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STAFF REPORT

REPORT DATE
February 22, 2019

PLANNING BOARD MEETING March 13, 2019

Case #19-06: SITE PLAN REVIEW
Case #19-07: SPECIAL PERMIT

117 Union Street, 7 N Second Street, 115 Union Street, & 121 Union Street Map: 53 Lots: 40, 41,

215, & 216

Applicants: 117 Union Street LLC

128 Union Street, 4th Floor New Bedford, MA 02740

Owner: Paul A. Piva & Gail Florek

10 Pequod Road Fairhaven, MA 02719

Applicant's

Agent:

Prime Engineering PO Box 1088

350 Bedford Street Lakeville, MA 02347

Overview

Request by applicant for **Site Plan (Case #19-06)** approval for new construction of a 41,000 SF mixed commercial and residential building located at the properties currently known as **117 Union**

115, 117, 121 Union St Looking north from Union Street



Street, 7 N Second St, 115 Union St, and 121 Union St (Map: 53, Lots 40, 41, 215, &216) on an 8,200 SF site in a Mixed Use Business and Downtown Business Overlay zoned district.

Additionally, the applicant requests a **Special Permit (Case #19-07)** for a reduction of the number of parking spaces required for the proposed 41,000 SF mixed commercial and residential building. **The applicant proposes 1 parking space and 0 loading spaces where 104 spaces and 2 loading spaces are required under ordinance.** Therefore the applicant requests a reduction of **103 parking spaces and 2 loading spaces**.

Approvals Required



Historic Commission

March 4, 2018

Certificate of Appropriatness

A Certificate of Appropriatness is required from the Historic Commission as the property is located within the Bedford Landing-Waterfront Local Historic District.

The Historic Commission reviews the exterior appearance of buildings for their compliance with the standards and guidelines established for the Bedford Landing-Waterfront Local Historic District and local, state, and federal laws as they apply to historical preservation.

This review is scheduled before the Historic Commission for March 4, 2019.



Planning Board

March 13, 2019

Site Plan Approval & Special Permit

Site Plan Approval is required from the Planning Board as the propsal meets the two triggers for site plan review: new constuction over 2,000 SF and residentail construction of 3 or more units

The Planning Board Site Plan review process includes the review for emergency services, utilities, stormwater drainage, impacts to the natural environment, pedestrian and vehicular access, protection of view sheds, and compatibility of the project with the character of the surrounding area

The Planning Board is authorized to grant Special Permits for the reduction in parking requirements if the project meets certain circumstances as outlined in the ordinance.

The Site Plan and Special Permit petitions are scheduled before the Planning Board for March 13, 2019.



Zoning Board of Appeals

April 11, 2019

Special Permit - Downtown Business Overlay Distric

A Special Permit is required from the Zoning Board of Appeals as it is located in the Downtown Business Overlay District [DBOD].

The DBOD allows residential uses on the upper floors, variation from dimensional requirements, and increased density by a granted Special Permit.

The Special Permit petition before the ZBA is scheduled to be heard April 11, 2019.

Concurrent Interdepartmental Review (DIS, DPI, Conservation, Health, Fire, Schools)

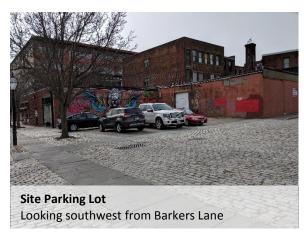
Existing Conditions

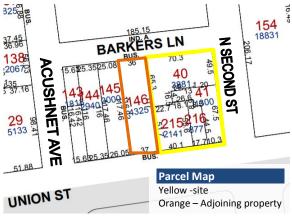
The project site is comprised of four lots with four buildings and a parking lot; all under the same ownership. In total the site is 8,200 SF with frontage on three streets. The site has 68'± of frontage on Union Street, 117'± on N. Second Street, and 72'± on Barkers Lane. All four buildings are brick, flat roof, single story buildings varying in size from 873 SF-2,074 SF. The entire lot is impervious with buildings on 74% of the lot and the parking lot covering the remainder of the lot.

