to raze the five, existing one-story buildings and to construct a single five story building with a resident's lobby and public café/eatery on the first floor and forty-two residential apartments on the second through fifth floors. In this five-story building, it is proposed to construct twenty-three studio apartments, twelve 1 bedroom apartments, and seven 2 bedroom apartments for a total of 42 rental units in the 5 story building. Each floor will have a laundry room and be accessed by an elevator and two stairwells. A single story live work studio will also be constructed.

The MA Architectural Access Board regulations Section 9.4 requires "In multiple dwellings that are for rent, hire, or lease (but not for sale) and contain 20 or more units, at least 5% of the *dwelling units* must be *Group 2A* units. *Group 2A* units must comply with **521 CMR 9.5 Dwelling Unit Interiors; and 521 CMR 44.00: Group 2 bathrooms; and 521 CMR 45.00: Group 2 Kitchens; and 521 CMR 47.00: Group 2 Bedrooms**". Five percent of 43 units equals 2.15, so 3 units must be handicap adaptable. The proponent is voluntarily providing 10 percent of the 43 units to be handicap adaptable.

Five of the rental units will be handicap adaptable and twenty-one of the forty-two units (50%) will be affordable. There will be an additional studio apartment north of the three-story Moby Dick building.

The proposed size, materials and appearance of the building will fit nicely into the existing neighborhood. It is proposed to close the existing curb cut on North Second Street that will allow four additional parking spaces to be added on the street. The curb cut on Barkers Lane will also be closed. Barkers Lane is designated to be no parking on either side.

The Moby Dick building at 127-129 Union Street will be rehabilitated. There is a full basement under the entire building which will be used for storage and potentially for a restaurant kitchen prep area. The first floor will be a restaurant/café. The upper two stories will have four studios on each floors, varying in size from 390 square feet to 466 square feet with the average being 436 square feet.

Borings were advanced in the Union Street sidewalk in front of 121 Union Street, in North Second Street, in Barkers Lane and in the northeast parking lot, in order to determine whether the presence of bedrock would be an obstacle to providing a full depth basement under the proposed 5 story building. Boring 4, which is at the southwest corner of the parking lot, encountered refusal at a depth of 8.2 feet which was possibly bedrock. All other borings were advanced 11.5 to 18.5 feet without encountering bedrock. It has been concluded that a full depth basement can be constructed under the entire five story building. The Geotechnical Report, including Boring Logs, is enclosed as Appendix A.

A structural engineer inspected the 3 story Moby Dick building and the adjacent 1 story building to the east. He determined that the two buildings are independently supported and that the 1 story building can be demolished with no significant impact to the Moby Dick building. His two letter reports are enclosed as Appendix B.

The first floor of the Moby Dick building will be ADA/MAAB compliant. The second and third floors will not be ADA/MAAB compliant, but those floors are exempt from those requirements due to the age of the building. Appendix E presents details on proposed windows, doors and other products.

The new five-story building will be fully ADA/MAAB compliant on the first floor and five of the residential units on the upper floors will be ADA/MAAB adaptable.

### **3.1 Required Relief from the Planning Board**

The Planning Board is being petitioned to issue a Special Permit for this project which grants relief from zoning standards under the provisions of Section 3120 of the Zoning Ordinance as follows:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Number of Parking Spaces	135	5	1

Number of Loading Spaces	2	0	0
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A minimum of two parking spaces per dwelling unit and five parking spaces per 1,000 square feet of café/retail space is required:

- $(51 \text{ dwelling units})(2 \text{ spaces per unit}) + (6,500 \text{ SF retail}) (5 \text{ SF}/1,000 \text{ SF}) = 135 \text{ spaces}$

Section 3120 of the Zoning Ordinance allows reduction in parking and loading by Special Permit from the Planning Board. Very few downtown businesses provide any off street parking. There are reasonably priced, nearby parking garages. Other than the proposed handicap space, no off street parking spaces are proposed. There are hundreds of metered parking spaces within walking distance to this proposed facility. There are over 100 unmetered street parking spaces on Bethel Street and Water Street, which are within 500 feet to the northeast of the proposed building, and on Acushnet Avenue which is within 500 feet to the south. There are also numerous unmetered parking spaces within 500 feet with restricted occupational time during the day, but with unrestricted night time use within a two minute walk to the proposed facility. Visitors can avail themselves to the nearby parking garages that have very reasonable costs for hourly use and for full day use. The Zeiterion parking garage is less than 300 feet away and the Elm Street garage is only 650 feet away. The Elm Street garage has very reasonable monthly lease rates.

