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COMBINED STAFF REPORT

REPORT DATE
April 26, 2019

HISTORICAL COMMISSION & PLANNING BOARD MEETING
May 6, 2019

Case #2019.04 CERTIFICATE OF
APPROPRIATENESS
Case #19-06: SITE PLAN REVIEW
Case #19-07: SPECIAL PERMIT
117 Union Street,
7 N Second Street,
115 Union Street,
121 Union Street, &
127-129 Union Street
Map: 53 Lots: 40, 41,
215, 216, & 146

Applicants: 117 Union Street LLC
Moby Dick, LLC
128 Union Street, 4th Floor
New Bedford, MA 02740

Owner: Paul A. Piva & Gail Florek
10 Pequod Road
Fairhaven, MA 02719

115, 117, 121, 127-129 Union St & 7 N Second Street
Intersection of Union & N Second Streets



Applicant's Agent: Prime Engineering
PO Box 1088 350 Bedford Street
Lakeville, MA 02347

PROJECT OVERVIEW

The proposal is for the redevelopment of a site at the northwest corner of the Union Street and Acushnet Avenue intersection. The proposed site will combine five existing properties into one parcel via ANR. The existing properties are: 117 Union Street, 7 N Second Street, 115 Union Street, 121 Union Street and 127-129 Union Street.

The applicant proposes demolition of all buildings except for the three-story portion of 127-129 Union Street property, known locally as the Moby Dick Building.

The project includes the new construction of a 5 story, 42,650 SF building with commercial space on the first floor and 42 residential units on the upper floors. The 5-story building is proposed on the east side of the lot (currently known as 117 Union Street, 7 N Second Street, 115 Union Street, 121 Union Street) and will connect via a proposed shared entryway at the rear of the Moby Dick building (127-129 Union Street). The entryway will also connect to a proposed single-story building in the rear of the Moby Dick parcel which as proposed would have one (1) live/work space, a trash room, and a bicycle storage room. There are no plans at this time for the three-story portion of the Moby Dick building fronting on Union Street, however the applicant has mentioned a forthcoming modification application.

PURPOSE OF JOINT MEETING

The purpose of the joint meeting of the Historic Commission and Planning Board is to facilitate a coordinated review of a project that has overlapping review elements under the jurisdiction of both boards. This meeting is intended to streamline permitting in order to arrive at a mutual understanding between the boards and applicant for the project approval.

PERMIT REVIEWS REQUIRED

Historic Commission	Planning Board	Zoning Board	City Council	Inspectional Services
<ul style="list-style-type: none">• Certificate of Appropriateness• Demolition Review• Outdoor Café Permit	<ul style="list-style-type: none">• Site Plan Review• Special Permit for Parking Reduction	<ul style="list-style-type: none">• Special Permit for project in Downtown Business Overlay District• Special Permit for proposed live/work space	<ul style="list-style-type: none">• Demolition Review	<ul style="list-style-type: none">• Outdoor Café Permit

HISTORY OF PROJECT REVIEW

Preliminary Review (informal discussion and conceptual presentation)	
<ul style="list-style-type: none">• 12/10/18• 1/7/19• 1/9/19	Historic Commission Historic Commission Planning Board
Permitting Reviews (formal hearings)	
<ul style="list-style-type: none">• 3/4/19• 4/1/19	Historic Commission <ul style="list-style-type: none">○ Continued to address revisions requested by the Commission Historic Commission <ul style="list-style-type: none">○ Continued to allow the Commission and staff time to review due to the short period of time between the revised plans submission date and the meeting date.
<ul style="list-style-type: none">• 3/13/19• Continued to address revisions requested by the Board and due to insufficient information about elements shown on adjoining parcel that was not included in permit application.	Planning Board
<ul style="list-style-type: none">• 4/10/19• Continued due to meeting time limits.	Planning Board
<ul style="list-style-type: none">• 4/25/19• Continued due to lack of quorum.	Zoning Board
<ul style="list-style-type: none">• 4/25/19• Approved with conditions, Special Permit for project located in the Downtown Business Overlay District	Zoning Board
<ul style="list-style-type: none">• 5/6/19	Joint Meeting of Historic Commission & Planning Board
Other Meetings	
<ul style="list-style-type: none">• 4/25/19• The project team met with City Planning and Solicitors Office staff to review plan revisions	Project Team Meeting with City Staff

Joint Meeting Procedure

1. Meeting called to Order
2. Roll Call
3. Re-Open Case Hearings
4. Petitioner Presentation
5. Planning Staff Report
6. Public Input
7. Board Discussion
8. Vote

ITEMS REVIEWED & ADDRESSED AT PREVIOUS HEARINGS

- **Compatibility with Character of Surrounding Area**

The proposed building generally is compatible with the size, scale, color, material and character of the District and sub-area; however, the fifth story setback from the façade planes and the screening of the rooftop mechanicals requires further consideration for design refinement.

