



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN

DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING

December 14, 2016

Case #35-16: SITE PLAN REVIEW
Case #36-16: SPECIAL PERMIT FOR PARKING REDUCTION
331-337 Wood Street
Map 117, Lot 26

Applicant/

Owner: JMP Property & Development, LLC
24 Jocelyn Street
New Bedford, MA 02745

Applicant's

Agent: CDBS-A Division of Integrated House
Wrights, LLC
P.O. Box 578
Wareham, MA 02576-0578.



LOOKING AT SITE FROM
SOUTH SIDE OF WOOD STREET

Overview of Request

Request to consider applications under Chapter 9 Comprehensive Zoning for Site Plan approval for expansion of an existing multifamily residential structure and a Special Permit for Parking Reduction on a 3,400 SF site located at 331-337 Wood Street (Map 117, Lot 26) in the Residence B (RB) zoning district.

The applicant/owner proposes interior renovations to the 3744+/- SF structure built circa 1925 by converting the first floor business use to a third residential dwelling unit, as applicable under **§5422**. The non-conforming business use has been abandoned, or not used, for more than two years.

On October 13, 2016 the Zoning Board of Appeals approved **Case #4245 for Special Permit** for a non-conforming structure to allow the creation of one (1) additional residential unit in the Residential B zoning district under **§2430. Nonconforming Structures, Other Than Single- and Two-Family Structures**. The ZBA conditioned approval of Case #4245 on a future decision by the Planning Board concerning the amount of parking required on site (Attachment 6).

Parking requirements for residential uses stipulate two (2) spaces per unit under the ordinance. Four (4) on-site tandem spaces are currently provided for tenant use. The applicant therefore petitions the Planning Board for a Special Permit for a parking reduction for on-site parking requirements from six (6) spaces to four (4) spaces.

The applicant/owner submits five (5) waiver petitions for the Planning Board's consideration (Attachment 4):

5451. b. Topography and Drainage Plan

5451. c. Utility Plan

5451. e. Landscaping Plan

5451. f. Lighting Plan

5454 Drainage Calculations



Existing Conditions

The two-story, non-conforming legal structure, is located at the northeast corner of Wood and Vernon Street, north of Brooklawn Park and south of Normandin Middle School. The neighborhood is a mix of well-maintained multifamily and single-family dwelling units. Site visit by staff notes this is a heavily traveled through-street connecting Acushnet Avenue and Ashley Boulevard.

The existing 3,744+/- SF combined two-family and business use structure is a zero lot line building bordered by city sidewalk on the south and west, and abutting property at the east. The set back from the north property lot line abutter is approximately twenty (20) feet. A permit was granted by the Department of Inspectional Services in 1998

under Case 1022-98 for the installation of a 12' x 40' driveway on Vernon Street. Currently this unpaved, grassy area provides four (4) tandem parking spaces for existing tenants. The overall area for parking is 18+/- feet wide by 40+/- deep, which meets ordinance requirements for the minimum nine (9) FT by twenty (20) FT dimensional parking space.

Proposed Conditions

The applicant seeks to convert the former 1200+/- SF first-floor business space to a two (2) bedroom apartment and shared laundry area for tenants. The site constrictions imposed by the non-conforming building mass and land area preclude on-site parking for a third dwelling unit. The applicant seeks a special permit from the Planning Board for parking reduction and anticipates tenants will utilize the city streets for parking of personal vehicles.

Site Plan Review

The submittal is named on the Title Sheet as Proposed Interior Renovations for 331-337 Wood Street, New Bedford, MA dated 11.17.2016, prepared for JMP Property & Development, LLC., 24 Jocelyn Street, New Bedford, MA 02745 by CDBS-A Division of Integrated House Wrights, LLC, P.O. Box 578, West Wareham, MA 02576 and Fred K. Hanack, P.E., 274 Slocum Road, Dartmouth, MA 02747, consisting of four (4) sheets.

Recommended modifications are noted as follows:

Cover Sheet – A0.1

- Typo at Square Footage; Lot Area is 3400 SF, not 3200 SF.
- Typo at Allowed Side Setback; twelve (12) feet, not eight (8) feet.
- *Applicant should check and resubmit all documents with corrections, to include all Plan sheets, Site Plan Review Application, Special Permit Application, Narrative, and any other conflicting documentation submitted for consideration by the Planning Board.*

Existing and Proposed Site Plan – C1.1

Existing and Proposed Floor Plan – A1.1

Existing and Proposed West Side Elevation – A1.1

Review Comments

Plans for modification were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department offices.

- Conservation Commission staff noted 331 and 337 Wood Street are not located in or within 100' of State or Local Wetland Resource Areas. Therefore, no permit is required from the Conservation Commission for this project.

Outside of this, no further comments from city offices were received in this matter.