The existing parking lot area, located in the northeast corner of the site, has five (5) parking spaces. Metered on-street parking is available on Union Street and on the west side of N. Second Street. No parking is allowed on Barkers Lane. The board should note N. Second Street is one-way northbound. The entrance to the Elm Street parking garage is directly two blocks north at the terminus of N. Second Street at Elm Street.

The board should note the applicant also owns the adjoining property directly west of this proposal known as Moby Dick Chandler Building at 127-129 Union Street (Map 53 Lot 146). This property is not included in the application except for a proposed parking area on the rear of this parcel.

Located in the heart of the historic downtown (see figure on last page for historic district boundary), the surrounding neighborhood is a mixture of commercial retail, office, and mixed use buildings with residential units on the upper floors. Directly abutting the property to the west is the Moby Dick Chandler Building, a vacant former retail space. Also, on the same block on the north side of Union Street is the Garden Bar, and two recently restored mixed use properties. The restored buildings include residential space, a co-working space known as the Co-Creative Center, a juice bar café known as People's Pressed and hair salon known as Beauty Union. Directly south across Union Street is a professional office building with multiple tenants, known as







the DeMello International Building. East across N. Second Street is St. Anne Credit Union. North across Barkers Lane is Custom House Square park and the historic, still active, United States Custom House. The Custom House is a national historic landmark on the National Register of Historic Places. Diagonally southwest across Union Street is the New Bedford YMCA.

Proposed Conditions

The proposal is for the demolition of all existing buildings and new construction of a five (5) story building with a lobby/retail space on the first floor and forty-two (42) residential apartment units on the upper floors. In total the building will be 41,000 GFA with 32,000 GFA of residential floor area, and 8,200 GFA of retail/lobby space.

The project proposes twelve (12) one bedroom units, seven (7) two bedroom units, and twenty-three (23) studio apartments on the upper floors. The chart below shows the range of unit sizes.

Apartment type	Total	Size range
One bedroom units	12	428 SF - 466 SF
Two bedroom units	7	661 SF – 752 SF
Studio units	23	346 SF – 472 SF
Amenity space	1	783 SF

On the first floor of the property an open lobby with retail space is proposed. In addition to residential units the fifth floor includes a shared interior 783 SF amenity space with adjacent 34'±x10'± balcony/patio. No information has been provided in regards to a basement level. The board may wish to inquire about any plans for a basement level.

Three balconies are proposed at the fifth floor on the south elevation (Union Street). Two balconies are for individual residential units $(14'\pm x\ 3'\pm and\ 10'\pm x\ 3'\pm)$ while the third $(35'\pm x\ 10'\pm)$ is accessible through the shared amenity space. Two balconies are proposed for individual residential units $(14'\pm x\ 3'\pm\ ,\ 10'\pm\ x\ 3'\pm)$ at the fifth floor on the north elevation (Barkers Lane). Juliette balconies are proposed for seventeen (17) of the units with four on both the south and north elevations (Union Street/Barkers Lane), and nine on the east elevation (N. 2^{nd} Street).

Demolition & Site Preparation. The applicant proposes demolishing all existing buildings and removing everything from the site. The existing slate walkway along the Barkers Lane frontage is to be removed, stockpiled, and reset at the completion of the project. The existing streetscape and sidewalk materials along North Second Street are noted to be preserved.



Custom House SquareLooking northwest from site



Surrounding BlockLooking west up Union Street



Surrounding Block Looking east down Union Street

A note should be added to the plans that all existing streetscaping materials, including landscape, lighting and hardscape are to be preserved, retained, removed, or relocated as per approval of the Historic Commission and agreement with the Department of Public Infrastructure.

Parking & Loading. The applicant proposes one (1) handicapped parking space. As shown on the plans submitted, the one parking space is proposed on the adjoining property. The board should note the zoning ordinance allows for parking to be provided on an adjoining lot held in the same ownership. The board may want to inquire about this.

