



March 25, 2019

New Bedford Planning Board  
133 Williams Street  
New Bedford, MA 02740

**RE: 117 UNION STREET MULTI-USE FACILITY**

Dear Planning Board members:

Enclosed are revised documents and plans that have been modified in response to the Planning staff report, input received from the Planning Board at the public hearing and subsequent conversations with Planning Staff. The documents now include the proposed trash room, bike storage room, one additional studio apartment and yard where the transformer and handicap space are to be located on the north end of 127-129 Union Street. That lot, which is a portion of Assessor's Map 55, Lot 146, was not included in the previous application.

The enclosed revised rejection packet from the Department of Inspectional Services, the application, the application checklist, the narrative and plans have all been modified to include those revisions.

Sincerely,

**PRIME ENGINEERING, INC.**

Richard J. Rheaume, P.E., LSP  
Chief Engineer



March 25, 2019

New Bedford Planning Board  
133 William Street  
New Bedford, MA 02740

**RE: 117 UNION STREET**

Dear Board Members,

On behalf of 117 Union Street LLC, we hereby submit the enclosed revised package for a Special Permit and Site Plan Review for a proposed commercial/residential building. The revision consists of adding 127-129 Union Street (Assessor's Map 53, Lot 146) to the application. The submittal package consists of 16 copies of the following:

- This letter;
- The executed application forms;
- The application checklists;
- Plans (4 full size and 12 reduced size);
- The Impact Report which includes the estimated cost of site work and the Traffic Impact and Access Study;
- The Stormwater Report;
- The deeds (proof of ownership);
- The rejection package from the Building Department and Certified abutter's list.

Additionally, we have included:

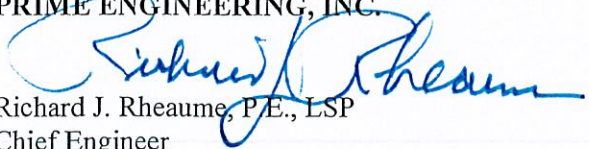
- A CD disk of the drawings in PDF format (CAD format will be submitted after all Planning input has been received);

A petition for a Special Permit is being submitted to the New Bedford Zoning Board of Appeals for several dimensional non-compliances.

It is proposed that the building construction will commence this year. The existing site consists of five separate attached one story buildings and a paved parking lot. A determination has been made that the plan as presented complies with ADA regulations.

Sincerely,

**PRIME ENGINEERING, INC.**

  
Richard J. Rheame, P.E., LSP  
Chief Engineer

## **Summary of Existing Petitions**

There are five existing one story brick buildings in poor repair with a small parking lot bordered by Union Street, North Second Street and Barker's Lane. It is proposed to raze the buildings and construct a 5 story building with a lobby and commercial use on the first floor and 42 apartments on Floors 2 through 5. At the northwest corner, a one story building will be built with one additional studio apartment, a trash storage room and a bike storage room. The yard to the north will have a single handicap parking space, a transformer, gas meters, pedestrian walkways and landscaping. This requires Site Plan Review from the Planning Board. It is not proposed to provide any off street parking or loading other than a single handicap space. This requires a Special Permit from the Planning Board.

There are several requests for dimensional relief, including minimum lot size, rear setback, building coverage and required green space for which a Special Permit from the Zoning Board of Appeals is being sought.



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

# PLANNING BOARD

SUBMIT TO:  
Planning Department  
133 William Street  
Room 303  
New Bedford, MA 0274

## SPECIAL PERMIT APPLICATION

The undersigned, being the Applicant, seeks Special Permit Approval for property depicted on a plan entitled: Proposed Commercial/Residential Development - 117 Union Street by: Prime Engineering, Inc. dated: March 21, 2019

### 1. Application Information

Street Address: 117 Union Street

Assessor's Map(s): 53 Lot(s) 40, 41, 215 and 216 and a portion of 146

Registry of Deeds Book: 1838 Page: 1144 Also Book 1707, Page 903

Zoning District: MUB - New Bedford Landing Waterfront Historical District

Applicant's Name (printed): 117 Union Street LLC

Mailing Address: 128 Union Street - 4th Floor New Bedford MA 02740  
(Street) (City) (State) (Zip)

Contact Information: (619) 316-5895 michael@nbdcorp.org  
Telephone Number Email Address

Applicant's Relationship to Property:  Owner  Contract Vendee  Other \_\_\_\_\_

List all submitted materials (include document titles & volume numbers where applicable) below:

Cover letter, application, 4 full size and 12 reduced size sets of plans, Impact Report, deed, certified abutters list, filing fee, estimated site costs, rejection packet from DIS, application checklist and a Stormwater Report.

