



**ZONING BOARD OF APPEALS**  
 City Hall, Room 303  
 133 William Street,  
 New Bedford, MA 02740  
 (508)979-1488  
 www.newbedford-ma.gov

Registry of Deeds Use Only:

CITY OF NEW BEDFORD  
 JONATHAN F. MITCHELL, MAYOR

**NOTICE OF DECISION**

Case Number: #4190				
Request Type: Comprehensive Permit				
Address: 284, 290-292, 296 Hillman Street; 257-261, 265 North Street; 123-131, 137-145 Liberty Street; and 304-328 Tremont Street				
Zoning: Residential C Zoned District				
Recorded Owner: New Bedford Housing Authority				
Applicant: New Bedford Housing Authority				
Applicant Address: 134 South Second Street New Bedford, MA 02740				
Application Submittal Date	Public Hearing Date	Decision Date		
June 1 <sup>st</sup> , 2015	June 25 <sup>th</sup> , 2015 & July 30 <sup>th</sup> , 2015	July 30 <sup>th</sup> , 2015		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
57	38	1153	316	

CITY CLERK  
 2015 AUG 13 A 9:43  
 CITY CLERKS OFFICE  
 NEW BEDFORD, MA

**Application:**

Comprehensive Permit under provisions of M.G.L. 40B Section 20-23, Comprehensive Zoning and Special Permit under Chapter 9 Comprehensive Zoning Section 2210 (General), 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Requirements-Appendix-B-Minimum Lot Size/Density of Dwelling Units/Lot Frontage/Front Yard/Side Yard/Rear Yard/Lot Coverage by Buildings), 2750 (Yards in Residence Districts), 2751 (Front Yard), 2753 (Rear Yard), 2755 (Side Yard), 3100 (Parking and Loading), 3110 (Applicability), 3130 (Table of Parking and Loading Requirements-Appendix-C), 3149 (Special Permit for Vehicular Access to a Building Lot Accessed from Public Way that does not constitute frontage of the Lot), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 284, 290-292, 296 Hillman Street; 257-261, 265 North Street; 123-131, 137-145 Liberty Street; and 304-328 Tremont Street, Assessor's Map 57 Lot 38 in a Residential-C Zoned District. To allow the petitioner to demolish existing buildings and erect 12-units 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 August 13<sup>th</sup>, 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.

August 13, 2015  
 Date

Allen Decker  
 Clerk, Zoning Board of Appeals

### 1.) APPLICATION SUMMARY

The petitioner proposes to demolish existing buildings and erect 12-units as plans filed, which will require a Comprehensive Permit under provisions M.G.L. 40B Section 20-23, Comprehensive Zoning and Special Permit under Chapter 9 Comprehensive Zoning Section 2210 (General), 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Requirements-Appendix-B-Minimum Lot Size/Density of Dwelling Units/Lot Frontage/Front Yard/ Side Yard/ Rear Yard/ Lot Coverage by Buildings), 2750 (Yards in Residence Districts), 2751 (Front Yard), 2753 (Rear Yard), 2755 (Side Yard), 3100 (Parking and Loading), 3110 (Applicability), 3130 (Table of Parking and Loading Requirements-Appendix-C), 3149 (Special Permit for Vehicular Access to a Building Lot Accessed from Public Way that does not constitute frontage of the Lot), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 284, 290-292, 296 Hillman Street; 257-261, 265 North Street; 123-131, 137-145 Liberty Street; and 304-328 Tremont Street, Assessor's Map 57 Lot 38 in a Residential-C Zoned District.

### 2.) MATERIALS REVIEWED BY THE BOARD

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

- Construction Documents-Building and Site Rehabilitation Westwood Elderly Development, Stamped Received by City Clerk's Office June 1<sup>st</sup>, 2015, including:
  - Civil Engineering Plans: C 101-C 104; C 201- C 204
  - Landscape Plans: L 101- L 103
  - Architectural Plans: A101A- A101C; A103A-A103B; A201A- A201C; A301A; A302A; A303B; A304B; A305C; A306C; A401A; A402B; A403C; A404-A407; A501-A506; A601; A700
  - Structural Plans: S000-S002; S101A-S101C; S102A-S102C; S200-S201
  - Mechanical Plans: M001; M002; M101-M103; M201; M202
  - Plumbing Plans: P001; P101-P103; P201
  - Electrical Plans: SE101; E101A-E101C; E102A-E102C; E301

#### Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, Stamped Received by City Clerk's Office June 1<sup>st</sup>, 2015
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, dated June 5<sup>th</sup>, 2015
- Staff Comments to ZBA from City Planner, dated June 24<sup>th</sup>, 2015
- Memorandum to ZBA from Commissioner of the Department of Public Infrastructure, dated June 9<sup>th</sup>, 2015
- Letter to ZBA from Executive Secretary of the Office of the Traffic Commission, dated June 15<sup>th</sup>, 2015
- E-Mail Communication to ZBA from New Bedford Public School Department Business Manager, dated June 10, 2015

- E-Mail Communication to ZBA from City of New Bedford Conservation Agent, dated June 3, 2015
- E-Mail Communication to ZBA from City of New Bedford Health Department, dated June 23<sup>rd</sup>, 2015
- Westwood Review Soil Data by OHI Engineering Inc, dated July 22, 2013
- Report for Asbestos Containing Materials Identification Survey and Testing by Universal Environmental Consultants, Survey dates July 7-8, 2014

### 3.) DISCUSSION

On the evening of the June 25<sup>th</sup>, 2015 public hearing, Board Members I. Comerford, A. Decker, R. Schilling, J. Walsh, and H. Tavares were present. J. Walsh recused himself from hearing this case and left the room.

City of New Bedford Staff Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), Kreg Espinola (Assistant City Solicitor), and Jennifer Gonet (Assistant Project Manager) were present during proceedings for the subject case review.

A motion was made (AD) and seconded (HT) that that the following documents be received and placed on file: the communication dated 6/5/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 6/24/15; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified. Motion passed unopposed.

Att. Chris Saunders of 700 Pleasant Street New Bedford, on behalf of the property owner New Bedford Housing Authority. He stated the Westwood Housing development is located on Liberty, Tremont, Hillman and North Streets in the city's west end. He displayed a rendering of the proposed development which will be a total rehab. He stated, since 2011 the property has been board up and in derelict condition. He stated this total rehab will enhance the development and surrounding neighborhood. He provided orientation for the board. Att. Saunders stated there is no real parking on Tremont Street, and on Liberty Street there are two and three-family homes.

Att. Saunders stated the development was constructed in 1955 and had four structures on the property, which represented 30 one room apartments. He stated over time the demand for that type of apartment declined and renting became hard, leading to vacancy. He stated that while vacant vandals stripped the copper and metal from the apartments leaving the property uninhabitable, and remaining tenants were relocated and the site became an eyesore.

Att. Saunders stated the housing Authority is looking to transform this derelict property into 12 units of family accessible housing for persons with a physical disability. He stated the 12 units will be comprised of 6 duplexes. He stated the petitioner will be requesting various zoning

relief due to the uniqueness of the property. He stated that by statute the comprehensive permit allows the petitioner to request this relief and this board is the board who grants such relief with input from other city boards. Att. Saunders stated one such relief is the ability to access the lot by a way that does not constitute frontage. Another relief the petitioner is seeking is two frontages on this lot, because of duplexes fronting both Liberty Street and Tremont Street. He stated there will be a driveway entering from North Street and exiting on Hillman Street. He stated there will be six off-street parking spaces, one space per unit. He stated there will also be a rear landscaped patio area.

Att. Saunders added that the petitioner is seeking to have six structures on one city block, in addition to zoning relief. He stated the petitioner will not meet the front setbacks on either Liberty or Tremont Streets. He stated Liberty Street is 9.6' and 10' on Tremont Street. He stated this will not have a detrimental impact on the neighborhood because what is there is worse. He stated this will be an overall improvement on the neighborhood and it's going to be utilized by person with physical disabilities.

Att. Saunders stated there will be a reduction in units from 30 to 25 bedrooms. He stated while there will be a total of 12 apartments, they will only comprise 25 bedrooms. He stated there will be two one-bedroom apartments, seven two-bedroom apartments, and three three-bedroom apartments. As such it will not be more of a burden on the neighborhood as the petitioner is lessening the density.

Att. Saunders stated though increased in building number, there is a decrease in building size. He stated the petitioner is taking a present fire hazard and revitalizing a neighborhood.

