



**PLANNING BOARD**  
 City Hall, Room 303  
 133 William Street,  
 New Bedford, MA 02740  
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 www.newbedford-ma.gov

CITY OF NEW BEDFORD  
 JONATHAN F. MITCHELL, MAYOR

Registry of Deeds Use Only:

CITY CLERK  
 2015 AUG 24 A 10:22  
 CITY CLERKS OFFICE  
 NEW BEDFORD, MA

**NOTICE OF DECISION**

Case Number:		38-14		
Request Type:		Site Plan Approval		
Address:		475 Union Street		
Zoning:		MUB		
Recorded Owner:		Preferred Realty Services, LLC		
Applicant:		Preferred Realty Services, LLC		
Applicant Address:		1735 Market Street, A492, Philadelphia, PA 19103		
Application Submittal Date		Public Hearing Date		Decision Date
July 29, 2015		August 12, 2015		August 12, 2015
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
51	69	10833	268	

**Application:**

Request by applicant, Preferred Realty Services, LLC, for Site Plan Review for proposed New Construction of a Multi-Unit Residential Building (6 two-bedroom units) at the property known as 475 Union Street (Map Plot 51, Lot 269), in the Mixed Use Business zoning district.

**Action:** Granted, with Conditions

A copy of this Decision was filed with the City Clerk of the City of New Bedford on August 24, 2015. 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.

8/24/15  
 Date

Jill Maclean  
 Jill Maclean, City Planner  
 Agent for the Planning Board

**1) APPLICATION SUMMARY**

Request by applicant, Preferred Realty Services, LLC, for Site Plan Review for proposed New Construction of a Multi-Unit Residential Building (6 two-bedroom units) at the property known as 475 Union Street (Map Plot 51, Lot 269), in the Mixed Use Business zoning district. Applicant: Preferred Realty Services, LLC, 386B Third Beach, Middletown, RI, 02842.

**2) MATERIALS REVIEWED BY THE PLANNING BOARD**

**Plans Considered to be Part of the Application**

The submittal was shown in a Plan set for Preferred Realty Services, LLC, dated July 20, 2015, located at 475 Union Street (Map 51, Lot 269) and prepared by SITEC, Inc., 449 Faunce Corner Road, Dartmouth, MA 02747 consisting of:

1. Site Layout
2. Aerial Locus Map
3. Site Grading & Utilities
4. Landscaping Plan
5. Existing Conditions
6. Demolition/Erosion Control Plan
7. Detail Sheet
8. A-100 Basement Floor Plan
9. A-101 First Floor Plan and Second Floor Plan
10. A-102 Third Floor Plan and Fourth Floor Plan
11. A-103 Roof Plan
12. A-300 Longitudinal Section
13. A-301 Cross Section
14. A-401 Union Street Elevation
15. A-402 East Elevation

**Other Documents and Supporting Material**

- Staff Comments with attachments:
  - Finding for Repetitive Petition by City of New Bedford Planning Board
  - Quitclaim Deed Book 10833, Page 269
  - Development Impact Statement
  - City of New Bedford Historical Commission Building Demolition Review
  - Project Narrative
  - Lighting Cut Sheets
  - Email Exchange Dated October 14, 2014 Between City Planner Jill Maclean Confirming Case Deliverables
  - Comments from Department of Public Infrastructure Dated October 3, 2014
  - Public Comment
  - Minutes of the October 8, 2014 Planning Board Meeting

### 3) DISCUSSION

Applicant's agent, Steve Gioiosa, introduced the case submittal for new construction of a six unit, townhouse style dwelling, replacing a derelict structure, with 12 off-street parking spaces to accommodate residents. The proposal was first introduced to the Planning Board on October 8, 2014 and case continued thru this evening's meeting with notice to the public.

The development now before the Board meets the City of New Bedford ordinance as a by-right use. The evening's objective was to review the site plan for approval, and set conditions, or stipulations, taking into consideration comments from the Planning Board and constituency.

The site plan, landscaping, drainage, parking, lighting style and illumination, were discussed and addressed.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member P. Cruz. Motion was unanimously approved by a vote of Five (5) – Zero (0).

The Chair invited those to speak at the podium or be recorded in favor to make their opinion known. No one spoke or asked to be recorded in favor of the proposal.

The Chair invited those to speak in opposition to approach the podium. Speaking opposed: Lea Britto expressed concern with poor drainage and flooding in the general area. Jon Pao stated poor drainage, encroachment of existing tree roots onto his business property at 10 Newton Street, abutting the east boundary of the site redevelopment, and litterfall from trees located on the redevelopment parcel, were a nuisance. Eric Stotts professed his desire to preserve and protect trees at the west property line of the redevelopment parcel, adjacent to his residential property. E. Stotts also asked if the developer would describe the plan for snow removal and storage, and further discuss lighting spillover onto adjacent parcels. Councilor-at-Large Linda M. Morad, City Councilor Kerry Winterson (Ward 5), and Paul Santos opined the residential structure would not fit into the neighborhood's context. Richard DeSouza spoke of his concern for increased traffic and impact on the neighborhood school enrollment. Nancy Andrade recapitulated the topics of snow storage, drainage, school enrollment, building mass, architectural style and embellishment. Ms. Andrade also asked that emergency contact information be posted on site. City Councilor Steven Martins (Ward 2) asked to be recorded in opposition to the project.