- **Scale & Massing**

Historically downtown had a greater density which was reduced over the last century due to demolition. There is opportunity within the downtown to restore this density, however the massing of infill construction must be sensitively managed.

The building's mass has been diminished by the use of variation within the building form. The building's façades have been subdivided horizontally into a base, middle, and top using architectural features to create a sense of division. The incorporation of recesses along the Union Street and Barkers Lane facades diminishes the volume and breaks the building into intervals or "separate structures"; reducing the overall visual footprint. However, the N Second Street façade appears as a large volume due to its lack of recesses and the lack of a uniform setback of the fifth floor from the façade plane.

- **Height**

Historically several four-story structures existed on Union Street within the District. The building's location on a corner allows the height to "anchor" the block; however, it would be preferable to have a consistent setback on the fifth floor to offset the building volume and scale along N Second Street. The rooftop mechanicals as shown essentially add a sixth story to the building. Further design refinement is requested.

- **Building Materials**

The proposed building uses a variety of materials and creates visual interest to the streetscape. The building utilizes durable, high quality materials and the facades are accentuated with the use of cast sills and bulkheads, aluminum cornices and traditional brick patterning providing visual interest. The proposed brick is similar in color to that found in adjacent buildings and a final brick masonry mock-up is to be provided and approved in the field and is conditioned as such.

- **Façade Composition**

The proposed building façades have been subdivided horizontally into a base, middle, and top using architectural features to create a sense of division and the window fenestration patterns and proportions are consistent with adjacent buildings.

The proposed upper story windows relate to the established rhythm for the street and are similar in size and overall placement as the adjacent buildings. The storefront system incorporates the traditional signboard, piers, display windows, transom and bulkhead into its form.

The ground floor storefront along N Second Street does not align itself with historic development patterns of smaller, pedestrian scaled storefronts. It would be preferable to have second entrance on the N Second Street facade and furthermore the window bay locations should allow for future interior floor plate divisions.

- **Architectural Details**

- Juliette Balconies; Cornices

These items have been previously discussed but either require supplementary details or further design refinement and are conditioned as such.

- **Public Realm Interface**

- Sidewalk Materials

The proposed sidewalk changes along Barkers Lane and N Second Street use materials that match existing in design and appearance. However, any modifications or field changes to the proposed plan to the District sidewalk design must be reviewed by NBHC, Planning staff, the National Park Service, and the Department of Public Infrastructure and is conditioned as such.

- Street Amenities, Trees & Vegetation

Benches, trash receptacles, planters, bike racks and other street amenities must be reviewed and approved by NBHC staff and are conditioned as such.

- Café Seating

Seating arrangement, barriers, materials and placement shall be approved by the Historical Commission through a separate Certificate of Appropriateness.

- **Public Art**

A proposed wall mural on the Barkers Lane façade will require a separate Certificate of Appropriateness.

- **Stormwater Drainage**

The applicant has requested a waiver of the stormwater drainage requirements. In a letter dated March 19, 2019 the Department of Public Infrastructure (DPI) has approved the requested waiver. The letter requests that the roof runoff be directed to the existing stormwater system in Union Street.

OUTSTANDING ITEMS TO BE REVIEWED

- **Parking & Loading Requirements & Parking Reduction Request**

The applicant proposes one (1) parking space where one-hundred and six (106) parking spaces and two (2) loading spaces are required under the zoning ordinance. The applicant therefore requests a reduction in the parking and loading requirements.

