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STAFF REPORT

REPORT DATE
March 22, 2019

PLANNING BOARD MEETING
April 10, 2019

Case #19-09: SITE PLAN REVIEW
224 A&B Court Street
f/k/a 475 Union Street
Map: 51 Lots: 269

**Owner/
Applicant:** Preferred Realty Services
P.O. Box 40714
Philadelphia, PA 19107

Overview

Request by applicant for **Modification of Site Plan** approval of previously approved Cases #38-14 & # 27-17 which were for the construction of a multi-unit residential building (6 – Two (2) Bedroom Units) at 224 A-B Court Street (Map: 51 Lot 269) f/k/a 475 Union Street (Map:51 Lot: 269) located in a Mixed-Use Business (MUB) and Residence B (RB) zoned districts.



224 Court Street
Looking north from Union Street

The applicant made several field changes during construction of the project that require approval from the Planning Board. The applicant therefore seeks a modification of the previously approved site plan for the changes made. This review is limited in scope to the elements that differ from the previously approved plans.

Project History

Date	Case #	Application Type	Board	Decision
April 24, 2014	Case #4129	Variance– frontage, lot area, side yards – 8 units	ZBA	Denied
April 24, 2014	Case #4130	Special Permit – vehicular access, not legal frontage	ZBA	Denied
October 8, 2014	Case #39-14	Finding – Repetitive Petition before ZBA	PB	Granted
October 16, 2014	Case #4150	Variance– frontage, lot area – 6 units	ZBA	Granted
October 16, 2014	Case #4151	Special Permit – vehicular access, not legal frontage	ZBA	Granted
August 12, 2015	Case #38-14	Site Plan Review – 6 units	PB	Granted
August 17, 2017	Case #27-14	Modification of Site Plan #38-14	PB	Granted
April 10, 2019	Case #19-09	Modification of Site Plan #38-14 & #27-14	PB	TBD

In 2014, the site address was 475 Union Street (map: 51 Lot: 269). The site had a vacant building that encompassed almost the entirety of the lot.

This project initially sought permitting beginning April 24, 2014. The initial proposed development was to demolish the existing building on site and erect an eight (8) unit residential apartment building. The project was denied a variance (Case #4129) and special permit (Case #4130) by the Zoning Board of Appeals because of the scale and density of the proposal.

Projects denied by the Zoning Board of Appeals are restricted from applying again for two years unless the Planning Board makes a Finding that a project is substantially different from the previously denied project.

The applicant redesigned the project –reducing the overall scale of the building, reducing the the number of units to six (6), and increased the parking spaces proposed to twelve (12).

October 8, 2014, the applicant sought and was granted a Finding (Case #39-14) by the the Planning Board that the redesigned project was significantly changed from the previous approval. This Finding allowed the applicant to reapply to the Zoning Board of Appeals.

October 16, 2014, the Zoning Board of Appeals granted a variance (Case #4150) and a special permit (Case #4151) for the redesigned project. The variance was for the frontage and lot area. The special permit was for vehicular access from a public way that does not constitute the legal frontage of the subject lot (Court Street). In 2014, the address for the property was 475 Union Street, the driveway access was proposed and approved from Court Street.

August 12, 2015, the Planning Board granted Site Plan approval (Case #38-14) for the 6-unit residential project with conditions.

August 17, 2017, the Planning Board granted a modification of the previous site plan approval. This modification was to architectural plans elevations. The changes included removing the exterior staircase in exchange for an interior staircase. An addition of a front deck on the south (Union Street) elevation. Switching the exterior balcony from the east elevation to the west side elevation. And, the modification of window, door and lighting placements.

During the site development, the City reassigned the property a new address. The new address is: 224 Court Street A & B (Map: 51 Lot: 269).



February 2019, Planning Staff reviewed final as-built plans and noted the plans did not match the approved site plan and alerted the applicant.

February 14, 2019, the applicant and Planning Staff met to discuss the field changes made and the required approvals that should have been sought from the Planning Board prior to implementation.

February 20, 2019 – The City Planner in consultation with the Chairwoman of the Planning Board determined that the changes **would require a modification** not an administrative approval and notified the applicant. The applicant agreed to seek compliance by applying for a second modification.



April 10, 2019, the Planning Board is to review the second modification [this application] to the previous site plan approval.

Existing Conditions

The site is a 10,084 SF rectangular, mid-block lot with frontage on two streets. The lot has 45'± of frontage on Union Street and 46'± on Court Street, which runs parallel to Union in the rear. The lot has a depth of 217'±. A newly constructed residential building is in the southern portion of the site with a parking area in the northern portion of the site. The building has four stories with the fourth floor built into a mansard roof.

The parking lot located on the northern half of the lot has twelve (12) striped parking spaces. A curb cut off Court Street provides access to the parking lot. Walkways flank the building providing access from the parking lot to the entrance doors; two on each the east and west side of the building. The walkway on the western side of the building has ADA accessible ramps to each door. The walkways do not extend through the site to Union Street. Another entrance is located on Union Street assessed via a front deck and walkway that connect to the sidewalk.