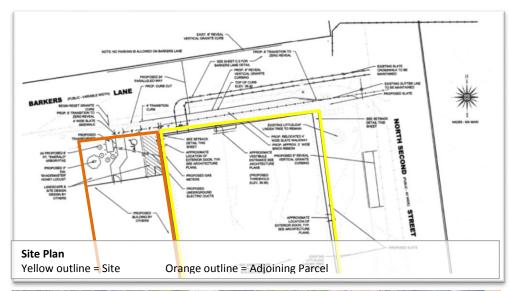
The New Bedford zoning code requires a parking space dimensions to be at least 9'x20' exclusive of any required drive or aisle. The space as shown is 8'x20' and it is unclear if it is fully within the property line or impedes into the sidewalk space.

Further, it should be noted that the **proposed parking space location is currently occupied by a building.** The proposed location is therefore problematic as its availability is contingent upon a secondary project approval that hasn't been submitted at this time. The board may wish to condition any approval of this parking space

contingent on subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).

Additionally, it is unclear from the plan set whether the "gas light" street light closest to the proposed parking space will remain, he removed, or relocated. If the driveway is approved then staff recommend the applicant relocate the light, and coordinate placement with the historic commission.

application indicates twenty (20) long term and twenty (20) short bicycle term parking spaces. However, no bicycle parking accommodations are shown on the plan set. It is however noted on plans that the "bike & main trash room" is provided in the adjoining Moby Dick building. the proposed parking space, the proposed bicycle storage location is therefore





problematic as its availability is contingent upon a secondary project approval that hasn't been submitted at this time. The board may wish to condition any approval of the bicycle parking spaces contingent on subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).

Under the zoning ordinance the proposal requires 104 spaces and 2 loading spaces; therefore, the applicant petitions the Board for a Special Permit to allow for a parking reduction. The applicant requests a reduction of 103 parking spaces and 2 loading spaces.

Traffic Impact & Access Study. The applicant has provided a traffic generation and available parking analysis within the Development Impact Statement provided.

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.

Additionally, the applicant has provided an Exhibit "Available Parking & Transportation" that shows the onstreet and off-street parking available in the downtown.

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
84 parking spaces (2 per d 20 parking spaces (1 per 20		pading space (1 per multifamily building) pading space (1 per building 10,000 SF+)
		pading space required

Circulation. As the building will encompass the entire lot there is no vehicular internal site circulation proposed. The one parking space proposed is located on the adjoining lot near the northwest corner of the proposed building. Vehicles will enter the space from Barkers Lane and exit onto the same.

Pedestrian access into the building is provided via five (5) doors on the proposed new building and possible sixth door on the adjoining building as shown on plans. Two doors are proposed on Union Street; one providing direct access to a stairwell to the upstairs residential units. The second providing general access to the first-floor lobby/retail space. One door is proposed on North Front Street and another on Barkers Lane, both to also provide access to the first-floor lobby/retail space. The fifth door is shown on the northwest corner of the building to provide access to fire service equipment. A potential sixth door is also shown in the northwest corner of the site on the north elevation of the adjoining building, which is shown to connect via an interior space to the trash compactor room of this proposal.

Mechanicals/Utilities. Underground electrical, water, sewer, and gas lines service the site. New connections for water and gas are proposed off Barkers Lane. Sewer service is to be replaced on the Union Street side of the building. A new transformer is proposed on the adjoining parcel, held by the same owner (Mr. Piva), next to the one parking space proposed off Barker's Lane.

Exhaust pipes, a generator, an energy recovery unit, and 42 condensing units (1 per residential unit) are proposed on the rooftop. The Historic Commission may request additional information in regards to the mechanicals on the rooftop and their visual appearance along the north elevation (looking south) in their regulation of building character and appropriateness to the district.

Operations. The application provides no information about the operations of the site generally or the proposed commercial space. The board may wish to request more information.