One loading space is required for the residents and one loading space is required for the café/retail space. There is no regular need for a residence loading area and the café deliveries will be infrequent. Since Barkers Lane is very lightly traveled and parking is prohibited on both sides of the street, short term unloading can occur there with minimal disruption.

### 3.2 Required Relief from the Zoning Board of Appeals

The Zoning Board is being petitioned to issue a Variance under the provisions of Section 5222 for Item 1 below (Lot Area) and Special Permit under the provision of Section 4350A of the Zoning Ordinance for Items 2 through 5 below.

	Existing	Required	Proposed
Lot Area (SF)	12,479	15,000	2,306 Moby Dick 10,173 117 Union
Lot Width (LF)	117.01	0	37.00 Moby Dick 117.01 for 117 Union
Number of Dwelling Units	0	No standard	50
Total Gross Floor Area (SF)	14,665	N/A	47,574

Residential Gross Floor Area (SF)	0	N/A	37,116
Non-Residential Gross Floor Area	14,665	N/A	10,458
Building Height (feet)	43	100	60
Front Setback (feet)	0	0	0
Side Setback (feet)	N/A	10	NA
Side Setback (feet)	N/A	12	N/A

### 3.2.1 Minimum Lot Size and Density

The minimum lot area for three or more family units is 15,000 square feet. The allowable density is one unit per 1,000 square feet of land area, so the lot would need to have 51,000 square feet of lot area for the proposed 51 dwelling units. This is clearly not in keeping with the concept of having a suitable population and affordable housing in the downtown district. It would be a travesty to take up over an acre in the heart of downtown in order to provide 51 dwelling units.

	Required	Existing	Proposed
Minimum Lot Area for three story Moby Dick	15,000	12,479	2,306
Minimum Lot Area for five story 117 Union Street	15,000	12,479	10,173

### 3.2.2 Side Yard

A minimum 10 foot side yard is required for uses allowed in the residential district. Since this lot has frontage on three streets, providing a 10 foot side yard would create a 10 foot wide gap between this building and the abutting building which is atypical of the downtown area and would serve no purpose.

### 3.2.3 Lot Coverage and Green Space

A maximum of 40% lot coverage and a minimum of 35% green space is required on corner lots for uses allowed in residential districts. The majority of the buildings in the downtown business district occupy their entire lot. In order to keep with the essential elements of the downtown area, 92.3% and 100% lot coverage is requested.

## 4.0 CRITERIA FOR VARIANCE

Under the provisions of Mass General Laws Chapter 40A Section 10, the Zoning Board of Appeals can grant

a Variance to deviate from the New Bedford Zoning Ordinance if the following criteria are met:

#### **4.1 Unique Hardship Due to Soil, Shape or Topography**

The site has a unique topography consisting of a historic three-story Moby Dick building that is worth preserving and four one-story dilapidated buildings which are not worth saving. It is proposed to construct a new five-story building adjacent to the three-story Moby Dick building in order to provide much needed housing in downtown New Bedford. This \$18 million dollar venture will require numerous complex funding sources including different types of grants for the Moby Dick building rehabilitation versus constructing a new five-story building. This necessitates separate lots so separate collateral can be provided for the separate funding sources. Not allowing the subdivision would thwart the project from proceeding. This would represent a true hardship and would result in the dilapidated buildings being an eyesore in the heart of downtown New Bedford for years to come.

#### **4.2 No Detriment to the Public Good**

Demolishing unsightly dilapidated buildings and providing high quality housing in downtown New Bedford would be beneficial to the public good and would stimulate further improvements to downtown New Bedford.

#### **4.3 Not Derogating from the Intent of the Ordinance**

The intent of requiring 15,000 square foot lots in downtown New Bedford is to allow for adequate open space where the tenants and the public can enjoy outside areas for active and passive recreation. This project is fortunate to have Union Square Park immediately to the north. This one acre park provides excellent open space, therefore, providing smaller lots for the proposed development will not derogate from the intent of the bylaw.

### **5.0 CRITERIA FOR SPECIAL PERMIT**

Sections 5321 to 5326 and 5351 to 5355 of the New Bedford Zoning Ordinance present the criteria which must be met for the permit granting authorities to issue a Special Permit. The following subsections present how those criteria are being met by the proposed development.

#### **5.1 Social, Economic and Community Needs**

The project will provide new, affordable and market rate apartments in the heart of Downtown New Bedford. The proposed cafe/restaurant and sidewalk dining will provide a meeting place for the neighborhood, while the residences will add customers for the downtown businesses.