New landscaping has been planted throughout the site. A stormwater recharge system is in place under the parking lot. There are poured concrete footings with electrical wiring installed for the parking area lights, but the light poles and fixtures have yet to be installed.

The surrounding neighborhood consists of residential, commercial, and civic properties. Directly abutting the property are three multifamily properties (two- and three- family) as well as two retail buildings. Directly across Court Street are multifamily properties (two- and three- family). Directly across Union Street is a single-family property and a vacant city owned lot. One block west from the site is Ellen R. Hathaway Elementary School.

Court Street is one-way east bound. Near by Newton Street is one-way south bound. Union Street and Park Street are each open to two-way traffic.

Modification of Plan from Previous Approvals

Following is a list of the modification made to the previously approved site plan:

Parking & Loading.

- The driveway curb cut and parking lot layout have been flipped. The curb cut is now on the east side of the lot and the parking spaces are along the west side of the lot.
 - The curb cut was required to be moved when the applicant sought a driveway permit through DPI and the Traffic Commission. The proposed driveway conflicted with an existing sewer manhole.
- Bicycle Rack is missing from the site.
 - The applicant indicated to staff that the property is now intended to be sold as condos instead of rental units. Therefore, residents may be more apt to keep bicycles inside the residences. Staff note there is room on site available for a bicycle rack, should the board wish to still require one.

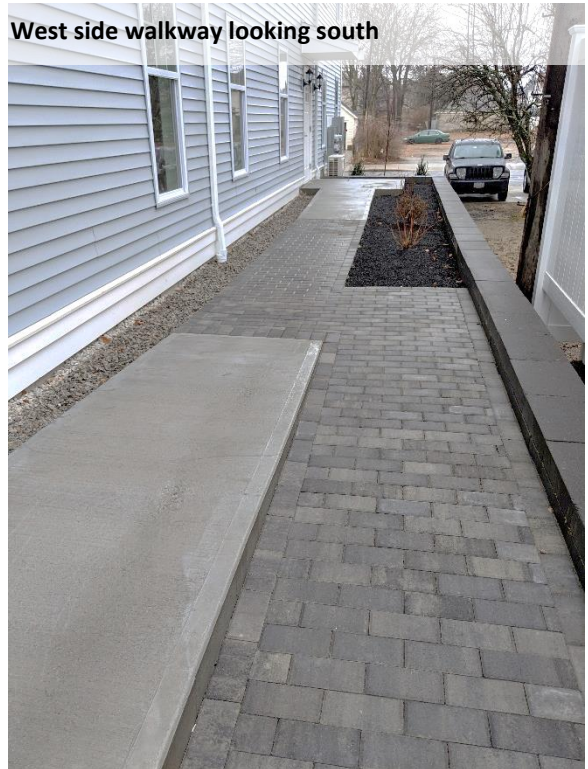
Screening/Landscaping.

- The landscape plan has changed substantially from the approved plan.
- The previous approval included six (6) Japanese maple along the east side of the building and one elm tree along the Union Street frontage. These trees are missing from the site.
- The applicant reconfigured the walkways along the sides of the building area. New landscaped bed areas have been created on the east and west side of the site around the walkway areas. The plantings include shrubs and low-lying perennial plants not trees.
- Two trees have been planted flanking the building along the Union Street frontage.
- Arborvitae have been planted along the west side of the parking lot area. The previous plan required eight arborvitae in this area. The as built condition has twenty-one (21) arborvitae planted along the west edged of the parking area.
- Additional arborvitae has been planted around the site as well, including: two in front of the retaining wall on the west side of the building, two flanking each deck/entrance on the east elevation, and four near the south most parking lot light pole base.
- Shrubs are planted around the front deck.
- Some trees on the eastern property line have been removed that were to be preserved. A tree on the western property line has been removed that was to remain per previous plans.
 - The previous approval conditioned that the trees along the eastern property line were to be preserved. The trees were on an adjacent parcel not owned by the applicant. The condition was

East side walkway looking south from parking lot



West side walkway looking south



made so the proposal would not disturb the tree the previous owner did not want disturbed. Similarly, the tree on the west side was on the property line. The applicant noted the abutting property owners removed the trees. If so, it is within the owners right to remove trees on their own property.

- A retaining wall has been erected on the west side of the property around the walkway area.
 - Staff notes this is likely to accommodate the ADA ramps due to the elevation change across the site. The site slopes downward from north to south.
- Privacy fencing has been removed from the plan in northwest corner of the site and on the east property line abutting the parking area.
 - The applicant explains that on the east side a vertical wall foundation was left in place and the wall prohibits the installation of fencing.
 - Staff note on the west side a portion of the abutter's driveway is located on this lot where the fence was proposed. The fence would have restricted access and use of the driveway. The applicant has indicated an easement is being or has been worked out with the abutter for this space. The board may wish to condition approval that the easement be submitted for the case file.