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval (s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3.25.19  
Date

[Signature]  
Signature of Applicant

**2. Zoning Classifications**

Present Use of Premises: Five separate buildings with small parking lot

Proposed Use of Premises: Commercial first floor with four floors of apartments

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):  
None

**3. Briefly Describe the Proposed Project and Specify all Requested Special Permits:**

Razing existing one story buildings and erecting a commercial facility on first floor with 4 stories above with 43 residential units.

Special Permit for reduction in parking and loading spaces.

Special Permit for 5 story building (4 floors residential).

**4. Please complete the following:**

	Existing	Allowed/Required	Proposed
Lot Area (sq ft) min	10,173	15,000	10,173
Lot Width (ft) min	70	0	70
Number of Dwelling Units max	0	No std.	43
Total Gross Floor Area (sq ft)	8,157	N/A	42,650
Residential Gross Floor Area (sq ft)	0	N/A	33,265
Non-Residential Gross Floor Area (sq ft)	8,157	N/A	8,497
Building Height (ft) max	15	100	61
Front Setback (ft) min	0	0	0
Side Setback (ft) min	N/A	10	N/A
Side Setback (ft) min	N/A	12	N/A
Rear Setback (ft) min	0	30	0
Lot Coverage by Buildings (% of Lot Area)max	80.2	40	91.6
Permeable Open Space (% of Lot Area)min	0	0	2
Green Space (% of Lot Area) min	0	35	2
Off-Street Parking Spaces	5	106	1
Long-Term Bicycle Parking Spaces	0	0	20
Short-Term Bicycle Parking Spaces	0	0	20
Loading Bays	0	2	0

5. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>0</u>	<u>200</u>
b) Number of employees:	<u>0</u>	<u>4</u>
c) Hours of operation:	<u>0</u>	<u>7 am to 11 pm</u>
d) Days of operation:	<u>0</u>	<u>Sun - Sat</u>
e) Hours of deliveries:	<u>0</u>	<u>8 am - 6 pm</u>
f) Frequency of deliveries:	<input checked="" type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: _____	

6. OWNERSHIP VERIFICATION

This section is to be completed & signed by the property owner:

I hereby authorize the following Applicant: 117 Union Street LLC

at the following address: 128 Union Street, New Bedford, MA

to apply for: Site Plan Review and Special Permit

on premises located at: 115, 117 and 121 Union Street

in current ownership since: December 31, 1989

whose address is: shown below

for which the record title stands in the name of: Paul A. Piva and Gail Florek

whose address is: 10 Pequod Road, Fairhaven, MA 02719

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 1838 Page: 1144

OR Registry District of the Land Court, Certificate No.: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Planning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3/25/19  
Date

Paul A. Piva      Gail Florek  
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

(22)

# Planning Board Special Permit Application Checklist

1. **Completed Application Form** (with all required signatures; Original plus 15 Copies)
2. **Plans**
- Four (4) stapled and folded sets of full-sized plans (24" x 36") and Twelve (12) sets of reduced plans (11" x 17") are required for all applications. Staff reserves the right to require additional copies.
  - One (1) electronic copy (PDF & CAD) of all proposed activity plans (See Section 10 of Checklist for Requirements)
  - All plans oriented so that north arrow points to top of sheet
  - Plans shall be drawn at a minimum scale of 1" = 40' or less
  - All plans shall be stamped by Commonwealth of Massachusetts-registered Professional Engineer, Professional Land Surveyor, and/or Professional Landscape Architect, as appropriate
  - Plan sets shall be comprised of separate sheets as listed below unless otherwise approved by the City Planner
  - All plans shall have a title block comprised of the following: Project Title, Sheet Title, Sheet Number; Registrant Stamp (i.e. PE, PLS, LA); Registrant's name and address; Street addresses of the project area parcels; Scale at which the plan is drawn; Plan Issue Date; and all plan revision dates (with corresponding revision descriptions).
3. **Certified Abutters List** (4 copies)
4. **Proof of Ownership** (Deed(s) for All Involved Parcels; 4 Copies)
5. **Photos Depicting Existing Conditions** (Minimum of 3, In Color, 1 Aerial + 2 Other Views; 16 Copies)
6. **Development Impact Statement (DIS)**, completed per §5350 of Zoning Code, (16 Copies), if required by Board
7. **Traffic Impact & Access Study (TIAS)** (16 Copies), if required by Board  
Included in #6 above
8. **Electronic PDF and AutoCAD Files**
- Shall consist of a CD with a printed CD Label in a CD case
  - CAD files shall be 2010 format or the latest revision of AutoCAD Civil 3D
  - All project submissions shall include the following file types. All project related Drawing Files shall be provided in all 2 supported formats, listed below.
    - AutoCAD Drawing format (.dwg) CAD will be issued once input from departments
    - Adobe Portable Document Format (.pdf) and Board are complete