Special Permit for Parking Reduction

When considering an application for Special Permit, the Board must take into account the characteristics of the site and of the proposal in relation to that site, in addition to any specific factors that may be set forth under Section 5300 of the zoning ordinance. As to those thresholds, staff offers the following considerations:

- Social, economic, or community needs which are served by the proposal.**

The vision of the City includes the creation of dynamic neighborhoods. This proposal allows the restoration of an existing property and provides additional residential stock to the neighborhood.

- Traffic flow and safety, including parking and loading.**

Although the parking to be provided on site is not consistent with existing zoning standards, many of the properties in this neighborhood either have inadequate parking or on-street parking that appears to be available. The applicant points out in the Narrative that there are four (4) proposed off-street parking spaces available for parking, and existing utility service adequate for the proposed use.

- Adequacy of utilities and other public services.**

Whereas the applicant is replacing an existing structure within a neighborhood with complete utility and public services, there is no anticipated issue with this adequacy.

- Neighborhood character and social structures.**

Housing is the most prevalent land use in New Bedford, and its cost and availability are critical components that define much of the city's character. Within this neighborhood, a recent windshield survey indicated there were not too many vacant apartments or houses for sale thus suggesting that the renovation of existing aging housing stock is appropriate in this area. The proposed special permit would allow for one additional residential unit on a lot that already has two such units. The neighborhood is heavily residential and comprised of a combination of single, two family and multi-family dwellings. This includes buildings like the subject property that appear to have had first floor commercial uses but have since converted from retail to residential uses. In this regard, conversion for this unit would not be entirely out of character with the neighborhood.



- **Impacts on the natural environment**

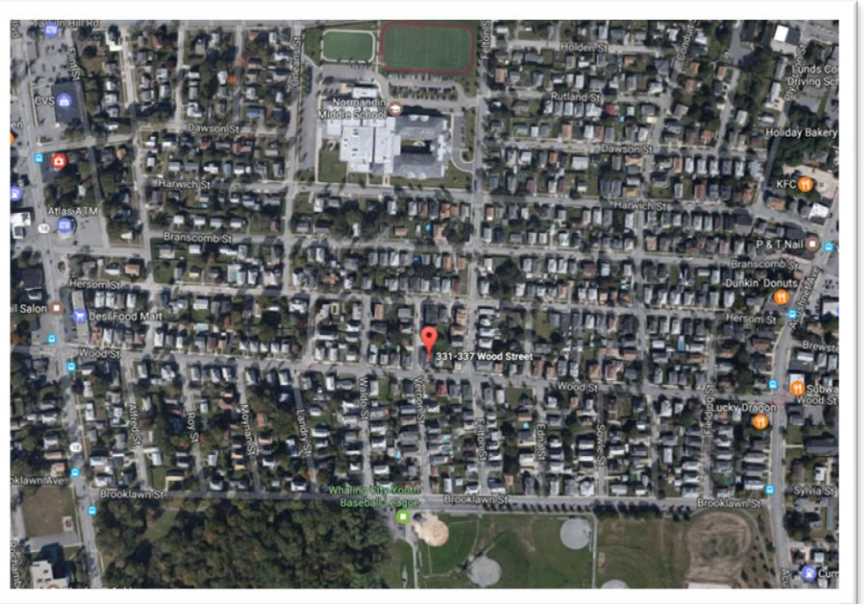
The applicant is renovating an existing structure and this application for parking reduction is for the utilization of urban space currently used for parking; there will be no anticipated negative impacts on the natural environment as a result of granting the special permit.

- **Potential fiscal impact, including impact on City services, tax base, and employment**

Having this property renovated and the site improved will provide a positive fiscal impact on the city and the broader neighborhood by improving property values. Outside of water/sewer/trash services (which would be needed for any use of the first floor), no additional city services are necessitated by this application.

- **Master Plan Goal**

This proposal is consistent with the master plan's goal (of establishing a sound foundation for future growth that builds upon its coastal location, preserves its historic legacy, and expands cultural and workforce opportunities) as it restores blighted property, improves the neighborhood, utilizes existing housing and provides new residential opportunities.



CONTEXT AERIAL LOOKING NORTH

Staff Recommendation

Because the structure is existing and no exterior site modifications are proposed, staff recommends approval the following five (5) waiver petitions be granted:

5451. b. Topography and Drainage Plan

5451. c. Utility Plan

5451. e. Landscaping Plan

5451. f. Lighting Plan

5454 Drainage Calculations

Having reviewed this request, the existing character of surrounding properties and thresholds required for Site Plan and Special Permit, staff recommends approval of this application to include the following conditions:

- ☐ That the application shall ensure proper and timely snow removal off-site so residents are able to safely access the off-street parking spaces and circulation onto and off of the site each winter, maintaining all four existing spaces.
- ☐ Applicant should check and resubmit all documents with corrections, to include all Plan sheets, Site Plan Review Application, Special Permit Application, Narrative, and any other conflicting documentation submitted for consideration by the Planning Board. *(i.e., That the applicant will make corrections of typographical errors for Square Footage, showing Lot Area as 3400 SF, not 3200 SF; and Allowed Side Setback at twelve (12) feet, not eight (8) feet.)*