USE	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Multi-family (3) or more per structure	Two (2) spaces per dwelling unit	One (1) loading space for each multifamily dwelling containing more than ten (10) dwelling units
Restaurant / Assembly Space	One (1) space per five (5) seats for which the building is designed or one (1) spaces for each 200 sq. ft. of gross floor area whichever results in the greatest number	One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for buildings containing 100,000 sq. ft. or more of gross floor area
Parking Calculations		
86 parking spaces (2 per dwelling unit x 43 units)	1 Loading space (1 per multifamily building)	
+ 20 parking spaces (1 per 200 SF)	1 Loading space (1 per building 10,000 SF+)	
106 Total parking spaces required	2 Loading spaces required	

The one (1) proposed parking space would be a handicapped parking space, located on the north side of the Moby Dick parcel on Barkers Lane. The proposed parking area would be 8'x20' with an 8'x20' loading area. The applicant has moved the parking space westward (since the initial plan submission) to distance the curb cut away from the sidewalk gas lamp.

The proposal also includes twenty (20) bicycle parking spaces. The revised plans now show an interior bicycle storage unit proposed on site for the residents of the building. The applicant has also added two (2) large bicycle racks in the sidewalk on the N. Second Street frontage. Details are not provided about the bicycle racks. The bicycle racks will need to be reviewed and approved by the Historic Commission and is recommended to be conditioned as such.

Regarding the request for **parking reduction**, the applicant petitions that very few businesses provide parking in the downtown and some residents are likely to not own or operate motor vehicles. Further, the applicant provided an exhibit "Available Parking and Alternative Transportation" that shows the number of parking spaces in garages, metered and un-metered on street parking spaces available. Most notably reasonably priced municipal parking garages are within walking distance nearby. The Zeiterion Parking Garage is 300 feet away and the Elm Street garage is 500 feet away.

Electronic Vehicle Charging Station & ADA Compliance

The plans show an electronic vehicle (EV) charging station to be placed at the proposed handicapped parking space. No specifications have been provided regarding the electronic vehicle charging station.

Additionally, staff note that under the Massachusetts Electric Vehicle Incentive Program (MassEVIP): *"If the EV charging station is installed at an existing handicapped accessible parking space, then that parking space must be designated for EVs only, and no longer restricted to only handicapped accessible use. A converted handicapped accessible space must not cause the facility to no longer be in compliance with the 1991 or 2010 American with Disabilities Act Architectural Design Standards and/or rules and regulation of the Massachusetts Architectural Access Board (521 CMR)."*¹

Further, the plans include five proposed ADA accessible residential units. The applicant must demonstrate that the application is in compliance with the requirements for ADA units and parking spaces or evidence of a MAAB variance must be provided to the Planning Board.

Staff is recommending that the Electronic Vehicle Charger not be approved at this time due to the lack of specifications and the potential conflict with ADA requirements and the addition of visual clutter on the site.

- **Traffic Impact & Access Study**

The application also includes a traffic assessment of the impacts the development would be on the surrounding street network.

The assessment notes the current level of service on the surrounding streets is LOS A (the lowest level of delay measured).

Using the Institute of Traffic Engineers Trip Generation Manual, land use code for mid-rise apartments (3 to 10 floors) the applicant predicts the site will experience 13 trips during the morning peak (7am-9am) with 4 vehicles arriving and 9 departing; and 17 trips during the evening peak (4pm-6pm), with 10 vehicles arriving, and 7 vehicles departing.

¹ Response to Questions Massachusetts Electronic Vehicle Incentive Program (MassEVIP) April 1, 2019, p. 3 accessible online: <https://www.mass.gov/files/documents/2019/04/01/massevip-faq.pdf>

The project will therefore, according to the study, have imperceptible impact on traffic downtown. The roadways will still operate at a LOS A.

- **Landscape/Hardscape**

The parking area hardscape materials are listed as brick with slate walkways. These materials match the existing hardscape materials within the District. Vegetation is listed as unnamed hedges, hosta and a honeylocust tree. The landscape area will be shaded by the building; therefore plant, shrub and tree species may require modification and approval by staff.

Parking in front of buildings is discouraged within the District and should be visually screened from the public way. Staff is proposing the addition of a 42" high solid wood fence, paint color to be determined by staff, to screen the parking and is conditioned as such: fence to be located on the east and north perimeter of the parking and loading area. The fence length is to be no less than 4' on the north side and 10' on the east side. Fencing also to be located to screen the transformer the full length from the edge of the parking space to the west side walkway.

- **Commercial Storefront Facades**

- Awning/Canopies

Projecting canopies are proposed for the Union Street and Barkers Lane entries which help to denote the public entries and protect people from the elements. The Historical Commission has reviewed the canopy detail and is satisfied with the design.

Awnings help to delineate the base of the building from the upper stories and help to define the public uses on the ground story. The Historical Commission seeks the use of awnings along the store frontages. Because the awning design has yet to be determined, this will require a separate modification submittal to their COA and is conditioned as such.

