



**CITY OF NEW BEDFORD**  
 JONATHAN F. MITCHELL, MAYOR

**PLANNING BOARD**  
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**CITY CLERKS OFFICE**  
 NEW BEDFORD, MA

2019 DEC 12 A 9:34

CITY CLERK

**NOTICE OF DECISION**

Case Number: 19-35				
Request Type: Site Plan				
Address: 13-19 & 21-35 Commercial Street, 24 Union Street, and SW John F. Kennedy Highway				
Zoning: Industrial A, Mixed-Use Business, and Downtown Business Overlay zoned district				
Recorded Owners: National Downtown Club LLC & Franklin Hospitality Corporation				
Owner Address: 66 State Road Westport, MA 02790 & 66 State Road Westport, MA 02790				
Applicant: Franklin Hospitality Corporation				
Applicant Address: 66 State Road Westport, MA 02790				
<b>Application Submittal Date</b>		<b>Public Hearing Date(s)</b>		<b>Decision Date</b>
November 4, 2019		December 2, 2019		December 2, 2019
<b>Assessor's Plot Number</b>	<b>Lot Number(s)</b>	<b>Book Number</b>	<b>Page Number</b>	<b>Certificate Number</b>
47	189, 44, 41 & 127	11953 12787	275 113	

**Application:** Franklin Hospitality Corporation (66 State Road Westport, MA) for Site Plan Review for the rehabilitation, conversion, and expansion of three adjacent commercial buildings and an associated parking lot into a mixed-use development with 28 residential units and 2 commercial units (retail/restaurant); located at 13-19 & 21-35 Commercial Street, 24 Union Street, and SW John F. Kennedy Highway (Map 47, Lots 189,44,41,127) on a 19,044+ SF site in an Industrial A, Mixed-Use Business, and Downtown Business Overlay zoned district.

**Action: GRANTED, WITH CONDITIONS, as described in section four (4).**

A copy of this decision was filed with the City Clerk of the City of New Bedford on December 12, 2019. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

12/12/19  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Arthur Glassman, Vice-Chair  
 City of New Bedford Planning Board

## APPLICATION SUMMARY

Franklin Hospitality Corporation (66 State Road Westport, MA) for Site Plan Review for the rehabilitation, conversion, and expansion of three adjacent commercial buildings and an associated parking lot into a mixed-use development with 28 residential units and 2 commercial units (retail/restaurant); located at 13-19 & 21-35 Commercial Street, 24 Union Street, and SW John F. Kennedy Highway (Map 47, Lots 189,44,41,127) on a 19,044+ SF site in an Industrial A, Mixed-Use Business, and Downtown Business Overlay zoned district.

### 1) MATERIALS REVIEWED BY THE PLANNING BOARD

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

The plan submission is shown as "Eighteen & Union New Bedford, MA" dated November 1, 2019 and date stamped received by City Clerks' Office November 4, 2019. Revised plan sheets were submitted after the initial submission. Specific revision dates are noted in the list below. Plans were prepared by Newport Collaborative Architects, in Newport RI. The plan set consists of the following sheets:

- Cover Sheet
- EC-1 Existing Conditions Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE. – Revised 11.27.19
- SL& SUP-1 Site Layout and Utility Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE. – Revised 11.27.19
- LAND1 Landscaping Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE. – Revised 11.27.19
- D&SP-1 Demolition & Staging Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE. – Revised 11.27.19
- CDP-1 Construction Detail Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE. – Revised 11.27.19
- PC-1 Proposed Conditions Plan, dated 10/30/19, prepared by SITEC, Inc, in Dartmouth, MA; stamped by Steven Gioiosa, PE.
- G0.1 Gross Square Footage & Unit Description & Square Footage- Revised 11.22.19
- EX.01 21-35 Commercial -Existing Basement Floor Plan
- EX.02 21-35 Commercial -Existing First Floor Plan
- EX.03 21-35 Commercial -Existing Second Floor Plan
- EX.04 21-35 Commercial -Existing Third Floor Plan
- EX.05 21-35 Commercial -Existing Roof Plan
- EX.06 21-35 Commercial -Existing North Elevation
- EX.07 13-19 Commercial -Existing First Floor Plan
- EX.08 13-19 Commercial -Existing Second Floor Plan
- EX.09 13-19 Commercial -Existing Third Floor Plan
- EX.10 13-19 Commercial -Existing Rood Plan
- EX.11 13-19 Commercial -Existing Exterior Elevations
- EX.12 24 Union -Existing Basement Floor Plan
- EX.13 24 Union -Existing First Floor Plan
- EX.14 24 Union -Existing Second Floor Plan
- EX.15 24 Union -Existing Exterior Elevations
- A-1.0 Basement Level
- A-1.1 First Floor Level
- A-1.2 Second Floor Level
- A-1.3 Third Floor Level
- A-1.4 Fourth Floor Level