Attachments:

1. Narrative

2. Site Plan Approval Application
3. Special Permit Application
4. Request for Waivers
5. Deed – Bristol County (S.D) Registry of Deeds Book 11697, Page 300
6. ZBA Decision for Case #4245
7. Plan Set Dated 11.17.2016

**Narrative
For
331-337 Wood Street
New Bedford, MA**

Property History:

3400
The existing property consists of one (1) two story building with a residential unit on the second floor and a residential unit on the east side and a repair shop on the west side of the first floor that was erected around 1925. The building is located in the North end of New Bedford on the corner of Vernon and Wood Street; Lot 26, Map 117 with an area of 0.078 acres or 3,200 sf and is zoned as a RB use. The structure is of a raised residential unit over a storefront style building, having brick and stucco in the first floor and vinyl siding on the exterior with an asphalt single roof on the second floor and a tar built-up roof on the lower east side living unit. The structure is comprised of 2,340 sf. on the first floor 1,419 sf. on the second floor giving it a total of 3,759 gross sf.

Proposed Project:

The proposed project is to convert the repair shop on the west side of the first floor in to a (2) two-bedroom residential unit and a laundry facility for the building tenants at the rear of the existing building. There will be no building footprint increase in order to accomplish such alteration.

Site:

The existing site provides for (4) four off street parking spots as two (2) rows of two (2) stacked parking spaces on an area that is 20'-0" wide x 40'-0" deep.

Development Impact:

The conversion of the repair shop creates a relief to a thickly populated residential area by eliminating additional traffic flow for pickup, deliveries, customer and employee parking. This conversion does not create any additional request for city services, if anything it actually reduces the hazard rating of the structure.

Scheduled Improvements

Other proposed improvements are to the exterior of the building which is to relocate and replace (2) two windows on the west side (Vernon Street) down to street level to provide the required means of egress for the bedrooms as required by the Commonwealth of Massachusetts State Building Code.



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING BOARD

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

SITE PLAN REVIEW APPLICATION

The undersigned, being the Applicant, seeks Site Plan Approval for property depicted on a plan entitled: Existing and Proposed Site Plan by: CDBS dated: 11-17-2016

1. Application Information

Street Address: 331-337 Wood St, New Bedford, MA

Assessor's Map(s): 117 Lot(s) 26

Registry of Deeds Book: 11697 Page: 300

Zoning District: RB

Applicant's Name (printed): JMP Property & Development, LLC

Mailing Address: 24 Jocelyn St New Bedford MA 02745
(Street) (City) (State) (Zip)

Contact Information: 774-263-0723 jmpdev@comcast.net
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:

Application, Drawings (A0.1, C1.1, A1.1, A2.1), Abutters List, Permit Rejection, Deed, ZBA decision, and Narrative.

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.

11.17.16
Date

[Signature]
Signature of Applicant

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov
PH: (508)979-1488 • FX: (508)979-1576

Case 35-16

Case 35-16 & 36-16
11/18/2016

ATTACHMENT 2

2. Review Applicability (Check All That Apply to Your Proposal)

Category

- ☒ Residential
☐ Commercial
☐ Industrial
☐ Mixed (Check all categories that apply)

Construction

- ☐ New Construction
☐ Expansion of Existing
☒ Conversion
☐ Rehabilitation

Scale

- ☐ < 2,000 gross sq feet
☒ > 2,000 gross sq feet
☐ 3 or more new residential units
☐ 1 or more new units in existing res. multi-unit
☐ Drive Thru Proposed
☐ Ground Sign Proposed
☐ Residential Driveway With > 1 curbcut

3. Zoning Classifications

Present Use of Premises: 2-Residential Units/ 1-Repair Shop

Proposed Use of Premises: 3-Residential Units

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

4-24-5

4. Briefly Describe the Proposed Project:

Convert existing repair shop on the west side of the first floor to a residential unit, relocate and install (2) two new egress windows on the west wall for for building code compliance.

5. Please complete the following:

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	3400 3200	8000	3400 3200
Lot Width (ft)	40'	100'	40'
Number of Dwelling Units	2	1	3
Total Gross Floor Area (sq ft)	3759	SEE SPECIAL PERMIT	3759
Residential Gross Floor Area (sq ft)	2340	SEE SPECIAL PERMIT	3759
Non-Residential Gross Floor Area (sq ft)	1419	SEE SPECIAL PERMIT	0
Building Height (ft)	27' 6"	45'	27' 6"
Front Setback (ft)	1' 8"	20'	1' 8"
Side Setback (ft)	2"	8'	2"
Side Setback (ft)	10"	10'	10"

Rear Setback (ft)	18' 4"	30'	18' 4"
Lot Coverage by Buildings (% of Lot Area)	73%	40%	73%
Permeable Open Space (% of Lot Area)	23%	0	23%
Green Space (% of Lot Area)	4%	35%	4%
Off-Street Parking Spaces	4	2 SPACES PER DWELLING UNIT	4
Long-Term Bicycle Parking Spaces	0	0	0
Short-Term Bicycle Parking Spaces	0	0	0
Loading Bays	0	0	0

6. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>N/A</u>	<u>N/A</u>
b) Number of employees:	<u>N/A</u>	<u>N/A</u>
c) Hours of operation:	<u>N/A</u>	<u>N/A</u>
d) Days of operation:	<u>N/A</u>	<u>N/A</u>
e) Hours of deliveries:	<u>N/A</u>	<u>N/A</u>
f) Frequency of deliveries: <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Other: <u>N/A</u>		

7. Planning Board Special Permits:



The applicant is also requesting a Special Permit from the Planning Board.