#### **5.2 Traffic, Safety, Parking and Loading**

The typical development project includes a traffic assessment. This downtown development is projected to have some residents that do not own or operate motor vehicles. They are projected to ambulate the downtown area, use public transportation and cabs. The residential units are projected to be occupied by people who already live and work in the central New Bedford area. As such, the change in downtown traffic



is projected to be imperceptible.

The rate of traffic flow in the area is regulated by traffic signals which are located at the corners of Union Street and Purchase Street and at the corner of Union Street and South Second Street. The areas operate at a level of service A, since the traffic signals typically process their entire queues in a single green cycle.

The Institute of Transportation Engineers' Trip Generation Manual was used to project the peak traffic flows from the proposed facility using Land Use Code 223 which is mid rise apartments (3 to 10 floors). The morning week day peak hour (7 to 9 a.m.) is projected to be 16 trip ends with 5 vehicles arriving and 11 vehicles leaving. The evening week day peak hour (4 to 6 p.m.) is projected to be 21 trip ends with 12 vehicles arriving and 9 vehicles leaving. Assuming that the vehicles arrive and leave somewhat evenly to the north, south, east and west, there will be two or three vehicles per hour added to each of the lanes of the neighboring roads. The addition of two or three vehicles per hour to the lanes of the neighboring roads will not change the level of service. The roads will continue to operate at a level of service A.

There are crosswalks with detectable strips at all street corners. There are on demand pedestrian cross cycles in the traffic signals and good sight visibility in all directions. Refer to Sections 3.1 for a discussion of parking and loading.

### **5.3 Adequacy of Utilities and Other Public Services**

There is adequate water supply, municipal sewer, storm drainage, gas, electric and cable services in the street. The services to the building have been replaced in the past month.

### **5.4 Neighborhood Character and Social Structure**

Having the derelict one-story buildings be replaced with modern, energy efficient structures will improve the neighborhood character. Having the long-vacant Moby Dick building rehabilitated into a restaurant and modern living units will add to revitalization of the downtown area and provide additional customers to downtown businesses.

### **5.5 Impact on the Natural Environment**

The site consists of pavement and buildings with no vegetation. The proposed development will be energy efficient and is projected to have no significant impact to the natural environment.

### **5.6 Fiscal Impact**

The proposed development will provide an increased tax base with little or no children to impact the school system, since 44 of the units will be studio and one-bedroom apartments.

### **5.7 Physical Environment**

The proposed development is situated in the heart of the downtown area and will become an important component of the downtown experience for residents of the facility, to tourists and to the New Bedford population. The lower level of the five-story building will serve as a lobby to the facility residents and will

provide a cafe/eatery for the general public. A future petition, to be separately permitted, will incorporate sidewalk seating for the cafe/eatery customers on North Second Street. The existing sidewalks on Union Street and North Second Street contain street trees, Washingtonian street lights and a blend of slate and brick walkways with cobblestone surrounding the street trees. This street scape will be maintained.

The first floor of the three-story building will be a restaurant that serves the general public.

Barkers Lane has a less well defined sidewalk that lacks granite curbing. Instead, cobblestones slope up from the gutter line to allow vehicle access to the asphalt parking area. It is proposed to install vertical granite curbing with 6 inch reveal along the Barkers Lane frontage. The existing pedestrian crosswalk with handicap ramps will be maintained to allow access to the park that is situated on the north side of Barkers Lane.

### **5.8 Surface Water and Subsurface Conditions**

The site is currently covered by roof and by paved parking lot. The proposed development will be covered entirely by roof, sidewalk and a parking space, therefore, there will be no change in the rate or volume of surface runoff. Since the existing paved parking lot will be converted to roof, the water quality of the runoff from the site will be better than currently exists. There is a small area west of the northwest corner of the site that is slated to contain a handicap space, a small landscaped area and a sidewalk. During construction, the environmental quality of the soil will be evaluated. If the soil is relatively contaminant free, infiltration units will be installed in order to infiltrate runoff to the maximum extent possible. If, on the other hand, the soil is urban fill with significant contaminants, no infiltration units will be provided.

### **5.9 Circulation System**

The typical development project includes a traffic assessment. This downtown development is projected to have some residents that do not own or operate motor vehicles. They are projected to ambulate the downtown area, use public transportation and cabs. The residential units are projected to be occupied by people who already live and work in the central New Bedford area. As such, the change in downtown traffic is projected to be imperceptible.