- Additional Entry Along N Second Street

Frequent entrances along the public way create a vibrant and more interesting pedestrian experience. The N Second Street façade consists of a typical glass storefront and the existence of one recessed entry door along this facade wall provides limited interaction with the public realm and does not break the length of the ground story.

- **Roof Mounted Mechanicals & Parapets**

Mechanical equipment should not be visible from the pedestrian level and should be screened through the use of visual screening, parapet walls or projecting cornices. This item requires further exploration and refinement and is conditioned as such.

- **Utilities**

- The electrical service requirement has yet to be determined for the development therefore the necessity of a pad-mount transformer may be premature as shown in the plan. Evidence of a need for a pad-mount transformer is required and conditioned as such.

- **Other Site Elements**

- Grease Interceptors previously shown under the parking space have been removed from the plan, with the shared understanding that if it is determined that they are necessary they will require submittal of a modification.
 - Solar panels may be installed on the east portion of the roof. Sustainable design is encouraged and the placement of future solar panels on the rooftop would require a modification.

- **Waste & Bicycle Storage Facilities**

An interior trash compactor room is identified in the center of the first floor of the five-story building and a trash storage room is proposed in the proposed adjacent single-story building. The applicant proposes to combine the

lots into a single parcel of land therefore addressing a previous concern about the accessory uses being located on a separate not legally associated lot.

The board may wish to inquire about how access to the bicycle storage area will be managed/provided to the residents of the building.

- **Operations**

The application provides no information about the operations of the site generally or the proposed commercial space. Due to the size and prominence of the storefront spaces on the ground floor of the project, the board may wish to request more information about market conditions to merit this proposal and any tenant negotiations.

- **Development Impact Statement**

A Development Impact Statement (DIS) has been provided with the application. The DIS provided summarizes the project, describes the existing conditions, proposed conditions, and details the relief requested from the zoning requirements.

The development impact statement submitted does not address the project phasing as per section 5355. The board may wish to have the applicant address the following:

- *Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.*
- *Describe how the adjacent historic building will be protected during demolition and construction.*
- *Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.*

The Zoning Board of Appeals has conditioned their Special Permit approval that “a Project Narrative and development schedule is to be submitted to and approved by the Planning Board. It shall detail the rate of construction and development, including estimated project start dates, stages, if applicable, and the estimated cost of construction and date of completion; the plan must detail proposed methods to mitigate any noise, and pedestrian and vehicular impacts during demolition and construction phases.” The Planning Board should make this condition as part of their decision.

- **Market Study**

The Planning Board requested a market analysis be submitted for their review to demonstrate the demand for the proposed level of residential density in this area. The applicant proposes 5.12 units per 1,000 SF where the City ordinance allows for 1 unit per 1,000 SF. The applicant has provided a market study reviewing residential rental unit demand in New Bedford. The study reviewed population and household growth figures, household income and employment, similar projects in development or under construction in New Bedford (units in the pipeline), and vacancy rates. The study was completed by Kirk and Company Real Estate Counselors and concludes:

“Given the expected population and household growth factors within New Bedford, the limited number of pipeline units, coupled with the current occupancy level of existing residential product, it is reasonable to assume there will be strong demand for additional rental units for 1-3 person households in within the market.”

The market study provided does not address any demand for commercial space, such as the café/coffee shop space proposed. The boards may wish to request a market study include the commercial demand as well. The demand for commercial space may affect the exterior design of the building as the commercial space requirements may differ from the proposed open floor plan currently depicted. Specifically, the large ground floor

retail space does not align itself with the current streetscape of smaller storefronts within the downtown area. A future modification of the interior space may be restricted by the current window bay configurations.

- **Demolition, Site Preparation, and Erosion Control.**

The applicant proposes demolishing the four buildings on the east side of the site (117 Union Street, 7 N Second St, 115 Union St, 121 Union St) and the rear single-story portion of the Moby Dick Building (127-129 Union Street).

The three-story, southern most portion of the Moby Dick Building (127-129 Union Street) is a historically significant building and should be protected in place. The applicant should work with the NBHC and city DIS and Planning staff to ensure that damage to the existing “Moby Dick” structure and other structure and/or other fixtures does not occur during construction via specification documentation and a full set of engineered demolition plans.

It should be noted that demolition review is required per City ordinance Ch. 2 Sections 2-157 through 2-157.9.