Specify the requested Special Permit(s) below, and set forth within attached Development Impact Statement how the request meets approval criteria listed in §5320 of the zoning code.
Special Permit - reduction in parking, Planning Board.

8. ZBA Variances and Special Permits:

NOTICE: Checking below does not constitute application for a special permit or a variance. The applicant must also file the proper application form and fee with the Zoning Board of Appeals.



The applicant is also requesting a special permit from the ZBA:

Specify zoning code section & title

See Decision



The applicant is also requesting a variance from the ZBA:

Specify zoning code section & title

9. OWNERSHIP VERIFICATION

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

I hereby authorize the following Applicant: JMP Property & Developement, LLC

at the following address: 24 Jocelyn St, New Bedford, MA

to apply for: Unit Conversion

on premises located at: 331-337 Wood St, New Bedford, MA

in current ownership since: May 26, 2016

whose address is: 24 Jocelyn St, New Bedford, MA

for which the record title stands in the name of: JMP Property & Developement, LLC

whose address is: 24 Jocelyn St, New Bedford, MA

by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 11697 Page: 300

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.

11-17-16
Date

[Signature]
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 NOV 18 P 2:43
CITY CLERK



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: Existing and Proposed Site Plan by: CDBS dated: 11-17-2016

1. Application Information

Street Address: 331-337 Wood St, New Bedford, MA

Assessor's Map(s): 117 Lot(s) 26

Registry of Deeds Book: 11697 Page: 300

Zoning District: RB 283-B

Applicant's Name (printed): JMP Property & Development, LLC

Mailing Address: 24 Jocelyn St New Bedford MA 02745

(Street) (City) (State) (Zip)

Contact Information: 774-263-0723 jmpdev@comcast.net

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:

Application, Drawings (A0.1, C1.1, A1.1, A2.1), Abutters List, Permit Rejection, Deed, ZBA decision, and Narrative.

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.

11-18-16
Date

[Signature]
Signature of Applicant

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov
PH: (508)979-1488 • FX: (508)979-1576

2. Zoning Classifications

Present Use of Premises: 2-Residential Units/ 1-Repair Shop

Proposed Use of Premises: 3-Residential Units

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

4245

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

SEE ATTACHED SHEET

4. Please complete the following:

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	3400 3200	8000	3400 3200
Lot Width (ft)	40'	100' ✓	40'
Number of Dwelling Units	2	1 MULTI	3
Total Gross Floor Area (sq ft)	3759	ZBA decision	3759
Residential Gross Floor Area (sq ft)	2340	ZBA decision	3759
Non-Residential Gross Floor Area (sq ft)	1419	ZBA decision	0
Building Height (ft)	27' 6"	45' ✓	27' 6"
Front Setback (ft)	1' 8"	20' ✓	1' 8"
Side Setback (ft)	2"	8' 12" ✓	2"
Side Setback (ft)	10"	10' ✓	10"
Rear Setback (ft)	18' 4"	30' ✓	18' 4"
Lot Coverage by Buildings (% of Lot Area)	73%	40% ✓	73%
Permeable Open Space (% of Lot Area)	23%	0	23%
Green Space (% of Lot Area)	4%	35% ✓	4%
Off-Street Parking Spaces	4	2 spaces per dwelling unit ✓	4
Long-Term Bicycle Parking Spaces	0	0	0
Short-Term Bicycle Parking Spaces	0	0	0
Loading Bays	0	0	0

N/C

N/C

? S.W.E.D.A.S.

5. Please complete the following:

	Existing	Proposed
a) Number of customers per day:	<u>N/A</u>	<u>N/A</u>
b) Number of employees:	<u>N/A</u>	<u>N/A</u>
c) Hours of operation:	<u>N/A</u>	<u>N/A</u>
d) Days of operation:	<u>N/A</u>	<u>N/A</u>
e) Hours of deliveries:	<u>N/A</u>	<u>N/A</u>
f) Frequency of deliveries:	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Other:	<u>N/A</u>

6. OWNERSHIP VERIFICATION

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

I hereby authorize the following Applicant: JMP Property & Development, LLC

at the following address: 24 Jocelyn St, New Bedford, MA

to apply for: Parking Reduction

on premises located at: 331-337 Wood St, New Bedford, MA

in current ownership since: May 26, 2016

whose address is: 24 Jocelyn St, New Bedford, MA

for which the record title stands in the name of: JMP Property & Developement, LLC

whose address is: 24 Jocelyn St, New Bedford, MA


by a deed duly recorded in the:

Registry of Deeds of County: Bristol Book: 11697 Page: 300

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.