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 applicant requests an increase in the density requirement. The City ordinance allows for 1 unit per 1,000 SF. The applicant proposes 5.12 units per 1,000 SF. The Planning Board may wish to require the applicant provide a market or other analysis that shows a need or demand for the proposed level of density in this area. However, the board should note that the Zoning Board of Appeals will vote on whether to allow for this variation in requirements through the Downtown Business Overlay District Special Permit.

While, the proposal does not indicate the development is to be phased the plans indicate multiple connections to the adjoining building/property. For this reason the board may wish to request more information about the intended phasing of the project.

Landscaping/Streetscaping. As the proposed building encompasses the entirety of the lot no landscaping is proposed on site. The proposal retains the existing street trees and proposes some plantings around the transformer proposed on the adjoining lot. The plantings proposed include: one (1) - 3'' diameter "Shade Master Honey Locust"; and four (4) "Emerald Arborvitae".





On Barkers Lane the applicant proposes to expand the sidewalk by resetting the 4' wide slate, adding a 3' wide brick ribbon and a vertical granite curb. The applicant proposes no changes to the existing streetscape along Union Street or N. Second Street. Given the unique width of the available sidewalk on N. Second Street the board may wish to encourage the applicant to utilize this space for additional site amenities to expand their outdoor offerings for residents and customers. To further enliven this downtown street corner, the applicant may wish to explore an agreement with the city for the use of the public sidewalk in order to install additional landscaping, site furniture, or demonstrative low impact development elements .

Snow Storage & Waste Receptacles. No information is provided as to snow storage or removal for the one parking space proposed. An interior trash compactor room is identified in the center of the first floor. It is further noted on plans that the "main trash room" is **provided in the adjoining Moby Dick building, another element contingent upon an offsite agreement.** The board may wish to inquire if the proposed space on site is inadequate to meet the demand of waste and recyclable materials generated on site. If so, the proposed trash room, similarly to the proposed parking space and proposed bicycle parking will therefore be contingent on subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).

Stormwater. The applicant has requested a waiver of the stormwater management plan. As the applicant petitions that "The site has had 100% impervious cover for 100 years. The proposed building will cause no increase in the volume or rate of runoff."

However, the Development Impact Statement notes that the soil conditions will be evaluated during construction. If the soil is relatively contaminant free, infiltration units will be installed in order to infiltrate runoff to the maximum extent possible.

The board may wish to make this statement a condition of approval: that the soil conditions are to be tested prior to any construction and the results be provided to the board for review. Further, if the soil test results show relatively contaminant free soil, the site plan is to be modified to include infiltration units and the revised plans are to be provided to the board for review.

Further, the plans show roof drains on the roof and a drainage connection to the city system at an existing drain located near the southwest corner of the site. The board may wish to clarify if the drainage proposed is through an interior system through the building or exterior drain pipes.

Signage. Signage is shown on the architectural drawings in the approximate locations where the applicant intends to have signage; however the applicant does not seek approval for signage at this time. The applicant intends to submit the actual signage once it has been designed for board review later as a separate submittal.

The board may wish to condition any approval that the exterior signage is not approved and will require a separate submittal.

Lighting. No exterior lighting is proposed at this time; therefore, the applicant does not seek approval for lighting at this time. The applicant intends to submit the actual lighting once it has been selected for board review later as a separate submittal.

The board may wish to condition any approval that the exterior lighting is not approved and will require a separate submittal.

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 promote a mixed-use environment in Downtown New Bedford, and in other commercial centers and corridors to ensure a vibrant community during the day, evening and weekends, that creates walkable village like neighborhoods throughout the city.

The project could be improved to be consistent with the master plan goals relative to encouraging in-fill development that ensure that neighborhood character is enhanced and maintained.

