



**PLANNING BOARD**  
 City Hall, Room 303  
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 New Bedford, MA 02740  
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[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

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 NEW BEDFORD, MA

2019 JUL 23 P 2:43

CITY CLERK

City of New Bedford  
 Jonathan F. Mitchell, Mayor

**NOTICE OF DECISION**

<b>Case Number:</b>	19-15			
<b>Request Type:</b>	Special Permit			
<b>Address:</b>	984 Sharon Street			
<b>Zoning:</b>	Mixed-Use Business Zoned District			
<b>Recorded Owners:</b>	Sharon Street Realty Trust - Jose Araujo, Trustee			
<b>Owner Address:</b>	PO Box 91 Rochester, MA 02770			
<b>Applicant:</b>	Farland Corp.			
<b>Applicant Address:</b>	401 County Street New Bedford, MA 02740			
<b>Application Submittal Date</b>	<b>Public Hearing Date(s)</b>		<b>Decision Date</b>	
April 12, 2019	June 12, 2019 and July 10, 2019		July 10, 2019	
<b>Assessor's Plot Number</b>	<b>Lot Number</b>	<b>Book Number</b>	<b>Page Number</b>	<b>Certificate Number</b>
137A	21			24395

**Application:** Farland Corp. (401 County Street New Bedford, MA 02740) on behalf of Sharon Street Realty Trust - Jose Araujo, Trustee (PO Box 91 Rochester, MA 02770) for a **Special Permit** for a reduction of the number of parking spaces required for a proposed three-story apartment building with 12 residential units; located at **984 Sharon Street** (Map: 137A, Lot: 21) on a .74 ± acre site in a Mixed-Use Business [MUB] zoned district.

**Action: GRANTED, WITH CONDITIONS, as described in section four (4).**

A copy of this Decision was filed with the City Clerk of the City of New Bedford on July 23, 2019. 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.

7.23.2019  
 Date

Kathryn Duff, Chair  
 City of New Bedford Planning Board

### 1.) APPLICATION SUMMARY

Farland Corp. (401 County Street New Bedford, MA 02740) on behalf of Sharon Street Realty Trust - Jose Araujo, Trustee (PO Box 91 Rochester, MA 02770) for a **Special Permit** for a reduction of the number of parking spaces required for a proposed three-story apartment building with 12 residential units; located at **984 Sharon Street** (Map: 137A, Lot: 21) on a .74 ± acre site in a Mixed-Use Business [MUB] zoned district.

### 2.) MATERIALS REVIEWED BY THE PLANNING BOARD

#### Plans Considered to be Part of the Application

- Plan Set – “Site Plan 984 Sharon Street Assessors Map 137A Lot 21 New Bedford, Massachusetts” dated April 3, 2019, latest revision date July 3, 2019. Plans were prepared by Farland Corp., in New Bedford, MA and stamped by Christian Albert Farland, PE. The plan set consists of the following sheets:
  - Sheet 1 Cover
  - Sheet 2 Existing Conditions
  - Sheet 3 Layout & Utilities
- The architectural plan - “Proposed Renovation at 984 Sharon Street New Bedford, MA” dated 11/23/2017, latest revision date June 26, 2019. Plans were prepared by Comprehensive Build Design Services, in West Wareham, unstamped. The plan set consists of the following sheets:
  - Sheet A3.1 Proposed Elevations
  - Sheet A2.1 Proposed Ground Floor Plan
  - Sheet A2.2 Proposed Second Floor Plan
  - Sheet A2.3 Proposed Third Floor Plan

#### Other Documents and Supporting Materials

- Special Permit Application stamped received by the City Clerk’s Office April 12, 2019
- Certified Abutters List
- Department of Planning, Housing & Community Development Staff Report dated June 12, 2019.
- Department of Planning, Housing & Community Development Summary of Plan Revisions dated July 10, 2019.
- Department of Public Infrastructure (DPI) Comments dated May 30, 2019.

### 3.) DISCUSSION

#### June 12, 2019

Board members Kathryn Duff, Arthur Glassman, Alex Kalife, Kamile Khazan, and Peter Cruz were in attendance at the meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion.