1/18/16
Date


Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

Breifly describe the proposed project and specify all required special permits:

Converting a commercial space into a residential living unit therefore we are requesting a special permit for reduction of parking. We are required to have 6 parking spaces, 2 per dwelling unit. We have 4 existing off street parking and are asking for a relief for 2 parking spaces.

5321: This proposal of converting the commercial unit to a residential unit would create more affordable housing for the city. Repairing this structure would upkeep the building, thus making the neighborhood look more desirable, and increase the value of the neighborhood.

5322: By converting the commercial unit to a residential unit, it would make the neighborhood safer and reduce the traffic flow. Only residents and normal traffic would be going by this area instead of random customers going to this location. It is located in a multifamily neighborhood, many of which have children; the less traffic in a multifamily neighborhood, the better.

5323: There is no upgrade to the utilities required. The existing utilities are more than adequate to the building's needs.

5324: By maintaining this existing structure, it makes the neighborhood look nicer because the buildings are not being allowed to become dilapidated. This would thus make this neighborhood more desirable to potential residents looking to live in the area.

5325: The proposed conversion from a commercial space to a residential unit does not impact the environment because there is no building footprint increase and all work is occurring on the inside of the structure.

5326: The conversion of the repair shop creates a relief to a thickly populated residential area by eliminating additional traffic flow for pickup, deliveries, customer and employee parking. This conversion does not create any additional request for city services, if anything it actually reduces the hazard rating of the structure.



City of New Bedford REQUEST FOR WAIVER

CASE #: 35-16 + 36-16

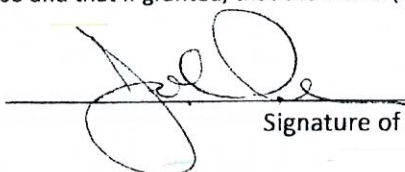
APPLICATION FOR WAIVER FROM SITE PLAN REVIEW REQUIREMENTS

In certain instances, after consulting with the City Planner, the applicant may submit, in writing, a request for waiver for any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans. The Planning Board will take a separate vote on written waiver requests by the applicant. Each request for waiver must be submitted individually to be considered by the Board. Please provide one (1) original and fifteen (15) copies of the request.

Any granted waivers must be disclosed on the final submitted and approved site plan.

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	117	LOT(S)#	26
REGISTRY OF DEEDS BOOK:	11697	PAGE #	300
PROPERTY ADDRESS: 331 - 337 Wood Street			
ZONING DISTRICT: RB			
OWNER INFORMATION			
NAME: JMP Property & Development, LLC			
MAILING ADDRESS: 24 Jocelyn Street, New Bedford, MA 02745			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): John Pereira			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	774-263-0723		
EMAIL ADDRESS:	jmpdev@comcast.net		

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). If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the waiver(s) must be noted on the approved Site Plan and acted upon within one year.


Signature of Applicant/s

11-9-16
Date

ATTACHMENT 4

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the waiver(s) must be noted on the approved Site Plan and acted upon within one year.

Signature of Owner/s

Date

DESCRIPTION	Ordinance Section		CLEARLY Describe why this request is being made.
	1	***Example*** 5451. b. Topography and Drainage Plan	***Example*** 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.
	2	5451.b Topography and Drainage Plan	There is an existing structure and gravel parking area on the site. No excavation or topography, paving or drainage alterations required.
	3	5451.c Utility Plan	There is an existing structure on the site. No new utilities or upgrade required.
	4	5451.e Landscaping Plan	There is an existing structure and gravel parking area on the site. No excavation or topography, paving or drainage alterations required. All work is on the inside of the building.

Additional pages describing the waiver request may be attached to this form following the same chart format, if necessary.



Please check here if additional pages are attached.



Number of Waiver requests submitted for consideration:

331 - 337 Wood Street
New Bedford, MA 02745

Waiver Request, cont.

5451.f.
Lighting Plan

There is an existing structure and gravel parking area on the site. All work is on the inside of the building.

5454
Drainage Calculations

There is an existing structure and gravel parking area on the site. No excavation or topography, paving or drainage alterations required. All work is on the inside of the building.