He stated there is no existing sidewalk on Tremont Street. He stated DPI has requested a sidewalk there, as well as a replacement of the blacktop sidewalk on North Street. He stated the petitioner, being a government agency, is strapped budget-wise, and has funding limits on spending for off-site improvements. The sidewalk, being city property, is considered an offsite improvement. While the petitioner would love to see the City of New Bedford step forward and pay for the sidewalk, he does not think they are in any better a funding position. The petitioner proposes keeping the existing layout and having individuals park and access the walkway to the building. In spite of DPI ribbon requests, the petitioner believes he has enough vegetation, planting 14 trees around the entire perimeter as well as shrubbery. Att. Saunders stated the petitioner will be doing offsite improvements making all corners handicap accessible in grading.

Att. Saunders stated he would hold off reviewing all criteria for the special permit, He stated there is a detailed lighting plan, with lighting on the structures themselves that will not shine into the neighborhood or have any adverse impact. He stated in addition they have a detailed soil management and safety plan to address the razing of the buildings with regard to any soil contamination. He stated the housing authority has been proactive and has done an outreach with the neighborhood.

Att. Saunders again reiterated that requiring the installation of curbing on Tremont Street would be a financial burden. He said he had discussed traffic with city officials and noted very little negativity as the project planning has been first rate. He then invited questions and concerns.

Mr. Schilling asked about any market rate intentions. Att. Saunders stated it will be all low-income not market rate apartments. He stated one of the criteria of the special permit is that they be low income. He also stated in order to rent, a family member will unfortunately need to have some physical disability; someone unable to walk, someone wheelchair bound or who walks with a cane. A physical disability as opposed to a psychological one.

Att. Saunders stated he was unsure if a physical disability is a condition of the grant, but that a physical disability is the purpose of this facility. He again stated that normally there is a requirement of two parking spaces per unit, and the petitioner only has one space. Using the planning board criteria, the type of tenants in this facility would not meet the parking demand. Mr. Schilling stated that someone with a disability is likely to have someone else in the household and therefore would likely have two cars. Att. Saunders expects someone with a physical disability would be unable to drive. He stated there is ample off-street parking spaces on Tremont Street.

Mr. Schilling asked that the petitioner provide some definition of the physical disability requirement. He stated that his understanding is that 24%-25% of the New Bedford population self identifies as disabled. Att. Saunders again stated non-psychological.

Mr. Comerford stated he thought it was a good plan and had nothing that he was looking for at the upcoming meeting.

Att. Saunders asked Chairman Comerford to keep the public hearing open and continue it to the July meeting so that they need not re-advertise.

There was no response to Mr. Comerford's invitation to speak in favor.

There was no response to Mr. Comerford's invitation to speak in opposition.

A motion was made (RS) and seconded (AD) to continue this matter to the July 30, 2015 Zoning Board meeting. Motion passed unopposed.

On the evening of the July 30<sup>th</sup>, 2015 public hearing, Board Members I. Comerford, A. Decker, R. Schilling, L. Schick, and H. Tavares were present for the subject case review. City of New Bedford Staff Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services), Kreg Espinola (Assistant City Solicitor), and Jennifer Gonet (Assistant Project Manager) were also present during proceedings for the subject case review.

A motion was made (AD) and seconded (LS) to remove from the table and reopen the matter of case #4190. Motion passed unopposed.

Chairperson Comerford then declared the hearing open and invited the petitioner to the podium.

Att. Chris Saunders of 700 Pleasant Street New Bedford, on behalf of the property owner New Bedford Housing Authority. Att. Saunders stated he would not rehash fully all that was presented last time but he would address a question that was raised at the last meeting by Mr. Schilling. He further stated he would answer any further questions or concerns the Board members may have as well as the highlights as to why the project meets the criteria for the Special Permit. Att. Saunders presented that the project is going from a thirty unit vacant property to a twelve unit in six duplexes property. Att. Saunders stated the project would transform the neighborhood and be a betterment for the neighborhood. Att. Saunders explained it would be a benefit to the residents who will move into the units as well as the neighborhood as the project includes cleaning up some hazardous material.