- A-1.5 Elevations
- A-1.5 Exterior Paint Sample
- A-1.5 Roof Plan – Received 11.22.19
- Sheet 1 - Marvin Window details
- Sheet 2 - Marvin Window details

**Other Documents and Supporting Materials**

- ❑ Site Plan Review Application stamped received by City Clerk’s Office November 4, 2019
- ❑ Certified Abutters List
- ❑ City of New Bedford Department of City Planning Combined Staff Report dated November 20, 2019
- ❑ Department of Public Infrastructure (DPI) Comments dated November 26, 2019

**2) DISCUSSION**

On December 2, 2019 the New Bedford Historical Commission and the Planning Board held a Joint Public Hearing on the subject proposal. The purpose of the joint meeting was to facilitate a coordinated review of a project that has overlapping review elements under the jurisdiction of both boards. This meeting was intended to streamline permitting in order to arrive at a mutual understanding between the boards and applicant for the project approval.

Historical Commission members in attendance were Jan DaSilva, Alex Jardin, Anna Surma, William Barr, and William King. Planning Board members in attendance were Arthur Glassman, Alex Kalife, Kamife Khazan, Peter Cruz, and Shayne Trimbell. City of New Bedford Department of Planning Staff in attendance were Director Tabitha Harkin, Preservation Planner Anne Louro, and Staff Planner Jennifer Carloni.

Acting Co-Chairs for the meeting were Historical Commission Member Jan DaSilva and Planning Board member Arthur Glassman.

Mr. King made a motion, seconded by Mr. Barr to open the public hearing. Motion passed unopposed.

Representative of the Petitioner: Ms. Teri Bernert, Executive Director of WHALE (128 Union Street New Bedford, MA) introduced the project and project team. Ms. Bernert introduced the project team as consisting of John Grosvenor, Michael Abbott, and Frank Balla from Newport Collaborative Architects; Rachel Alison of WHALE; and Jason Lanagan of Lanagan & Co. Inc. She explained the mixed-use project proposes to create twenty-three (23) market rate residential units, five (5) affordable residential units, and two (2) commercial units. She further explained funding, noting the team will be applying for Historic Tax Credits in January 2020.

Mr. John Grosvenor, Newport Collaborative Architects (2 Marlborough Street Newport, RI) then presented a detailed history of the three buildings and described them as the stone, frame, and brick buildings. He presented historical images and aerials to demonstrate the architectural and structural elements that had existed on the site throughout its history. Particularly, noting that dormers were previously located on the stone building and therefore the dormers proposed were not out of character with the historical design. He explained that the wood frame building will be remodeled completely on the inside, but the exterior appearance will remain essentially the same. He explained the National Club building/brick building will be made to be handicapped accessible. Mechanicals are proposed on the roof of the brick building. Mr. Grosvenor explained that mechanicals wouldn’t be visible from the ground.

Mr. Grosvenor confirmed that skylights are proposed on the north side of the building in response to inquiry from Board member Barr.

In response to Board member Jardin, Mr. Grosvenor clarified that the stone building roof line may change slightly

by a few inches but noted that the intent is not to change the overall massing.

In response to Acting Co-Chair DaSilva's invitation to speak or be recorded in favor, Mr. Richard Lafrance (66 State Road Westport, MA 02790) of Franklin Hospitality Corporation, the project developer, explained they are excited about this project. He noted it is similar to the rehabilitation of the historic Waypoint Center and Hotel his company had previously completed across the street.