On: May 26, 2016 at 01:11P

QUITCLAIM DEED

We, LISE C. KAMPERSAL, PAULA L. DABROWSKI and PHILIP A. CORMIER, individually and as Trustees of the LPP REALTY TRUST, under Declaration of Trust dated September 7, 2001, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 5167, Page 205, of 254 Jordan Road, Plymouth, Massachusetts 02360

for consideration paid, and in full consideration of One Hundred Forty-Seven Thousand Dollars (\$147,000.00)

grant to JMP PROPERTY & DEVELOPMENT, LLC, a Massachusetts Limited Liability Company with a principal place of business located at 24 Jocelyn Street, New Bedford, Massachusetts 02745

with QUITCLAIM COVENANTS

the land, with any building(s) thereon, located in New Bedford, Bristol County, Massachusetts, more particularly bounded and described as follows:

BEGINNING at the southwest corner of this lot at the intersection of the east line of Vernon Street with the north line of Wood Street;
Thence Northerly in said east line of Vernon Street, eighty-five (85) feet to Lot No. 22 on plan of Westby Park, so called;
Thence Easterly by said Lot No. 22, forty (40) feet to Lot No. 25 on said plan;
Thence Southerly by said Lot No. 25, eighty-five (85) feet to the north line of Wood Street;
Thence Westerly in said north line of Wood Street, forty (40) feet to the place of beginning.
CONTAINING 12.49 square rods, more or less.

Property Address: 331-337 Wood Street, New Bedford, Massachusetts 02745.

The grantors herein hereby release any and all homestead rights that they may have in the above-described property and certify that no other person is entitled to claim the benefit of an existing estate of homestead.

Being a portion of the premises described in a deed to the grantors herein dated September 7, 2001, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 5167, Page 213 (Being Parcel Two therein).

WITNESS my hand and seal this 20th day of May, 2016.

[Signature]
Witness

[Signature]
LISE C. KAMPERSAL, Individually and as
Trustee of the LPP REALTY TRUST

STATE OF NEW MEXICO

Bernalillo County, ss.

May 20, 2016

Then personally appeared the above-named LISE C. KAMPERSAL, Individually and as Trustee of the LPP REALTY TRUST, who proved to me through satisfactory evidence of identification which was Massachusetts Driver's License

to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose before me,

[Signature]
Notary Public

My commission expires: 11-9-2017

WITNESS my hand and seal this 23rd day of May, 2016.

URVASHI CHETIA

Witness



PHILIP A. CORMIER, Individually and as
Trustee of the LPP REALTY TRUST

STATE OF CONNECTICUT

Hartford County, ss.

May 23, 2016

Then personally appeared the above-named PHILIP A. CORMIER, Individually and as
Trustee of the LPP REALTY TRUST, who proved to me through satisfactory evidence of
identification which was Connecticut Drivers License
to be the person whose name is signed on this
document, and acknowledged to me that he signed it voluntarily for its stated purpose before
me,



Notary Public

My commission expires:

BEATA B. STAWSKI
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2018

WITNESS my hand and seal this 26th day of May, 2016.

Sara B. O'Leary
Witness

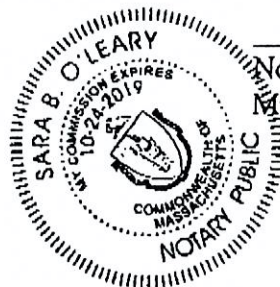
Paula L. Dabrowski
PAULA L. DABROWSKI, Individually and as
Trustee of the LPP REALTY TRUST

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss.

May 26, 2016

Then personally appeared the above-named PAULA L. DABROWSKI, Individually and as Trustee of the LPP REALTY TRUST, who proved to me through satisfactory evidence of identification which was a MA Drivers License to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose before me,



Sara B. O'Leary
Notary Public

My commission expires:

10/24/2019

TRUSTEES' CERTIFICATE

We, LISE C. KAMPERSAL, PAULA L. DABROWSKI and PHILIP A. CORMIER, Trustees of the LLP REALTY TRUST, under Declaration of Trust dated September 7, 2001, and recorded at the Bristol County (S.D.) Registry of Deeds in Book 5167, Page 205, hereby certify that:

1. Said Trust is in full force and effect.
2. All the beneficiaries are of full age.
3. All the beneficiaries are competent.
4. All the beneficiaries of said Trust have authorized us Trustees to execute and deliver a deed for the sale of the real estate located at 31-337 Wood Street, New Bedford, Massachusetts to JMP Property & Development, LLC for consideration of \$147,000.00, and in connection therewith to execute any and all documents necessary to effectuate the transfer of said property.

Signed under the pains and penalties of perjury this day of May, 2016.

LLP REALTY TRUST

By: LISE C. KAMPERSAL, Trustee

By: PAULA L. DABROWSKI, Trustee



By: PHILIP A. CORMIER, Trustee

WITNESS my hand and seal this 23rd day of May, 2016.

LLP REALTY TRUST

URVASHI GHETIA
Witness *[Signature]*

[Signature]

By: PHILIP A. CORMIER, Trustee

STATE OF CONNECTICUT

Hartford County, ss.

May 23, 2016

Then personally appeared the above-named PHILIP A. CORMIER, duly authorized Trustee as aforesaid, who proved to me through satisfactory evidence of identification which was ~~CONNECTICUT DRIVER'S LICENSE~~

to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose before me, and who swore under the pains and penalties of perjury that the contents of this document are truthful and accurate.