On the demolition plan under “demolition notes, note #1 “All Existing Buildings are to be demolished.” Is to be revised to reflect the buildings which are to be demolished and note that “127-129 Union Street (Map: 53 Lot 146), the three-story, southern most portion of the building fronting on Union Street is not to be demolished and is to be protected in place, as it is a historically significant building.”

A stamped demolition plan approved by the Historic Commission, and an Erosion Control Plan approved by the Department of Public Infrastructure shall be submitted to the Planning Board for review prior to work commencing on site.

The Zoning Board of Appeals has conditioned their Special Permit approval that “a Project Narrative and development schedule is to be submitted to and approved by the Planning Board. It shall detail the rate of construction and development, including estimated project start dates, stages, if applicable, and the estimated cost of construction and date of completion; the plan must detail proposed methods to mitigate any noise, and pedestrian and vehicular impacts during demolition and construction phases.” It is recommended that these are accompanied by specifications outlining protection measures to be undertaken for the Moby Dick building. The Planning Board should make this condition as part of their decision.

An **Erosion Control Plan** has not been submitted with the application. The board may wish to require the plan be submitted and show areas on site where materials will be stockpiled, and dust and erosion control measures to be utilized during demolition, site preparation, and construction phases. Also, any protection provided to adjacent buildings.

ITEMS TO BE PERMITTED AT A LATER DATE

- **Lighting**
- **Signage**
- **Cornices**
- **Storefront Awnings**
- **Public Art (Mural)**
- **Rooftop Mechanical Screening**
- **Outdoor Sidewalk Café Seating**
- **Demolition & Site Preparation (& Construction Phasing)**

Demolition to be sought through the NBHC & City Council. Any demolition plan must include a detailed protection plan for 127-129 Union Street (Map: 53 Lot 146), the three-story, southern most portion of the building fronting on Union Street.

- **Erosion Control Plan.**

Certificate of Appropriateness Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Historic Commission should it act favorably on the requested approval for the project:

1. A copy of the Final Market Analysis is to be submitted for NBHC review. The market analysis shall include a commercial analysis in addition to the residential analysis.
2. The applicant will work with the NBHC and City staff to ensure that damage to the existing “Moby Dick” structure (127-129 Union Street - Map: 53 Lot 146) or any other structures and/or fixtures within the historic district does not occur during construction.
3. Demolition review is required per City Ordinance Ch. 2 Sections 2-157 through 2-157.9.
4. Stamped engineered plans are to be submitted to, and approved by, the Historic Commission, that minimize any disruption to, and includes a detailed protection plan for, 127-129 Union Street (Map: 53 Lot 146), the three-story, southern most portion of the building fronting on Union Street.
5. A Demolition and an Erosion Control Plan shall be submitted for review by the NBHC and approved by the Planning Board and the Department of Public Infrastructure prior to the issuance of a demolition permit.
6. The exterior lighting, signage, storefront awnings, solar panels, cornices, roof top mechanical screening, electronic vehicle charging unit, street amenities (such as trash barrels, bike racks, benches, planters, street trees, and vegetation), and exterior grease traps have not been approved and will require a separate modification submittal prior to the issuance of a demolition permit.
7. Brick masonry mock-up is to be provided and approved in the field with NBHC.
8. The public art mural has not been approved. It will require a separate Certificate of Appropriateness from the Historic Commission.
9. Outdoor sidewalk café seating has not been approved. It will require a separate Sidewalk Café Permit from Inspectional Services, as well as a separate Certificate of Appropriateness from the Historic Commission.
10. Manufacturer specifications for rooftop mechanicals are to be submitted to the NBHC for review prior to the issuance of a demolition permit.
11. The fifth story parapet is to be removed unless and determined necessary in conjunction with rooftop mechanical screening, which will require a separate modification submittal.
12. Information regarding the building’s subgrade and/or foundation plan is to be submitted to and approved by the NBHC prior to the issuance of a demolition permit.
13. Screening for the parking area and transformer is required and shall be a 42” high solid wood fence, paint color to be determined by staff. The fencing shall be located on the east and north perimeter of the parking and loading area. The fence length is to be no less than 4’ on the north side and 10’ on the east side. Fencing also to be located to screen the transformer the full length from the edge of the parking space to the west side walkway.
14. Bollards are to be added around the transformer.