Finding no other remarks in opposition to the proposal, motion to suspend the public hearing was made by Board Member K. Duff, with second by A. Glassman, for a vote Five (5) – Zero (0).

Chair Dawicki responded with assurance that the City of New Bedford School Department reviewed the case submittal and provided written response in regard to the project's impact on the schools. The department recorded No Comment on this redevelopment project.

Applicant's agent Steve Gioiosa, Project Engineer for SITEC, Inc., summarized the net benefits of the new, improved drainage system, noting that excess rain and ground water between Court

and Union will remain onsite. It is not permissible for surface water, roof run-off, and parking lot drainage to be combined with a sewer system.

Mr. Gioiosa explained that the trees in proximity to the Newton Street business at the west lot line are to be removed, resolving the problem brought to the attention of the Board by Mr. Pao. The existing structure foundation wall will remain in place at the east boundary, preserving and protecting the trees along the property line shared with Mr. Stotts.

The Planning Board, applicant's agent and applicant further discussed the proposal and agreed to the following:

- Lighting spillage will be controlled.
- Decorative sconces will adorn the upper level by doorways.
- A snow removal plan will be described and conveyed as a Note on the final revision of the Site Plan as a condition for site plan approval.
- Shutters will accentuate the windows; however, no awnings would be attached.
- The HVAC system will be imbedded in the Mansard roof and insulated to mitigate noise.
- Emergency contact information signage, of a tasteful design, size and scale will be added to the building, and discussed and reviewed with planning staff prior to selection and installation.
- A revised drainage plan is to be submitted for review and comment to by Planning Board Member P. Cruz, the City of New Bedford Department of Public Infrastructure, and planning staff.

Chair Dawicki opened the suspended hearing to the floor, inviting additional questions and comments. L. Brita again delivered her concerns regarding drainage. E. Stotts and N. Andrade reminded the Board of the importance of a snow removal plan.

Seeing no further comments, Board Member K. Duff moved the motion to close the public hearing; second by Board Member A. Glassman. By a vote of Five (5) – Zero (0) the hearing was closed.

Applicant's agent, Steve Gioiosa, described the scope of plan, with the intent to amend hours of operation to create a viable site that would attract a quality tenant. Applicant Michael Panagakos was present for discussion.

Motion was moved by Board Member K. Duff to open the public hearing; second by Board Member A. Glassman. Unanimously approved.

Speaking in favor of the project was City of New Bedford Councilor-at-Large, Linda M. Morad.

Speaking opposed were members of the constituency, Jessica Costa and Maria Botelho, who expressed their concern for excessive noise levels and waste management at the site, in a neighborhood of tenement homes, with any change in hours of operation.

Motion to suspend the public hearing was made by Board Member K. Duff; second by Board Member A. Glassman. Unanimously approved.

Applicant's agent and applicant addressed the concerns raised by the public. The applicant and agent invited the constituency to contact Mr. Panagakos at his office with any issues of concern that may arise in the future with tenants. Duly noted in this hearing, the record shows that no drive thru permit was approved with site plan review on September 10, 2014.

Discussion ensued among Board members regarding the importance of maintaining consistency in considering approval of hours of business operation and illumination periods for exterior lighting with project proposals.

Motion was made by Board Member P. Cruz to close the public hearing; second by Board Member A. Glassman by a vote of Five (5) – Zero (0).

**4) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY**

1. Subject to final approval by the City of New Bedford Department of Public Infrastructure, Traffic Commission, and Zoning Board of Appeals.
2. Revise and resubmit the drainage plan for review and comment to Planning Board Member P. Cruz, the City of New Bedford Department of Public Infrastructure, and planning staff.
3. A snow removal plan will be described and conveyed as a Note on the final revision of the Site Plan.
4. The existing trees along the east property line shall be preserved and protected.
5. Emergency contact information signage will be added to the building, after discussion and review with planning staff prior to selection and installation.

**5) DECISION**

Board Member K. Duff motioned to grant Site Plan approval for Case #38-14 for new construction of a multi-unit residential building (6 two-bedroom units) at the property known as 475 Union Street (Map Plot 51, Lot 269), in the Mixed Use Business zoning district with the conditions stipulated in above paragraph five (5). The motion received a second by Board Member A. Glassman and case unanimously approved Five (5) – Zero (0).

Filed with the City Clerk on:

8/21/15

Date

Jill Maclean  
Jill Maclean, City Planner, Agent for the Planning Board