[Signature]

Notary Public

My commission expires:

BEATA B. STAWSKI
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2018

15085550727 P 8/10

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Signed under the pains and penalties of perjury this 20th day of May, 2016.

LLP REALTY TRUST



By: LISE C. KAMPERSAL, Trustee

By: PAULA L. DABROWSKI, Trustee

By: PHILIP A. CORMIER, Trustee

WITNESS my hand and seal this

20th

day of May, 2016.

LLP REALTY TRUST

[Signature]
Witness

[Signature]
By: LISE C. KAMPERSAL, Trustee

STATE OF NEW MEXICO

Bernalillo County, ss.

May 20, 2016

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[Signature]

Notary Public

My commission expires: 11-9-2017

WITNESS my hand and seal this

26th

day of May, 2016.

LLP REALTY TRUST

Witness

[Signature]

Paula L. Dabrowski, TR

By: PAULA L. DABROWSKI, Trustee

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss.

May 26, 2016

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a MA Drivers license

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[Signature]

Notary Public

My commission expires:

10/24/2019



JONATHAN F. MITCHELL
MAYOR

City of New Bedford

ZONING BOARD OF APPEALS

133 William Street, New Bedford
Massachusetts 02740
Telephone: (508) 979.1488
Facsimile: (508) 979.1576

CITY CLERK

2016 OCT 25 A 8:41

CITY CLERKS OFFICE
NEW BEDFORD, MA

NOTICE OF DECISION

Case Number:	#4245			
Request Type:	Special Permit			
Address:	331-337 Wood Street			
Zoning:	Residential B Zoning District			
Recorded Owner:	JMP Property & Development, LLC			
Owner's Address:	24 Jocelyn Street New Bedford, MA 02745			
Applicant(s):	JMP Property & Development, LLC			
Applicant's Address:	24 Jocelyn Street New Bedford, MA 02745			
Application Submittal Date	Public Hearing Date(s)	Decision Date		
August 25 th , 2016	October 13 th , 2016	October 13 th , 2016		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
117	26	11697	300	

Special Permit under provisions of chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB]. To allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed.

Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the conditions as described in the attached decision. (See Attachment)

A copy of this Decision was filed with the City Clerk of the City of New Bedford on October 25th, 2016. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

October 25, 2016

Date

Allen Decker

Clerk, Zoning Board of Appeals

1.) APPLICATION SUMMARY

The petitioners propose to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed, which requires a Special Permit under provisions of chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential B [RB] zoned district.

2.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Plan Set, drawn by Comprehensive Design-Build Services, stamped received by City Clerk's Office August 25th, 2016, including:
 - Cover Sheet A0.1
 - General Notes A0.2
 - Proposed Site Plan C1.1
 - Existing Conditions EX 1.1
 - Proposed First Floor A2.1
 - Proposed Building Elevations A3.1
- Revised Proposed Site Plan C1.1, drawn by Comprehensive Design-Build Services, stamped received by Planning Department September 23rd, 2016.

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, stamped received by City Clerk's Office August 25th, 2016.
- Revised Development Impact Statement, stamped received by Planning Department October 13th, 2016.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated September 2nd, 2016.
- Staff Comments to ZBA from Department of Planning, Housing & Community Development dated September 15th, 2016.
- Letter to ZBA from Councillor At Large Linda Morad, dated September 14th, 2016.

3.) DISCUSSION

On the evening of the October 13th, 2016 meeting, board members: Leo Schick, Horacio Tavares, Robert Schilling, Allen Decker, and Sherry McTigue were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Jennifer Gonet (Assistant Project Manager, Planning Division) were present during proceedings for the subject case review.

Mr. Decker made a motion, seconded by Ms. McTigue to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated September 2nd, 2016; Staff Comments from the Department of Planning, Housing & Community Development, dated September 15th, 2016; Communication from Councilor At Large Linda Morad dated September 14th, 2016; a revised development impact statement submitted October 13th, 2016; the appeal packet

as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

After input from Ms. Gonet, an amendment to the motion was made by Mr. Decker and seconded Ms. McTigue to include a submitted proposed repair renovation [revised site plan] at 331-337 Wood Street, submitted September 23rd, 2016. Motion passed unopposed.

Acting Chair Schick then declared the hearing open.

Representative of the petitioner, Mr. Armando Pereira (227 Union Street New Bedford, MA) of Comprehensive Design Build Services, addressed the board. He stated the property, a two-story structure on the corner of Vernon & Wood Streets, was built in 1925. Mr. Pereira explained that because he had made a mistake one of the street labels indicating Waldo Street where it should have correctly stated Vernon Street, he submitted the revised plan [accepted by the board.].

Mr. Pereira stated a former pinball and vending machine repair company, Adams & Adams, previously occupied part of the building on the subject property. He stated the east side has one residential unit, with a second residential unit above. He stated the proposal would allow the conversion of the repair shop into another residential unit by adding two bedrooms and a kitchen. It was noted that there were additional renovations intended including the installation of a laundry facility in back and some windows on the west side, all of which would stay within the building's existing footprint.