Mr. Michael Galasso, New Bedford Development Corp. (128 Union Street New Bedford, MA) was recorded in favor.

There was no response to Acting Co-Chair DaSilva's invitation to speak or be recorded in opposition.

Director Harkin called the board member's attention to the Department of City Planning's Combined Staff report and provided a summary overview. She noted the Department of Public Infrastructure (DPI) submitted a letter dated November 26, 2019 that recommended the application not be approved due to insufficient information. However, the applicant submitted revised plans November 27, 2019, and she noted that due to the Thanksgiving holiday, neither the Department of City Planning nor DPI had adequate time to review the revisions prior to submission of the staff report or DPI comments. She advised the board that they may continue the case to the next meeting date if they felt there was insufficient information, or may approve the project with conditions if they felt there was enough information to do so.

At Acting Co-Chair DaSilva's recommendation, the board members discussed the Planning Board Site Plan review elements first:

Ms. Khazan inquired about the proposed parking reduction. Mr. Grosvenor explained the site has an existing parking lot which they will be modifying slightly but retaining the same number of parking spaces at nineteen (19). He noted the current and proposed parking plans do not meet the minimum parking requirements. Mr. Lanagan explained that the City recently completed a Parking Study of the entire Downtown area which showed that there is adequate parking available in the Downtown. Therefore, based on the projected vehicle volumes for this project, there is adequate parking for their proposal between the private parking lot, available public parking garages and on-street metered parking. It was noted the parking reduction request would fall under the jurisdiction of the Zoning Board of Appeals Downtown Business Overlay District Special Permit review.

Acting Co-Chair DaSilva asked for clarification on the proposed commercial use and operations given the proximity to existing and proposed residential uses. Mr. Lanagan explained that they have a barber shop interested in the smaller commercial space and a coffee shop interested in the larger commercial space on Union Street. Neither have been confirmed but he explained that those are the types of tenants they anticipate in the spaces. Mr. Lanagan noted the proposed development is primarily residential. Planning Staff confirmed a market study had been submitted and reviewed by staff. It was not distributed to board members due to protection of proprietary information.

In response to questions from Mr. Trimbell and Mr. Cruz, the project team agreed to add two (2) ADA accessible parking spaces to the parking lot plan.

Mr. Cruz inquired about impacts on the adjacent roadway during construction. Mr. Grosvenor explained that all construction activities will be contained on site. He noted a demolition and staging plan was submitted with the November 27, 2019 revisions. The plan shows fencing around the sidewalk and they propose to keep a portion of the sidewalk open. Further, construction materials will be stored and secured in their parking lot during construction.

Mr. Grosvenor further explained the applicant will seek permits and any easements required for the installation of the proposed geothermal line through the public right of way. He explained how the self-contained system works to heat and cool the building. He noted the geothermal system is still tentative at this time and may be removed from plans if it ends up being cost prohibitive.

Mr. Cruz inquired if the proposed concrete curb shown on the detail sheet is allowed in the historic district. Ms. Louro explained granite curbing is required of anything in the public right of way; however, a concrete curb is acceptable on private property such as proposed around the parking lot.

The project team confirmed that a dumpster with vinyl fence screen and a gate with two bollards on the front is proposed on a concrete pad in the parking lot area. The Historical Commission requested the vinyl be replaced with a wood fencing. The project team indicated they were amenable to the wood fencing.

Ms. Harkin asked the applicant to detail the plan revisions submitted on November 27, 2019.

Mr. Grosvenor explained the revisions include a slightly redesigned parking area where they added additional green space, realigned some parking spaces, added the concrete pad for the dumpster, and adjusted the grading of the parking lot and sidewalk details at the driveway entrance.

In response to a question from Mr. Cruz, Mr. Grosvenor confirmed detectable warning strips are proposed for the sidewalk ramps at the driveway entrance. He also noted the applicant intends to work with DPI and the Traffic Commission to identify an appropriate location for a crosswalk across Commercial Street. The crosswalk would likely be proposed near the north west edge of their parking lot as that is where they intend to add the ADA parking spaces and it would provide the shortest path of travel from the accessible parking spaces to the building.