Att. Saunders addressed Mr. Schilling's question regarding the definition of handicapped for the individuals who will be living in the units. Mr. Schilling interjected he also wished to know the screening process for residents as well. Att. Saunders stated there is no concrete definition, but the definition used by the DHCD is examples of persons with qualifying physical impairments that may substantially impede his or her ability to live in conventional housing shall include but not be limited to the following: 1.) one who is confined to a wheelchair, 2.) one who because of use of braces or crutches, or because of the loss of a foot or leg, or because of arthritic, spastic, pulmonary, or cardiovascular condition walks with significant difficulty or insecurity, or 3.) due to brain, spinal, peripheral nerve injury suffers from significant coordination defects, as well as other physical disabilities listed such as blindness, deafness, and developmental disabilities. Att. Saunders stated even some of those he just mentioned would not require a qualifier for special features that would be included in the Westwood units. Att. Saunders called attention to special architectural features of the units such as roll in showers, wider doorways to accommodate for wheelchairs, adjustable shelving, wheelchair access under sinks and cook tops for persons who qualify with physical impairments. Att. Saunders stated that is a catch all, not concrete, it would be on a case by case basis, but it would be for persons who have some type of physical disability who would be screened by the New Bedford Housing Authority. He explained they would make the judgment whether or not the tenant qualifies for placement within this facility. Using common sense, he stated, a person who falls within the criteria outlined would qualify for these units.

Mr. Schilling expressed in regards to wheelchairs, crutches, blindness, deafness he thought that New Bedford may have a great need for twelve units of this type of housing and the quality that can be provided by the Housing Authority. But, he also, stated he recognized that with SSI and SSDI there are 25% of the population that qualify as handicapped in one form or another, so his question is really what kind of screening process is there for these units. Mr. Schilling

expressed concern for a sense of community in neighborhood near low income housing and cited recent newspaper articles about Harrington Park and statements of New Bedford as a community of choice, not of last resort. He expressed he was in favor of the units if they were for those such as in wheelchairs, blind, or deaf, and wished, if it was legally able to be done, to strictly limit these units for those individuals with physical disabilities. He felt that when it comes to disability law the flood gates are wide open. Mr. Schilling wanted to know if these units would serve the needs of physically disabled individuals in the community or just another set of twelve units of low income housing that would be a draw bringing people to New Bedford. Att. Saunders stated the twelve units are for persons with disabilities. Att. Saunders stated the New Bedford Housing Authority has no connection to the incident that occurred at Harrington Park. Att. Saunders stated that the park is approximately seven blocks away from these units and if you go seven blocks the other way it's his neighborhood and this is in the middle. Mr. Schilling stated that is his point, the previous Zoning Board meeting there was a project just about seven blocks away and almost two hundred people came out in opposition.

Att. Saunders agreed that he thought there was a need in the City for housing for persons with physical disabilities. Att. Saunders stated that as he and the Board members saw at the last meeting in regards to a case at Brigham Street, when people in the city are concerned about their neighborhood and their property they come out in droves. He expressed what was striking to him was that at the same meeting not one person came out to speak in opposition of this project. Att. Saunders stated this speaks volumes that between the time this case recessed from the last meeting to this meeting, there has been little comments from city departments in regards to this proposal, which he felt speaks to the quality of the proposal before the Board today.

Mr. Schilling asked if the board could condition the approval to limit the units to persons with disabilities who require an adaptive device.

Att. Saunders explained that a person with a physical disability such as a pulmonary or arthritic condition may not need an adaptive device.

Chairman Comerford stated he thought this discussion was going nowhere as the Board would just run into legal issues; he requested that they move on from this topic.

Chairman Comerford questioned Att. Saunders about his statement that there is a need for these units. He asked how many public housing units there are currently in New Bedford. Att. Saunders stated he believed there are 2,500 currently. Chairman Comerford asked how many people live in public housing in the City. Att. Saunders clarified if the Chairman was asking about housing for persons with physical disabilities. Chairman Comerford asked in general. Att. Saunders spoke about the amount housing for persons with physical disabilities. Att. Saunders expressed problems using the standard units with regular bathtubs and such for persons with physical disabilities. He reiterated these units are designed specifically for persons with physical disabilities to address their situation. Chairman Comerford asked about the

percentage of persons living in public housing. Chairman Comerford stated he believed it to be around 10%. He stated public housing brings down house values in the area. He questioned when the trend of adding more public housing would end, regardless of the type of public housing such as elderly, persons with disabilities etc, and when enough would be enough.

Att. Saunders explained this proposal was actually reducing the number of units from what was previously at this site. He explained previously this site had 30 units, this proposal has 12 units. The units previously were elderly housing; this proposal is for persons with physical disabilities. Therefore, he stated, they are in essence actually constricting the number of units in the overall portfolio. He stated they are not building on new land, they are reconstructing on a site where they would have a matter of right to rehab and put back what they had; instead they are reducing the number of units and limiting the capability of who can go in there. He stated they are limiting it to the people who need it most, people who simply can't get around like most people can. He stated they are actually downsizing.