Mr. Glassman made a motion, seconded by Mr. Cruz to open the public hearing. Motion passed unopposed. Case #19-14 & #19-15 were for the same project therefore the board heard the two cases concurrently.

Mr. Nicholas Dufresne, Farland Corp. (401 County Street New Bedford, MA) presented the project on behalf of Mr. Jose Araujo, Trustee of the Sharon Street Realty Trust ((PO Box 91 Rochester, MA 02770). Mr. Dufresne explained the project requires both Site Plan Review and a Special Permit for a parking reduction from the Planning Board. He explained the project is for the new construction of a twelve (12) unit apartment building on the site where a previous twelve (12) unit apartment building had previously been destroyed by fire. The new building will be connected to the other existing twelve-unit apartment building on-site via a

hallway/entryway. He noted the property was bound on three sides by streets: Sharon Street, Norfolk Street, and a paper street known as Upland Street on the east side. On the west side he noted a driveway which the owner has easement access. He noted the site has existing water and sewer connections. New stormwater chambers are proposed for the roof run-off of the new building. An area of pavement in the southeast corner of the site will be removed to add additional grassed green space. He noted the project had already received a variance in March from the Zoning Board of Appeals for dimensional setback requirements.

Mr. Dufresne explained the special permit request is for a reduction in the number of parking space required on-site. He noted the zoning ordinance required forty-eight (48) spaces, whereas there is currently thirty-one (31) parking spaces on site that is remain unchanged. He noted on-street parking is available as well as parking is allowed in the easement driveway on the west side of the property. The special permit would allow the site to function as it currently does.

Mr. Dufresne noted several waivers from the site plan submission requirements are requested for the project as the site is already developed, there is already a foundation in the location of the building, and the project is a relatively simple development plan.

The board briefly discussed the waivers requested and the project submission. The board questioned the stormwater drainage plan, landscaping, and architectural plans. The board requested: that recharge units be added for the existing building downspouts; the broken curbing and asphalt be repaired; the parking lot be restriped to include handicapped parking spaces; the trash enclosure be relocated off the parking spaces; and landscaping, lighting information, and architectural finishes be submitted for review.

The board discussed the parking reduction, noting the proposed site will have twenty-four (24) units total with a requirement for forty-eight (48) parking spaces. Mr. Dufresne explained the current building has about ten cars regularly in the parking lot. The applicant feels there is adequate parking given the anticipated demand given the existing use; however, there is additional on street parking available and the easement area may be used for parking. He noted on the streets in front of the building on both sides plus the easement area could easily accommodate another eighteen (18) vehicles. Mr. Jose Araujo explained he had spoken with the neighbors and no one had expressed any concerns about parking. The board noted one parking space is not located fully within the property line, therefore technically only thirty (30) spaces are provided on-site.

In response to Chair Duff's invitation to speak or be recorded in favor, At-Large City Councilor Linda Morad (4162 Acushnet Avenue New Bedford, MA) spoke in favor of the petition. She recalled the day of the fire. She explained the applicant owns many properties throughout the city which are all well maintained. She noted this project will beautify the site and provide a needed type of housing in the north end of the city.

No one else in attendance spoke in favor of the petition or was recorded in favor of the petition.

In response to Chair Duff's invitation to speak or be recorded in opposition, no one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

Mr. Araujo and Mr. Dufresne answered questions from the board. They noted the fire was in 2008 or 2009 when the building was under different ownership. Some of the current tenants work at the nearby business park and public transportation is available nearby. They explained that Norfolk Street is not an accepted street and noted that almost all the surrounding houses in the area have their own driveways.

Mr. Armando Pereira, Comprehensive Design Build Services, (PO Box 578 West Wareham, MA), project designer, explained a sprinkler system is proposed throughout the building and they are proposing handicapped access with an elevator in the connector building. Four handicapped accessible units will be available on the lower level.

Mr. Araujo noted he has a landscaper on payroll to maintain all his properties. He has owned the building over a year and a half and hasn't had any complaints from neighbors. He explained he had added the dumpster enclosure to clean up the site but didn't realize it would impact the site plan and agreed to relocate it. He explained he wants to beautify the building, add new landscaping, and have a well-maintained building.