- PDF files shall be created from within the AutoCAD environment and contain Layer information.
- It is a requirement that each project drawing/sheet created for a project shall be published/plotted to DWG and PDF, and placed in the appropriate folder in the CD submission. All external references (DWG, DWF, DGN, PDF, TIFF, MrSID, JPG, etc.) which are used in support of the creation of these project sheets shall be stored within the XREF folder only (Subfolder of DWG) on the CD. Also the AutoCAD support files (fonts, plot style, etc.) should be supplied on the CD.

- **File Naming:**

The following file naming standard for all CAD related files created, used, or submitted to the Planning Department shall be followed. This applies to all CAD drawings, DWF's, PDF's used in support of, or used in conjunction with this CAD Standard.

File names shall begin with their project Planning Board Case number assigned (available through the Planning Department), followed by an underscore and the appropriate discipline code. In the instance where there is more than one file, assign an appropriate sequential number to the end (ex. 1,2,3). Special characters are not permitted except for the following; hyphens [ - ], underscores [ \_ ], and/or parenthesis [ ( ) ].

*Example 1.*

A set of engineering design plans and documents were prepared for project file number 12-34; acceptable filenames would be as follows:

- 12-34\_Existing Conditions1.dwg
- 12-34\_Existng Conditions2.dwg
- 12-34\_General1.dwg
- 12-34\_Generale.dwg

**9. Application Fee** (All fees are due at time of application submission)

**Official Use Only:**

For the Planning Board, this application has been received by the Planning Division of the Department of Planning, Housing & Community Development on the date specified below:

Review date: \_\_\_\_\_ All materials submitted: Yes No

Signature: \_\_\_\_\_ Fee \_\_\_\_\_



Paul A. Piva and Gail A. Florek  
10 Pequod Road, Fairhaven, Ma. 02719  
508-992-5424

February 13, 2019

To the Members of the ZBA Board,

This letter is to authorize the prospective buyer to apply for a permit from your board pursuant to the application dated February 2019 which this letter is attached to.

Please let us know if we can be of any further assistance.

Sincerely,

*Paul A. Piva*

Paul A. Piva

Gail A. Florek

STATE OF MASSACHUSETTS

COUNTY OF BRISTOL

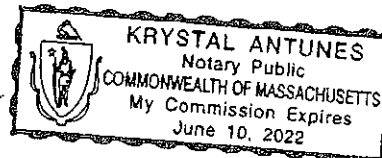
On this 13<sup>th</sup> day of February, 2019, before me personally appeared Paul A. Piva, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*Krystal Antunes*

Notary Public

Print name: *Krystal Antunes*

My commission expires: *6-10-2022*



STATE OF MASSACHUSETTS

COUNTY OF BRISTOL

On this 13<sup>th</sup> day of February, 2019, before me personally appeared Gail A. Florek, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public

Print name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

I, Robert J. Piva  
of Dartmouth, Bristol County, Massachusetts

being ~~granted~~ for consideration paid, and in full consideration of Twenty-Five Thousand  
(\$25,000) Dollars  
grants to Paul A. Piva and Gail Florek

of 25 William Street, New Bedford, MA with quitclaim interests  
all of my right, title and interest in and to  
the land in New Bedford, together with the buildings thereon, bounded and  
described as follows:

[Description and encumbrances, if any]

Beginning at the intersection of the northerly line of Union Street  
and the westerly line of Second Street;

thence Westerly in said northerly line of Union Street to land now  
or formerly of Fred S. Brightman;

thence Northerly in line of the last named land to the southerly line  
of Barker's Lane;

thence Easterly in the southerly line of said laneway to the said  
westerly line of Second Street;

thence Southerly in said westerly line of Second Street to the point  
of beginning.

Containing fifty (50) square rods, more or less.