Ms. Khazan inquired if a Bed and Breakfast is still included in the proposal. Mr. Grosvenor explained the initial design included a B&B above the National Club, but now they are proposing two traditional residential rental units instead.

Mr. Balla confirmed three new pole lights are proposed for the parking lot. Ms. Louro confirmed the proposed fixtures are consistent with what is required for the historic district.

Responding to an inquiry from Mr. Trimbell, Mr. Balla demonstrated where snow storage is proposed in the parking lot.

Mr. Balla confirmed that the applicant will submit drainage calculations to the Department of Public Infrastructure. He explained that the National Club building currently collects and drains to the city system. He noted that the project is not increasing the footprint of the site so they should be able to receive a waiver from the stormwater requirements and tie in. Planning Board members expressed concern for existing and proposed gutters on the other buildings that drain directly onto the sidewalk and the dangers for pedestrian travel. Mr. Grosvenor explained the applicant will work with DPI regarding the sheet flow when they discuss the sidewalk reconstruction and that this situation will be remedied.

At Acting Co-Chair DaSilva's recommendation, the board members then discussed the Historical Commission's Certificate of Appropriateness elements:

In response to a question from Mr. Barr, Mr. Grosvenor confirmed that the exterior of the wood frame building will be wood clapboards.

There was a brief discussion of the proposed rooftop access structures, rooftop deck, and mechanicals on the National Club building. It was noted they would not be visible from Commercial Street but would be from Union Street and Route 18. Mr. Grosvenor noted the rooftop access structures would be painted a color to recede, either gray or black. Ms. Louro noted a more detailed sight line analysis would need to be completed for the roof top items and proposed structures and reviewed by the board or subcommittee.

Mr. Jardin inquired about the landscape plan and planters shown. Mr. Lanagan noted a landscape plan had been provided in the revision packet submitted November 27. He confirmed the plan shows removable planters along the Commercial Street sidewalk as they weren't sure how the city would like the sidewalk to be designed. He noted the applicant will work with the city regarding the sidewalk design and any street trees.

There was a brief discussion about windows. Ms. Bernert explained that they plan to work with Heritage Windows, a historic window restoration and manufacturer. They intend to keep as many original windows as possible and restore or manufacture any that need to be replaced.

Acting Co-Chair DaSilva inquired about the excavation plan for the foundation of the frame building. Mr. Grosvenor explained the perimeter foundation will remain the same and that they will be reinforcing it from the inside. He explained that further investigation needs to be completed but that the foundation work will be within the current envelope. Mr. Grosvenor noted that if the beams are rotted, underpinning will be needed. He detailed the method of underpinning and the foundation installation and repair. Ms. Surma inquired about the visible portions of the foundation work along the southern and eastern edges. Mr. Grosvenor noted they would have to meet the Massachusetts Historic Commission and National Park standards.

Responding to Mr. Barr, Mr. Grosvenor confirmed the venting is proposed on the north slope of the roof. The plan is to gang the vents together and utilize the existing chimneys.

Mr. Grosvenor confirmed the north wall of the frame building will be restructured. It will be a concrete wall for fire safety. Mr. Jardin inquired about any planned reclamation of the existing pine boards. Mr. Grosvenor explained the project team intends to reclaim and utilize the pine boards in the interior design.

In response to Mr. Barr, Mr. Grosvenor explained the gutter and downspouts proposed will be either fiber, copper, or galvanized steel. Copper is preferred but may be cost prohibitive.

Mr. Grosvenor confirmed that the National Club building will be repointed. He noted they will need to rebuild from the lentils up. They will be careful with the brick in order to reuse it as it will be difficult to match otherwise. The mortar will be matching.

Co-Chair DaSilva inquired about the paint color for the metal awning. Ms. Louro noted the applicant would need to submit a paint analysis for the entire project to be reviewed by the board or subcommittee.

Acting Co-Chair DaSilva noted the public comment period had concluded and the board members would now discuss the project.

Director Harkin reviewed the conditions recommended by staff.