Chairman Comerford asked if the Board had any more questions for Att. Saunders. Chairman Comerford asked if Att. Saunders had anything else to present.

Att. Saunders wished to address the specific criteria necessary to grant the Comprehensive Permit/Special Permit. In regards to the criteria that the benefit to the City and the neighborhood outweighs any adverse effects taking into consideration the characteristics of the neighborhood, Att. Saunders pointed out the New Bedford Housing Authority owns property across the street from the proposal. The site itself is going down from 30 units to 12 units. He stated as the Board could see from the last meeting there wasn't any opposition to this, evidence that it would not have any adverse effects. Att. Saunders said, pursuant to section 5321 in regards to the rehabilitation of the deteriorating housing that's presently there, this proposal would have less density and a modern housing development, which will serve low income residents who have physical disabilities. He stated, that would promote a social, economic, and community needs for persons in the community that need good, safe, quality housing. Pursuant to section 5322, he explained the proposal had a safe and detailed traffic plan, accessing the lot via North Street and exiting on Hillman Street. He also stated the project provided adequate parking, one space per unit. Pursuant to section 5323, he stated, this project would not have any adverse impacts on city utilities or other service. It would improve the impervious surface area and improve the drainage that currently exists at the site, which would be a benefit to our utilities. Pursuant to section 5324, he explained, improving the blighted block would have a positive impact to the neighborhood character and social structures. Pursuant to section 5325, the project has a detailed safety plan to take care of existing contamination at the site. He furthered, the New Bedford Housing Authority has a good track record citing their work at Hillside Court. Lastly, Att. Saunders expressed that pursuant to section 5325, the project would help the local economy, boost construction jobs and areas affiliated with construction, therefore having an overall impact. For these reasons, Att. Saunders stated the project met the criteria.



Att. Saunders stated that the project needs a site eligibility letter, and DHCD [Department of Housing and Community Development] has asked that if the Board were to vote favorable this evening that they note in the criteria of their approval that the project meets the criteria under the CMR [Code of Massachusetts Regulations]; which are that the New Bedford Housing Authority is a governmental agency under the statute, which it is. That any project conditioned under the Comprehensive Permit is conditioned under the New Bedford Housing Authority obtaining its funding from its subsidizing agency; and that the New Bedford Housing Authority has site control.

Mr. Schilling asked Att. Saunders if all the housing authority properties were handicapped accessible, he thought under law all public building had to be handicapped accessible. Att. Saunders said he could not speak to every unit but note some housing authority properties were built before the rules. He thought there was likely grandfathered status on some units. He expressed a belief that not all housing authority units had roll in tub or wide door widths that the proposed units would. He further stated he believed there are requirements that any new units have handicapped accessible requirements but he believed these proposed units go above that. He did not believe the requirements required such things as roll in showers, or countertops heights for wheelchairs to roll under them, but these units would have these elements.

Chairman Comerford invited anyone wishing to speak in favor to the podium. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

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

With no further stated questions or concerns, Chairperson I. Comerford declared the hearing closed.

Chairperson I. Comerford asked the petitioner provide the CMR numbers referenced in the presentation to the Board. Att. Saunder provided 760 CMR 56.04 sub section 1 and provided clarification to Mr. Decker's question about what generally the section pertained to. He explained it was the eligibility requirements for their funding source. It was not required the Board cite it but it was asked if they would.

Mr. Decker asked the Board members to discuss the comment letter the Department of Public Infrastructure provided in their review of this project. He stated they had a list of fifteen factors they wanted incorporated into the project. He asked if there was a desire to incorporate the comments as a condition of approval. Mr. Schilling expressed he thought it was a general approval of the project. Mr. Decker said yes, a general approval but with very specific items to be addressed. Chairman Comerford stated he didn't read it but didn't think it should go in. Mr. Schilling stated he glanced over it but thought it was a general approval with certain

specifications. Chairman Comerford expressed his understanding of the Comprehensive Permit procedure and his feeling that a comment letter didn't need to be incorporated as a condition of approval.