Materials for Consideration

The plan submission is shown as "Proposed Commercial/ Residential Development 117 Union Street New Bedford, MA 02740" dated 2/1/19, date stamped received by City Clerks' Office February 15, 2019. Engineered plans were prepared by Prime Engineering, in Lakeville, MA, and stamped by Richard Rheaume, PE. Architectural plans were prepared by STANTEC, in Boston, MA, unstamped. The plan set consists of the following sheets:

- Cover Sheet
- C-1 Existing Conditions & Demolition Plan
- C-2 Site Layout & Utilities Plan
- C-3 Site Details
- C-4 Site Details

•	A-101	Floor Plan – Level 1 & Level 2
•	A-102	Floor Plan – Level 3 & 4
•	A-103	Level 5 & Roof
•	A-201	Elevations North & South
•	A-202	Elevations – East & West
•	A211	Building Sections

In addition to the foregoing submitted materials, the Planning Board may also wish to consider:

Waivers

The applicant submitted a number of waiver petitions for consideration by the Planning Board:

• **Topography and Drainage Plan** – The applicant petitions: "There currently exists a structure and pavement on the site. No excavation of the site is being proposed, therefore topography and drainage will not be altered.

Site topographic changes would be expected to alter the drainage patterns onsite, which will determine downstream volume and velocity.

• **Required Off Street Parking** – The applicant petitions: "There is adequate parking available parking on the streets and the nearby parking garages."

This is not valid waiver request. A reduction in the number of required parking spaces is available only through a special permit.

• **Submission of drainage computations** – The applicant petitions: "The site has 100% impervious cover for 100 years. The proposed building will cause no increase in the volume or rate of runoff."

There is incomplete information in the application regarding how the proposal will handle stormwater. The board may wish to require more information about the existing and proposed site drainage conditions.

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;
 - o 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;
 - o 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.

Special Permit

Per zoning ordinance section 3120 the board may reduce any parking or loading requirement if, the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

- Use of a common parking lot for separate uses having peak demands occurring at different times;
- Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;
- Peculiarities of the use which make usual measures of demand invalid;
- Availability of on-street parking or parking at nearby municipally owned facilities.
- Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.

Additionally, under section 5300 of the zoning ordinance the Board must take into account the characteristics of the site and of the proposal in relation to that site, the determination shall include consideration of each of the following:

- Social, economic, or community needs which are served by the proposal.
- Traffic flow and safety, including parking and loading.
- Adequacy of utilities and other public services.
- Neighborhood character and social structures.
- Impacts on the natural environment
- Potential fiscal impact, including impact on City services, tax base, and employment

Staff Recommendations

NOTE: Due to the lack of detail in the plans presented and amount of plan elements dependent upon offsite conditions, it is recommended that the board request to continue the petition in order to further refine plans and reach further resolution before a site plan approval can be issued.



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:

Th	nat the following <u>specific conditions</u> be applied to this decision:
	This project requires approval by the New Bedford Historic Commission. Any conditions imposed by the Historic Commission decision shall also be conditions of this approval. The exterior lighting and signage has not been approved and will require a separate submittal.
	The approval for the one parking space proposed is contingent upon subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).
	Bicycle parking as proposed is contingent upon subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).
	The on-site waste management capacity is to be clarified and confirmed as adequate for the anticipated demand to be generated on site. And/or waste management is contingent upon subsequent approval for the development of the adjoining property (127-129 Union Street Map 53 Lot 146).
	The parking space dimensions shall be at least nine (9) feet by twenty (20) feet; and it may not encroach into the public sidewalk.
	The gas lamp street light located near northwest corner of the proposed building is to be relocated so as not to conflict with the proposed driveway. Relocation placement is to be coordinated with the historic commission.
	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.
	More detailed information on rooftop mechanicals and a view from the north elevation be provided for the board's review.
	The soil conditions are to be tested prior to any construction and the results be provided to the board for review. Further, if the soil test results show relatively contaminant free soil, the site plan is to be modified to include infiltration units in order for runoff to infiltrate to the maximum extent possible. The revised plans are to be provided to the board as a plan modification for review.

- ☐ 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/)