The board agreed the developer's intentions were to beautify the site and bring it back to a fully developed site. They noted the developers track record of other well-kept properties. They discussed the parking reduction request noting the site previously had two apartment buildings with the existing parking and noted there was no opposition expressed. They requested the changes to the plan as previously noted and requested the applicant continue the case to the next meeting date. The applicant was amenable to the continuance in order to make the requested changes to the plan.

Mr. Glassman made a motion, seconded by Mr. Cruz to continue the case to July 10, 2019. Motion passed unopposed.

#### **July 10, 2019**

Board members Kathryn Duff, Arthur Glassman, Alex Kalife, Kamile Khazan, and Peter Cruz were in attendance at meeting. City Planner Tabitha Harkin and Staff Planners Jennifer Carloni and Rudy Botros were present during the discussion.

Mr. Glassman made a motion, seconded by Mr. Cruz to open the public hearing. Motion passed unopposed. The board heard the two cases concurrently.

Mr. Dufresne presented the revisions made to the plan since the previous hearing. He explained they had added two handicapped parking spaces with a concrete handicapped accessible walkway leading to the building; landscaping had been added around the new building, a few wall pack lights had been added to the plan, the dumpster enclosure has been relocated to a concrete pad off of the parking area, and roof recharge had been added for the existing building in addition to the new proposed building. The final tally of parking spaces on site will be thirty (30) spaces, where forty-eight (48) are required.

In response to questions from the board, Mr. Dufresne explained the waiver request for the stormwater requirement is because they aren't making any changes to the parking area. He confirmed if the proposed stormwater drainage does not meet DPI requirements, they would be required to meet the city stormwater requirements and amend the plan. He explained a photometric plan was not submitted because they are only adding a few wall pack lights that match with the ones on the existing building.

In response to Chair Duff's invitation to speak or be recorded in favor, no one in attendance spoke in favor of the petition or was recorded in favor of the petition.

In response to Chair Duff's invitation to speak or be recorded in opposition, no one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

In response to questions from the board, Mr. Araujo replied that he had tried to reach out again to the abutter with the shared easement to no avail. However, he noted he does have the easement and plans to refinish that part of the easement to beautify and fix up that area. It was confirmed it is available for additional parking, however not included in the count of thirty (30) spaces on-site. He also confirmed he intended to repair the existing parking lot pavement as well once the building was completed.

The board noted again no abutters had expressed concern about parking and the building did exist previously. Therefore, they were amenable to the parking reduction request.

Mr. Glassman made a motion, seconded by Mr. Cruz to close the public hearing. Motion passed unopposed.

The board briefly discussed the case and conditions before voting.

#### **4.) DECISION**

Mr. Glassman made a motion, seconded by Mr. Cruz to approve Case #19-15: 984 Sharon Street - Request by applicant for a Special Permit for a reduction of the number of parking spaces required for a proposed three-story apartment building with 12 residential units; located at 984 Sharon Street (Map: 137A, Lot: 21) on a .74 ± acre site in a Mixed-Use Business [MUB] zoned district. Owner: Sharon Street Realty Trust - Jose Araujo, Trustee (PO Box 91 Rochester, MA 02770). Applicant: Farland Corp. (401 County Street New Bedford, MA 02740).

The board grants a reduction from forty-eight (48) to thirty (30) spaces, a reduction of eighteen (18) spaces.

The approval is subject to:

##### **General Conditions:**

1. The project shall be completed according to the plans, notes, reports and specifications submitted for consideration and final approval by the Planning Board.
2. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure received and placed on file and the Planning Board incorporates the DPI memo as part of these conditions.
3. The applicant shall submit final plan revision to the Planning Division in the following formats: one (1) – 11"x17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
4. The applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
5. The applicant shall ensure that a copy of the recorded decision be provided for the Planning Division case file folder.
6. The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for a determination as to whether the modified plan must return before this Board for further review.

7. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
8. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Chair Duff – Yes

Board Member Khazan – Yes

Board Member Kalife - Yes

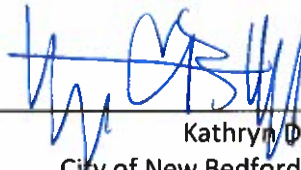
Board Member Glassman – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

7.23.2017

Date



Kathryn Duff, Chair

City of New Bedford Planning Board