Lighting.

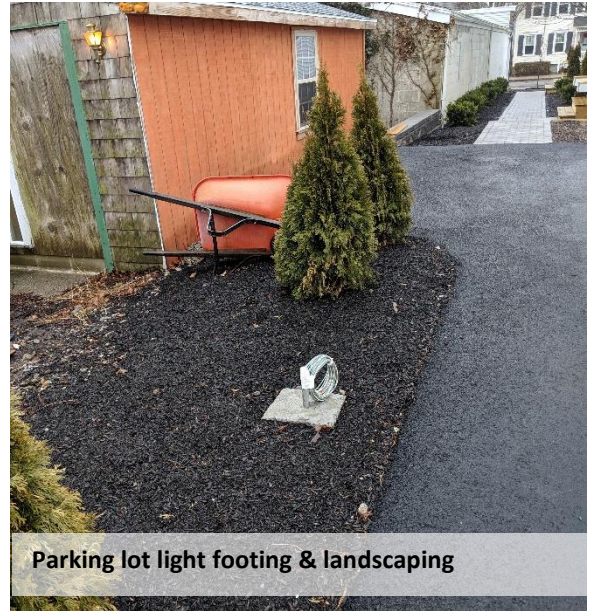
- The parking lot lights have not been installed, though electrical is present.
 - The parking lot lights are in the same location as the approved application. The light poles and fixtures have not been installed. The board may wish to condition that the lights be installed prior to any final project sign-off by the Planning Department.
- Two pedestal lights shown on the original plan are not on the site.
 - The applicant petitions that there is more than enough exterior lighting located on the building in the area of the proposed light pedestals.

Signage.

- The board may wish to note the applicant has indicated he intends to sell the units as condos instead of having rental units. The previous approval included a condition that a "emergency contact information signage will be added to the building" may no longer be relevant.

Other.

- On the east side of the building a second deck has been installed and both deck styles on this side differ from the approved plans. The new decks are wider, and each provide a small seating area.



- The walkway surface material has been changed from brick pavers to concrete pavers.
- It is unclear the intent for the area currently dirt, directly north of the building, between the building and the parking lot. It is assumed to be a grass area though the board may wish to see it landscaped. Additionally, the bicycle rack could be included in this area.
- A concrete pad is in the northwest corner of the site. The board may wish to clarify if this is for an electrical transformer or something else.
- An area for waste and recycling is not identified or provide. The board may wish to condition a screened location be provided.



Green space north of the building by parking lot

Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

Comments were not received as of the publication of this report; any comments received will be made available at the public meeting.

Master Plan Goal

The proposal is consistent with the master plan’s goal to encourage and maintain a wide range of housing types throughout the city that reflects the historic and cultural character of each area by supporting development that provides for households of all income levels.

Materials for Consideration

The plan submission is shown as “Site As-Built Plan 475 Union Street New Bedford, Massachusetts”, dated January 16, 2019; date stamped received by City Clerks’ Office March 13, 2019. Plans were prepared SITEC, Inc., in Dartmouth, MA. Stamped by Steven D. Gioiosa, PE.



Concrete pad in northwest corner of site

Waivers. A set of waiver requests have been submitted with this application. The applicant requests the following waivers:

- Demolition Plan
- Construction Layout
- Grading & Drainage
- Utility & Grading Plan
- Erosion control Plan
- Floor plan

- Building Elevations
- Signage
- Details Sheet
- Stormwater Management Report

The applicant petitions that no changes was made to previously reviewed and approved plans for the element listed above. Planning staff concurs with the applicant's assessment of items that remain unchanged.

Site Plan Approval

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets a number of objectives identified in Section 5470 of the City's (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
 - Minimize cut/fill volumes, removal of 6" caliper trees and larger, removal of stone walls , displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
 - Maximize pedestrian/vehicular safety to/from the site;
 - Minimize the obstruction of scenic views from publicly accessible locations;
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
 - Minimize glare from vehicle headlights and lighting fixtures;
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
 - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances;
 - Ensure compliance with the Zoning Ordinance;
 - Minimize damage to existing adjacent public ways;
 - Promote orderly and reasonable internal circulation within the site so as to protect public safety.

Staff Recommendations



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 also be applied to this decision:
 - The parking lot lights are installed prior to any final project sign-off by the Planning Department
 - A bicycle rack is installed on site, [in location designated by the Board].
 - Add landscape plantings to the green space between the building and parking lot.
 - Easement agreement with abutter for driveway to be submitted for the case file.
 - A screened area for household waste and recycling is installed on site, [in location designated by the Board].
- 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.

Materials Provided by the Applicant are available at: <http://www.newbedford-ma.gov/planning/planning-board-agenda-info-2019/>

224 Court Street f/k/a 475 Union Street Map:51 Lot: 269

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.