A point of information was called by Ms. Gonet. Ms. Gonet explained the comments received by the Board are the type of comments typically received by other Boards, the Planning Board for example. She explained with the Comprehensive Permit the Zoning Board is the only board to hear this case so they do not go before the other board. She stated therefore, they may want to take those comments into consideration.

Mr. Schilling stated his concern was that there are 2,500 units of housing 12 of which could be adapted in such a way that could be accessible to people in wheelchairs, in crutches, blind, deaf, and those type of adaptations could be made as percentage within the total portfolio. His concern is that it's just twelve additional units of housing as he stated with litigation there is almost no way to stop somebody from bringing a law suit to get into the housing if they are on SSI or SSDI. He expressed he thinks it is an open area. He further stated he respects that if the Board wished to approve it that the conditions be made part of the vote to approve it.

With no further comments of discussion amongst the Board members Mr. Decker made a motion to approve the Comprehensive permit with the conditions as outlined below, in section 6. Motion was seconded by Mr. Schick. During the roll call vote Mr. Schilling expressed that while he understood and appreciated the effort to have facilities specifically for persons with physical disabilities from what he knows of the court system he felt this would just be twelve additional units. He stated he did not hear any specific way to keep the units for seriously physically handicapped people, and therefore he voted no. Mr. Tavares voted yes. Mr. Decker voted yes. Mr. Schick voted no. Mr. Comerford voted yes. The board initially stated that the petition had failed but upon further review of it was determined that a simple majority was required and that the motion had passed.

#### 4.) FINDINGS

The Board found that the applicant met all the requirements listed under M.G.L. 40B Section 20-23, Comprehensive Zoning and under Chapter 9 Comprehensive Zoning Section 2210 (General), 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Requirements-Appendix-B-Minimum Lot Size/Density of Dwelling Units/Lot Frontage/Front Yard/Side Yard/Rear Yard/Lot Coverage by Buildings), 2750 (Yards in Residence Districts), 2751 (Front Yard), 2753 (Rear Yard), 2755 (Side Yard), 3100 (Parking and Loading), 3110 (Applicability), 3130 (Table of Parking and Loading Requirements-Appendix-C), 3149 (Special Permit for Vehicular Access to a Building Lot Accessed from Public Way that does not constitute frontage of the Lot), and 5300-5330 & 5360-5390 (Special Permit)

## 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 a Comprehensive Permit under M.G.L. 40B Section 20-23, Comprehensive Zoning and Special Permit under Chapter 9 Comprehensive Zoning Section 2210 (General), 2700 (Dimensional Regulations), 2710 (General), 2720 (Table of Dimensional Requirements-Appendix-B-Minimum Lot Size/Density of Dwelling Units/Lot Frontage/Front Yard/Side Yard/Rear Yard/Lot Coverage by Buildings), 2750 (Yards in Residence Districts), 2751 (Front Yard), 2753 (Rear Yard), 2755 (Side Yard), 3100 (Parking and Loading), 3110 (Applicability), 3130 (Table of Parking and Loading Requirements-Appendix-C), 3149 (Special Permit for Vehicular Access to a Building Lot Accessed from Public Way that does not constitute frontage of the Lot), and 5300-5330 & 5360-5390 (Special Permit); relative to property located at 284, 290-292, 296 Hillman Street; 257-261, 265 North Street; 123-131, 137-145 Liberty Street; and 304-328 Tremont Street, Assessor's Map 57 Lot 38 in a Residential-C Zoned District. To allow the petitioner to demolish existing buildings and erect 12-units as plans filed.

## 6.) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY

- a. That the New Bedford Housing Authority continue to maintain its qualifications under 760 Code of Massachusetts Regulations 56.04 sub-section 1;
- b. The project shall be set forth according to plans submitted with the application;
- c. That the applicant shall ensure that a copy of this decision, bearing the certification of the City of New Bedford Clerk's Office, is recorded in the Registry of Deeds;
- d. And that the rights authorized by the granted Comprehensive Permit must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and Acted upon within one year from the date they were granted or they will lapse.

7.) 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 petition for a Comprehensive Permit.

On a motion by A. Decker seconded by L. Schick to grant the requested Comprehensive Permit, the vote carried 3-2; with members A. Decker, H. Tavares, and I. Comerford voting in the affirmative, members R. Schilling, and L. Schick voting in the negative. (Tally 3-2)

Filed with the City Clerk on:

August 13, 2015  
Date

Allen Decker  
Allen Decker, Clerk of the Zoning Board of Appeals