Mr. Pereira stated there are a couple of similar buildings on Wood Street and that historically many buildings did conduct retail business on the first floor. He stated the conversion will better the neighborhood and reduce impacts such as deliveries and parking for employees or customers and noted that a residential unit also lessens the structure's hazard rating. Further he noted the neighborhood has shopping and bus routes accommodating the use.

Mr. Pereira stated there are four available off-street parking spaces double stacked, again lowering any impact to the neighborhood. He stated such a use requires no additional city services and then briefly reviewed the plans for the board noting that the area has single-, three-, and six-family duplexes, and this proposed conversion will, for this reason, fit in.

Mr. Decker noted that a third unit will increase parking requirements, and the applicant will need a parking reduction through the Planning Board. He suggested that their approval could be conditioned on the same. Mr. Pereira indicated the applicant is amenable to the same.

Following the petitioner's testimony, Acting Chair Schick invited to the podium anyone wishing to speak in favor of the application. Mr. John Pereira (24 Jocelyn Street New Bedford, MA), the property owner, was recorded in favor of the petition. No one else in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Acting Chair Schick invited to the podium anyone wishing to speak in opposition of the petition. No one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

With no further questions or concerns, Acting Chair Schick closed the hearing. Board members indicated their readiness to vote.

4.) FINDINGS

The Board found that in accordance with City of New Bedford Code of Ordinances Chapter 9 Section 5320, the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. This determination included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
 - The board found that conversion to a residential use adds needed housing in the immediate area.
- *Traffic flow and safety, including parking and loading;*
 - The board has found that the removal of commercial use reduces the necessary related traffic flow.
- *Adequacy of utilities and other public services;*
 - The Board has found that the proposal is neutral as to those concerns.
- *Neighborhood character and social structures;*
 - The board found that the proposal promotes a proposed use that fits within the neighborhood's character.
- *Impacts on the natural environment;*
 - The Board has found that this proposal is neutral as to those concerns.
- *Potential fiscal impact, including impact on City services, tax base, and employment*
 - The Board has found the application and proposal are neutral as to those concerns.

5.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth below in Section 6.

The Board grants the Applicant's request for relief from chapter 9 comprehensive zoning sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB]. To allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as plans filed.

6.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Special Permit.

Mr. Decker made a motion, seconded by Ms. McTigue, as follows, to allow the petitioner to convert the existing repair shop on the west side of the first floor to a residential unit as per plans filed, which requires a special permit under the provisions of Chapter 9 comprehensive zoning sections 2400 (concerning nonconforming uses and structures), 2410 (concerning the applicability), 2430-2432 (concerning nonconforming structures, other than single and two-family structures) and 5300-5330 & 5360-5390 (concerning special permit); relative to property located at 331-337 Wood Street, assessor's map 117 lot 26 in a residential-B [RB] zoned district. This petitioner has been found to be in accordance with the City of New Bedford Code of Ordinances, Chapter 9, sections as cited, particularly as it relates to the following conditions: that the board found compliance with said sections and in addition to the foregoing sections, this petition has also been found to be in accordance with City of New Bedford Code of Ordinances, Chapter 9, sections 5300-5330 and 5360-5390, relative to the granting of special permits, because the board found that the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.

In consideration of the following sections, the board found that the social, economic or community needs served by this proposal are that conversion to a residential use adds needed housing in the immediate area.

Concerning traffic flow and safety, including parking and loading, in respect to this, the board found that the removal of commercial use reduces the necessary related traffic flow.

Concerning the adequacy of utilities and other public services, the board found that the application is neutral as to those concerns.

Concerning the neighborhood's character and social structures, the board found that the proposal promotes a proposed use that fits within the neighborhood's character of neighborhood.

Concerning impacts on the natural environment, the board has found this petition neutral as to those concerns.

Lastly, as to potential fiscal impact, including impact on city services, tax base and employment, the board has found that the application and proposal are neutral as to those concerns.

In light of the review of the specifics noted within the motion, the board finding that the material presented is complete, and after its careful consideration of the petitioner's request, the Zoning Board finds the petition satisfactorily meets the basis of the requested relief.

Therefore this motion is made and includes the following conditions:

- The project be set forth according to the plans submitted with the application;
- The Notice of Decision be recorded with the Registry of Deeds;
- A building permit be issued by the Department of Inspectional Services and acted upon within one year;
- The applicant secures the necessary approval from the Planning Board concerning the amount of parking required on site.

On a motion by A. Decker seconded by S. McTigue to grant the requested Special Permit, the vote carried 5-0 with members S. McTigue, A. Decker, L. Schick, R. Schilling, and H. Tavares, voting in the affirmative, no member voting in the negative. (Tally 5-0)

Filed with the City Clerk on:

October 25, 2016

Date

Allen Decker

Allen Decker, Clerk of the Zoning Board of Appeals