



CITY CLERKS OFFICE
NEW BEDFORD, MA
PLANNING BOARD
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CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

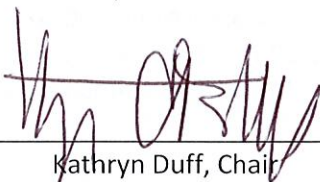
Case Number:	18-21				
Request Type:	Site Plan				
Address:	804-812 Brock Avenue				
Zoning:	Mixed Use Business Zoning District				
Recorded Owners:	Po Kin Chan & Po Yam Chan				
Owner Address:	8 Whitelock Street New Bedford, MA 02745				
Applicant:	Michael Walker Design/Builder, LLC				
Applicant Address:	500 Horseneck Road Dartmouth, MA 02748				
Application Submittal Date		Public Hearing Date(s)		Decision Date	
April 13, 2018		May 9, 2018; June 13, 2018; October 10, 2018		October 10, 2018	
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number	
14	232	4715	114		

Application: Michael Walker Design/Builder, LLC (500 Horseneck Road Dartmouth, MA) on behalf of Po Yam Chan (8 Whitelock Street New Bedford, MA) for Site Plan approval for the conversion of an existing mixed use structure from four (4) residential units and three (3) commercial units to six (6) residential units and one (1) commercial unit, on a .10± acre site, located at 804-812 Brock Avenue (Map 14 Lot 232) in a Mixed Use Business [MUB] zoned district.

Action: WITHDRAWN, without prejudice.

A copy of this decision was filed with the City Clerk of the City of New Bedford on October 24, 2018.

10/24/2018
Date


Kathryn Duff, Chair
City of New Bedford Planning Board

1) APPLICATION SUMMARY

Application submitted by Michael Walker Design/Builder, LLC (500 Horseneck Road Dartmouth, MA) on behalf of Po Yam Chan (8 Whitelock Street New Bedford, MA) for Site Plan approval for the conversion of an existing mixed use structure from four (4) residential units and three (3) commercial units to six (6) residential units and one (1) commercial unit, on a .10± acre site, located at 804-812 Brock Avenue (Map 14 Lot 232) in a Mixed Use Business [MUB] zoned district.

2) DISCUSSION

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife and George Smith were in attendance at the May 9, 2018 meeting. Acting City Planner Kirsten Bryan and Staff Planner Jennifer Carloni were present during the discussion.

Representative of the Petitioner: Mr. Michael Walker (500 Horseneck Road Dartmouth, MA 02748) stated the applicant seeks to utilize a current open, ground floor space which has been vacant for a number of years. He explained the property dimensions and configuration, and his proposed alterations to the property, which currently contains twelve rooms on the second and third floors. He stated they are seeking to build apartments in a portion of the currently vacant ground floor commercial space.

Mr. Walker went on to explain that they propose to enclose the rear trash area, leaving space for two cars. Previous signage would be removed. He stated the replacement of windows and a door is the only planned exterior work, with all other renovations being interior.

Mr. Walker stated he didn't believe there was any visual downside to the proposed work, as it is all inside. He noted all utilities are present in the basement.

In response to Chairperson Duff, Mr. Walker stated he could not tell if there was a curb cut to access the back alley space, as it appears to have been overlaid several times on Ellen Street. Board Member Cruz noted there is a pretty tight curb cut. Mr. Walker stated there are several properties on Ellen Street with front and back parking. Chairperson Duff expressed concern with parking room in addition to trash barrels for the multiple units. Mr. Walker stated the requirement is two spaces per unit, in this case twelve spaces, with an additional space for the restaurant. Chairperson Duff corrected the applicant that it would be five spaces for the restaurant, adding that would result in adding some sixteen spaces to the already overwhelmed street parking. Mr. Walker responded that while there is heavy parking, the project provides two generous apartments into the housing market.