Regarding the Planning Board conditions, Acting Co-Chair Glassman confirmed the applicant had read through the recommended conditions and was amenable to them. The board members confirmed they felt comfortable voting

with conditions rather than continuing the hearing.

Regarding the Historical Commission concerns, the members determined they would be amenable to allow a subcommittee to review some of the items, including site line and paint analysis, so as not to have to continue the hearing.

### **3) DECISION**

Board Member Cruz made the motion, seconded by Mr. Trimbell, to approve the request by the applicant for Site Plan Review for the rehabilitation, conversion, and expansion of three adjacent commercial buildings and associated parking lot into a mixed-use development with 28 residential units and 2 commercial units (retail/restaurant); located at 13-19 & 21-35 Commercial Street, 24 Union Street, and SW John F. Kennedy Highway (Map 47, Lots 189,44,41,127) on a 19,044+ SF site in an Industrial A, Mixed-Use Business, and Downtown Business Overlay zoned district. Owners: National Downtown Club LLC (66 State Road Westport, MA) and Franklin Hospitality Corporation (66 State Road Westport, MA). Applicant: Franklin Hospitality Corporation (66 State Road Westport, MA).

The approval is subject to the following:

#### **Specific conditions:**

1. Evidence of a Stormwater Management Plan Waiver from the Department of Public Infrastructure ("DPI") shall be submitted to the City of New Bedford Planning Department prior to the issuance of a foundation permit.
2. The type of bicycle rack shall be identified on plans, including specifications, and submitted to the Planning Department for administrative review and approval prior to the issuance of an occupancy permit.
3. A photometric plan shall be provided to the Planning Department for administrative review and approval prior to issuance of an occupancy permit.
4. Snow storage areas for the parking lot are to be identified on plans and submitted to the Planning Department for administrative review and approval prior to issuance of an occupancy permit.
5. Details for the geothermal system shall be submitted to the Planning Department and the Department of Public Infrastructure for administrative review and approval prior to issuance of a building permit. Substantive changes to the plans as a result of this system will require a public hearing and review by the Planning Board.
6. The applicant shall obtain the appropriate permits/permissions/easements required from DPI and the New Bedford Traffic Commission for the proposed geothermal line through the public right of way (Commercial Street) prior to the issuance of a building permit.
7. Two ADA accessible parking spaces shall be provided in the parking lot and noted on revised plans submitted to the Planning Department prior to issuance of an occupancy permit.
8. Traffic demand estimates and a Transportation Demand Management Plan shall be submitted for administrative review and approval by the Planning Department prior to issuance of an occupancy permit.
9. A circulation plan providing safe pedestrian and ADA accessible pathways from the parking lot to the proposed site shall be submitted to DPI for review and approval prior to the issuance of a foundation permit.

10. Further detailed information relative to gutter and downspout locations, as well as drainage information, shall be submitted to DPI for review and approval prior to issuance of a foundation permit. The applicant shall work with DPI to prevent sheet flow onto sidewalks.

**General Conditions:**

- 11. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
- 12. The project shall be undertaken in a manner consistent with the Memorandum from DPI received and placed on file on November 26, 2019.
- 13. The applicant shall submit final plan revisions to the Planning Department in the following formats: one (1) - 11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
- 14. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, is provided for the Planning Department Case file folder.
- 15. The applicant shall ensure a copy of the Notice of Decision bearing the certification by the City of New Bedford City Clerk, signifying that no appeal has been made against the project's approval, is recorded at the Registry of Deeds.
- 16. The applicant shall ensure that a copy of the recorded decision is provided for the Planning Department Case file folder.
- 17. The applicant shall present any proposed modification of the approved plans to the City Planner for consideration and determination as to whether the modified plan must return before this Board for further review.
- 18. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
- 19. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Member Glassman— Yes  
Board Member Trimbell – Yes

Board Member Khazan— Yes  
Board Member Cruz – Yes

Board Member Kalife – Yes

Filed with the City Clerk on:

12/12/19  
Date

  
\_\_\_\_\_  
Arthur Glassman, Vice-Chair  
City of New Bedford Planning Board