The rate of traffic flow in the area is regulated by traffic signals which are located at the corners of Union Street and Purchase Street and at the corner of Union Street and South Second Street. The areas operate at a level of service A, since the traffic signals typically process their entire queues in a single green cycle.

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### **5.10 Support Systems**

No fuel storage is proposed at the site. The fire station is less a third of a mile away and the police station is less than 600 feet away. Therefore, emergency response should not be an issue. The addition of seven 2 bedroom units, twelve 1 bedroom units and twenty-three studio apartments is not projected to have any significant impact on schools or on recreational facilities. It is anticipated that there will be a need for a fuel tank to be buried under the handicap parking space to supply the generator that will be located on the roof of the five story building.

### **5.11 Phasing**

The three-story Moby Dick Building rehabilitation will be funded separately from the new five-story building. It is anticipated that the three-story Moby Dick rehabilitation will be done first, however, this is not certain and construction on both buildings could occur simultaneously.

The funding for the two phases will be complex, involving obtaining grants that will take six to twelve months. It is anticipated that funding for the Moby Dick building could be obtained by summer 2020 with construction following. The phases of the Moby Dick building will involve pouring a new foundation wall under the north face of the 3 story portion of the building. Interior demolition would precede, including removal and off-site disposal of wood frame partitions, finishes down to masonry walls, wood finish floor down to subfloor, ceiling finishes to framing, and all MEP systems, shelves and rubbish. Construction of the improvements as shown on the plans would then occur. The interior demolition plan for the Moby Dick Building will be done separately from the demolition plan for the five-story building. Details of the demolition, dust control, noise control, traffic control and construction will be submitted for Planning Staff review with the demolition permit application. The phasing for the 5 story 117 Union Street building will consist of erecting a 6 foot fence along the curb line of Union Street, North Second Street and Barkers Lane. The trees on North Second Street will be removed in order to provide a staging area for the demolition. The five 1 story buildings will be razed. Excavation will then take place to provide a full depth basement under the building. New footings, foundation walls and piers will be poured and then the building will be constructed. Once the building's exterior construction has been completed, the sidewalk barriers will be removed and the sidewalk areas will be restored as directed by Agents of the Historical Commission.

Project time frames and more detailed phasing elements (noise and dust control) will be submitted for Planning Staff review once a contractor has been hired.

## **6.0 CRITERIA FOR DOWNTOWN BUSINESS OVERLAY DISTRICT**

The Zoning Board of Appeals may grant a Special Permit to reduce setbacks, density and green space and allow residential units on upper floors if specific criteria are met, as detailed in the following subsections.

### **6.1 No Detrimental Noise**

Once constructed, the roof top mounted energy efficient heating, ventilating and air conditioning units are not projected to emit any deleterious noise. There are no other known sources of significant noise once the project is complete.

During construction, there will be noise related to the demolition of the one-story buildings, the excavation of the basements and the construction of the five-story building. The noise generated is unavoidable, but will be minimized to the maximum extent practicable. The noise will not occur before 6 A.M. or after 6 P.M., and will not occur on Sundays.

## **6.2 Pedestrian and Vehicular Traffic**

Refer to Section 4.2 of this Report.

## **6.3 Environmental Harm**

Refer to Section 4.5 of this Report.

## **6.4 Visual Impact**

The character and the scale of the three and five-story buildings are similar to those of nearby structures, as detailed in Appendix C.

## **6.5 Parking**

Sheet C-3 of the plan set demonstrates that there are handicap accessible pathways to the three nearby parking areas that offer long term, affordable parking. Refer to Section 3.1 of this Report for a further discussion of parking.

## **6.6 Historic Elements**

The facades of the three-story Moby Dick building will be preserved. The windows will be replaced with energy efficient windows that preserve the historic look of the building.

## **7.0 PROJECT COSTS**

One of the submission requirements is an Engineer's estimate of site construction costs. Since the building will take up the entire site, the only site construction costs are related to extending new services from the water supply main, the storm drain and the sewer main, and backfilling with flowable fill and a base course of pavement. Except for the gas and water service in Barkers Lane, this work has already been completed. The remaining utility work is estimated to cost \$10,000. The projected cost of the Moby Dick building is estimated at \$2 million and the projected cost of the new 5 story building is estimated at \$16 million.

## **8.0 CONCLUSION**

The proposed facilities (Phase 1 and Phase 2) meet all of the City's Site Plan Review, Variance and Special Permit criteria. They represent another step in the revitalization of the downtown area by bringing affordable, market rate residential units back into the heart of the City.