Being the same premises conveyed to myself and the Grantees by deed of  
Lora L. Rozefsky, dated October 9, 1975 and recorded with the Bristol  
County S.D. Registry of Deeds in Book 1707, Page 903.

Subject to the encumbrances of record.



Witness my hand and seal this 6<sup>th</sup> day of April 19 82

ROBERT J. PIVA

The Commonwealth of Massachusetts

BRISTOL,

ss.

APRIL 6 19 82

Then personally appeared the above named ROBERT J. PIVA

and acknowledged the foregoing instrument to be HIS free act and deed, before me

Rec'd. & Recorded April 6, 1982  
at 12 hrs. & 40 min P.M.

John A. Halloran  
Notary Public - COMMONWEALTH OF MASSACHUSETTS

My commission expires Jan. 25 1985

Attest: [Signature] Registrar  
(Individual - Joint Tenants - Tenants in Common)

9024-903

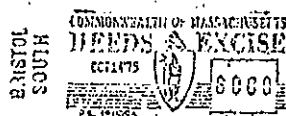
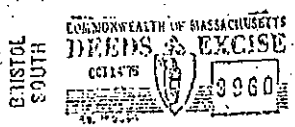
Lora L. Rozafsky  
of 102 Newton Street, Brookline, Norfolk County, Massachusetts,  
being unmarried, for consideration paid, and in full consideration of \$70,000.00  
grants to Paul A. Fiva, Robert J. Fiva, and Gail Florek as tenants in  
common, each an undivided one-third interest.  
All of 146 Bellevue Street, New Bedford, Mass. with all the buildings thereon in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

(Description and encumbrances, if any)

Beginning at the intersection of the northerly line of Union Street and the westerly line of Second Street;  
thence westerly in said northerly line of Union Street to land now or formerly of Fred S. Brightman;  
thence northerly in line of the last named land to the southerly line of Barker's Lane;  
thence easterly in the southerly line of said laneway to the said westerly line of Second Street;  
thence southerly in said westerly line of Second Street to the point of beginning.

Containing fifty (50) square rods, more or less.

Being the same premises conveyed to us by deed of Elbar Realty, Inc. dated December 30th, 1971 and duly recorded in Bristol County (SD) Registry of Deeds in Book 1633, Page 115.



Witness my hand and seal this 9th day of October, 1975  
*[Signature]* *[Signature]*

The Commonwealth of Massachusetts  
Suffolk  
Then personally appeared the above named Lora L. Rozafsky

and acknowledged the foregoing instrument to be her free act and deed, before me  
*[Signature]*  
Notary Public - Suffolk County  
My Commission expires February 6, 1976

Rec'd. & recorded Oct. 14, 1975  
8:12 hrs. & 32 min. P.M.

BOOK 1707, PAGE 903

Attest: *[Signature]* Registrar

PROPERTY

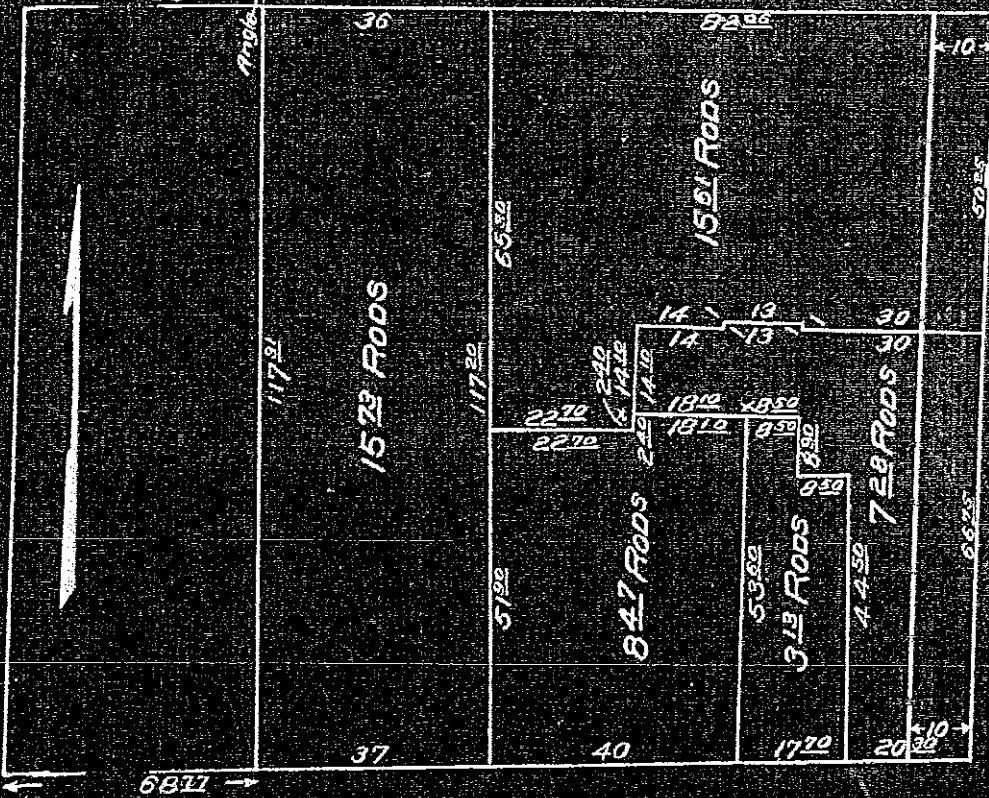
PROPERTY OF  
ABRAHAM HERMAN  
NEW BEDFORD, MASS.  
SCALE, - 1 INCH = 20 FEET