Board Member Cruz was interested as to any good faith effort to rent or lease the space out before going forward with this conversion. Board Member Cruz also noted the lack of sunlight. Mr. Walker stated operable sash is required for 10% of the area of the room where the window is installed, or mechanical ventilation in the alternative. Mr. Walker stated he has also proposed skylight installation. He felt this was a workable solution.

There were further concerns and discussion regarding compromising mixed use space for residential units, as well as the parking space problem, noting the proposed conversion would be for two additional apartments.

Board Member Cruz stated he has no plans before him that demonstrate any effort to address maximizing on-site parking. Mr. Walker directed Board Member Cruz to the second page, which was missing in some of

the board packets. Mr. Walker explained the history of the Chans acquiring the property and their inability to rent the lower space.

Ms. Angela Chan (8 Whitelock Street New Bedford, MA) stated the two spaces they seek to make into apartments are currently vacant. She stated that they have tried for decades to put the commercial on the market for rent. She felt this would create some value for that which they have been paying taxes on for some ten years. Board Member Glassman noted that it was formerly the Trolley Stop. Ms. Chan stated the Golden Star Restaurant is generally walk-in take-out traffic, with no real parking problem.

There was continued discussion on parking issues/potential solutions.

Ms. Chan inquired as to what the board would recommend as a use for this vacant property in the alternative. Chairperson Duff noted that is not within the board's purview, but encouraged Ms. Chan to explore resources for a business assessment, noting the building has been modified many times throughout the years. She expressed concerns about the character of the building proposal within the neighborhood and community benefits. Mr. Walker expressed reasons for his disagreement.

A motion was made (PC) and seconded (AG) to open the public hearing. Motion passed unopposed.

Chairperson Duff read into the record correspondence dated April 27, 2018 from Councilor Joseph Lopes, expressing his opposition.

There was no response to Chairperson Duff's invitation to speak or be recorded in favor.

There was no response to Chairperson Duff's invitation to speak or be recorded in opposition.

A motion was made (AG) and seconded (PC) to close the public hearing. Motion passed unopposed.

Chairperson Duff also suggested the applicant speak with the Economic Development Council. Board Member Smith raised the possibility of the applicant withdrawing in order to present the matter again. Chairperson Duff also suggested the possibility of continuing the matter if the applicant was amenable. Chairperson Duff, Board Member Smith and Ms. Carloni explained some of the applicant's questions on the better course of action for them, including their future appearance at the Zoning Board of Appeals. The applicant elected to continue the matter.

A motion was made (GS) and seconded (PC) to continue this matter to June 13, 2018. Motion passed unopposed.

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife and George Smith were in attendance at the June 13, 2018 meeting. Acting City Planner Kirsten Bryan and Staff Planner Jennifer Carloni was present during the discussion.

Chairperson Duff informed the board that a letter dated June 4, 2018 had been received from Attorney Sheldon Freidman wherein a further continuance to October was requested. The letter was read into the record.

A motion was made (GS) and seconded (AG) to place on file. Motion passed unopposed.

Regarding Case #18-21, a motion was made (GS) and seconded (AG) to grant the request for continuance to

October 10, 2018. Motion passed unopposed.

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, and Kamile Khazan were in attendance at the October 10, 2018 meeting. City Planner Tabitha Harkin and Staff Planner Jennifer Carloni were present during the discussion.

Chair Duff read into the record a letter dated August 24, 2018 submitted to the board by Attorney Sheldon Friedland, on behalf of Po Yam Chan (81 Whitelock Street New Bedford, MA). The letter requested the applicant be allowed to withdraw the application.

3) DECISION

Board Member Glassman made the motion, seconded by Mr. Cruz to allow the applicant to withdraw the application without prejudice. With all in favor the motion passed four (4) to zero (0).

Filed with the City Clerk on:

10/24/2018

Date

A handwritten signature in dark ink, appearing to read 'Kathryn Duff', is written over a horizontal line. The signature is stylized with a large 'K' and 'D'.

Kathryn Duff, Chair
City of New Bedford Planning Board