- 15. All bollards to have wood composite sleeves and caps.**
- 16. Evidence of compliance with requirements for ADA units and parking spaces and/or MAAB variance must be provided to the Historical Commission.**
 - a. The parking space is to be limited to Handicap parking only, if required.**
 - b. Handicap parking signage location to be determined in the field with NBHC staff.**
- 17. Final parking and loading space surface materials are to be reviewed by NBHC staff prior to installation.**
- 18. Evidence of electrical service requirements within the Downtown New Bedford Network is to be provided to demonstrate the need for a pad-mount transformer.**
- 19. Any modifications to the approved sidewalk design will require review by NBHC, Planning staff, the National Park Service, and the Department of Public Infrastructure.**
- 20. Any changes to the approved project will be submitted to the City's Planning and NBHC staff for review and approval prior to the commencement of any related work. If the staff determines the changes are significant in nature, they will be submitted to the full NBHC for review and approval prior to the commencement of any related work.**
- 21. The applicant shall provide complete construction documents with material notations to be reviewed and approved by the NB Historical Commission prior to the release of any building permit.**

Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

□ That the following specific conditions be applied to this decision:

1. Information regarding the building's subgrade and/or foundation plan is to be submitted to and approved by the Planning Board.
2. A copy of the Final Market Analysis is to be submitted for Planning Board review. The market analysis shall include a commercial analysis in addition to the residential analysis.
3. Specifications for rooftop mechanicals are to be submitted for the Planning Board review.
4. Evidence of electrical service requirements within the Downtown New Bedford network is to be provided to demonstrate the need for a pad mount transformer.
5. Species of hedge screen is to be identified and labeled on plans.
6. On-site landscaping species may require modification due to shade. Any modification to the on-site landscaping may be reviewed through administrative approval.
7. A fence screen is to be provided for the parking area and transformer per the Historical Commission requirements.
8. Bollards are to be added around the transformer and to be approved by the Historic Commission.
9. The exterior lighting, signage, storefront awnings, solar panels, cornices, roof top mechanical screening, electronic vehicle charging unit, street amenities (such as trash barrels, bike racks, benches, planters, street trees, and vegetation), public art mural, and exterior grease traps (if required) have not been approved and will require a separate modification submittal and approval prior to the issuance of a demolition permit.
10. Outdoor sidewalk café seating has not been approved as it will require a separate Sidewalk Café Permit from the Department of Planning and Department of Inspectional Services, as well as another Certificate of Appropriateness from the Historic Commission.
11. A bond or cash surety in the amount of \$40,000 dollars is to be provided to the City to ensure repairs are made to the Union Street public right of way layout, including the sidewalk and street, as a result of this development project.
12. Any changes to the approved project shall be submitted to the City's Planning staff, prior to the commencement of any related work, for review as to whether the change can be approved administratively by the Planning Board or will require a modification application.
13. Demolition review is required per City ordinance Ch. 2 Sections 2-157 through 2-157.9.
14. Stamped engineered plans are to be submitted and approved by the Historic Commission that minimizes any disruption to and includes a detailed protection plan for the "Moby Dick" building, 127-129 Union Street (Map: 53 Lot 146), the three-story, southern most portion of the building fronting on Union Street.

15. A Demolition and an Erosion Control Plan shall be submitted for review and approval by the Planning Board and the Department of Public Infrastructure by prior to the issuance of a demolition permit.
16. Project Narrative and development schedule is to be submitted to and approved by the Planning Board. It shall detail the rate of construction and development, including estimated project start dates, stages, if applicable, and the estimated cost of construction and date of completion; the plan must detail proposed methods to mitigate any noise, and pedestrian and vehicular impacts during demolition and construction phases.
17. Evidence of compliance with requirements for ADA units and parking spaces and/or MAAB variance must be provided to the Planning Board prior to a demolition permit.
18. All existing streetscaping materials, including landscape, lighting, hardscape, are to be preserved, retained, or removed as per approval of the Historic Commission and agreement with the Department of Public Infrastructure.
19. Any sidewalk material changes are to be reviewed and approved per the Historic Commission & the Department of Public Infrastructure.
20. The applicant shall provide complete construction documents with material notations to be reviewed and approved by Planning Board prior to the release of any building permit.

☐ That the following general conditions also be applied to this decision:

- The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
- The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
- The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division Case file folder.
- That 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.
- The applicant shall ensure that a copy recorded decision be provided for the Planning Division Case file folder.
- The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
- 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.
- The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.