*Alfred G. Drake  
Civil Engineer  
New Bedford, Mass.  
October 26<sup>th</sup> 1921.*

BARKERS LANE

STREET

ACUSHNET AVE.



SECOND

UNION STREET



*City of New Bedford*  
**REQUEST for a CERTIFIED ABUTTERS LIST**

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

MAR 21 2019

SUBJECT PROPERTY			
MAP #	53	LOT(S)#	216, 40, 41, 215, 146
ADDRESS: 117 Union St, 7 N Second St, 115 Union St, 121 Union St, 127-129 Union St			
OWNER INFORMATION			
NAME: Paul A Piva & Gail Florek			
MAILING ADDRESS: 10 Pequod Rd Fairhaven, MA			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Rich Rheaume			
MAILING ADDRESS (IF DIFFERENT): 350 Bedford St Lakeville, MA 02347			
TELEPHONE #	508-947-0050		
EMAIL ADDRESS:	rich@primeengineering.org		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

**Official Use Only:**

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Carlos Amado

Printed Name

Signature

3/21/2019

Date

March 21, 2019  
 Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 115,117,121,127-129 Union Street & 7 N Second Street (Map: 53, Lot: 216,40,41,215,146). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
53-141	BARKER'S LN	CITY OF NEW BEDFORD, PARKING LOT & GARAGE 131 WILLIAM ST NEW BEDFORD, MA 02740
53-215	121 UNION ST	PIVA PAUL A, FLOREK GAIL 10 PEQUOD ROAD FAIRHAVEN, MA 02719
53-216	117 UNION ST	PIVA PAUL A, FLOREK GAIL 10 PEQUOD ROAD FAIRHAVEN, MA 02719
53-41	115 UNION ST	PIVA PAUL A, FLOREK GAIL 10 PEQUOD ROAD FAIRHAVEN, MA 02719
53-143	141 UNION ST	WATERFRONT HISTORIC AREA LEAGUE OF NEW BEDFORD INC, 128 UNION STREET NEW BEDFORD, MA 02740
53-144	139 UNION ST	WATERFRONT HISTORIC AREA LEAGUE OF NEW BEDFORD,INC, 128 UNION STREET NEW BEDFORD, MA 02740
53-145	133 UNION ST	LAJOIE MICHAEL P "TRUSTEE", M B M REALTY TRUST 28 WATERFALL ROAD ACUSHNET, MA 02743
53-146	127 UNION ST	PIVA PAUL A, 10 PEQUOD ROAD FAIRHAVEN, MA 02719
53-40	7 N SECOND ST	PIVA PAUL A, FLOREK GAIL 10 PEQUOD ROAD FAIRHAVEN, MA 02719
53-154	93 UNION ST	ST ANNE CREDIT UNION, 93 UNION STREET NEW BEDFORD, MA 02740
47-21	25 S WATER ST	N B YOUNG MENS CHRISTIAN, ASSOCIATION 25 SOUTH WATER ST NEW BEDFORD, MA 02744
47-5	128 UNION ST	128 UNION STREET LLC, 117 HATHAWAY ROAD NORTH DARTMOUTH, MA 02747



**Legend**

- 53-216,40,41,215
- City Border
- Water

0 50 100 200 300 400 Feet