



City of New Bedford
ZBA VARIANCE APPLICATION

CASE # 4412

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Official Use Only:

Review of submittal compliance performed by [Signature] of the city's Division of Planning.

Staff review found the application packet to be ☒ complete ☐ incomplete on this date: _____.

This is page 1 of your ZBA Application.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	72	LOT(S)#	172 & 173
REGISTRY OF DEEDS BOOK:	4471	PAGE #	328(Lot 172); Cert #18729 (Lot 173)
PROPERTY ADDRESS: 1 Pearl Street			
ZONING DISTRICT: Industrial B			
OWNER INFORMATION			
NAME: Ocean View Realty Trust			
MAILING ADDRESS: 680 Acushnet Avenue, New Bedford, MA 02740			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Pearl Street Solar Roof, LLC & Pearl Street Solar Canopy, LLC			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> Solar Developer
MAILING ADDRESS (IF DIFFERENT): 405 Atlantis Road, Suite E115, Cape Canaveral, FL 32920			
TELEPHONE #	321-243-1891		
EMAIL ADDRESS:	joseph.myers@clean-footprint.com		

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 division staff and ZBA 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.

John Porter

Signature of Applicant/s

2/10/20

Date

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 variance must be recorded and acted upon within one year.

Joseph Myers

Signature of Owner/s

2-10-20

Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 469'	DEPTH 255'	AREA in SQ FT 211,550 SF		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 17,549 SF	TOTAL SQ FT BY FLOOR 17,549 SF	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 17,549 SF
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 3	PROPOSED SIZE 30,850SF	TOTAL SQ FT BY FLOOR 30,850 SF	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 30,850 SF
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		EXTENT OF PROPOSED ALTERATIONS Construct 2 Carports
EXISTING USE OF PREMISES:	Tire Recycling/Warehouse and		Processing		
PROPOSED USE OF PREMISES:	Tire Recycling/Warehouse and		Processing		
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<u>The Applicant is proposing to install solar panels on the existing industrial building roof and to construct two free standing carport canopies with solar panels within the front and side setback of the property due to operational constraints.</u>				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	1	1
NUMBER OF EMPLOYEES	5	5
HOURS OF OPERATION	7AM-5PM	7AM-5PM
DAYS OF OPERATION	Mon-Sat	Mon-Sat
HOURS OF DELIVERIES	7AM-5PM	7AM-5PM
FREQUENCY OF DELIVERIES (Check frequency)	<input checked="" type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

Planning Board Site Plan Review

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	211,550 SF	0	211,550 SF
Lot Width (ft)	255'	0	255'
Number of Dwelling Units	0	0	0
Total Gross Floor Area (sq ft)	17,549 SF	105,775 SF	30,850 SF
Residential Gross Floor Area (sq ft)	0	0	0
Non-Residential Gross Floor Area (sq ft)	17, 549 SF	105,775 SF	30,850 SF
Building Height (ft)	25'	100'	25'
Front Setback (ft)	113'	25'	21'
Side Setback (ft)	190'	25'	1'
Side Setback (ft)	153'	25'	153'
Rear Setback (ft)	23'	25'	23'
Lot Coverage by Buildings (% of Lot Area)	8.3%	50%	14.6%
Permeable Open Space (% of Lot Area)	5%	20%	5%
Green Space (% of Lot Area)	5%	20%	5%
Off-Street Parking Spaces	12	12	12
Loading Bays	2	2	2
Number of Ground Signs	0	1	0
Height of Ground Sign	N/A	N/A	N/A
Proximity of Ground Sign to Property Line	N/A	N/A	N/A
Area of Wall Sign (sq ft)	N/A	N/A	N/A
Number of Wall Signs	0	-	0

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Lot 172:Bk4471,Pg328 ; Lot 173:Ctf.#18729

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? ☐ Yes ☒ No

If no, please attach the following three items to your application and indicate they are attached:

- ☒ A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

- ☒ A copy of the Purchase & Sale Agreement or lease, where applicable.
- ☒ A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the “permit granting authority” (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

A

That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.

B

That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

C

That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.

D

That desirable relief may be granted without substantial detriment to the public good.

The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

A

Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:

Refer to the Attached Report

B

Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:

Refer to the Attached Report

C

Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

Refer to the Attached Report

D

Describe why nobody else would be hurt if the city granted your requested zoning relief:

Refer to the Attached Report

PROJECT NARRATIVE

SITEC

Civil and Environmental Engineering
Land Use Planning

SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747
Tel. (508) 998-2125 FAX (508) 998-7554

Unit C
769 Plain Street
Marshfield, MA 02050
Tel. (781) 319-0100 FAX (781) 834-4783

MEMORANDUM

TO: Zoning Board of Appeals
City of New Bedford

FROM: Steven D. Gioiosa, P.E.

DATE: February 12, 2020

SUBJECT: VARIANCE PETITION
PEARL STREET SOLAR ROOF, LLC
PEARL STREET SOLAR CANOPY, LLC
1 PEARL STREET
ASSESSOR'S MAP 72 – LOTS 172, 173



EXISTING SITE CONDITIONS

The subject property is a 211,550 sf parcel of land located on the northeast corner of Pearl Street and Acushnet Avenue. Located on the east side of the Route 18 Downtown Connector, the property is bordered by Pearl Street on the south, Acushnet Avenue on the west, industrial land on the north, and a railroad right of way on the east. The property is zoned Industrial B.

There is a one story industrial building on the property where the current owners operate a tire recycling business. The property is utilized for this industrial use with material processing, trailer storage, containment berms, parking and material stockpiles. The majority of the site is utilized for this recycling operation with some unused perimeter space along Acushnet Avenue. A chain link fence surrounds the property for security and overall public safety.

There is a billboard on the west side of the property adjacent to the Acushnet Avenue layout. Access to the site is via the Pearl Street curb cut.

PROPOSED DEVELOPMENT

The Applicants, Pearl Street Solar Roof, LLC and Pearl Street Solar Canopy, LLC are proposing a two phase solar project to complement the existing tire recycling operation.

Phase 1 of the project will consist of the repair of the roof for the existing industrial building. This repair will include the upgrade of portions of the subroof system, as needed, followed by a new roof system. Once this repair work is completed, the roof top solar panels will be installed with the associated inverters and interconnection equipment. The roof system capacity is projected to be approximately 207 KW (DC).

As part of the roof repair project, the Applicant will be installing a roof runoff recharge system as required for a redevelopment project under the City's Stormwater Regulations. This system will consist of a series of crushed stone trenches with perforated piping connected to the new gutter system and downspouts. This system has been designed to recharge a minimum of 1" drainage analysis for this system is attached with this project report.

Phase 2 of the project will be the construction of two canopy mounted solar panel systems. The canopies are proposed for construction adjacent to Pearl Street and Acushnet Avenue at the southwest corner of the property. The location for these canopies have been set to avoid conflicts with onsite truck traffic while providing canopy coverage for some of the truck containers used in the recycling operation. This canopy system is projected to generate 235 KW (DC).

The existing industrial site will remain unchanged, other than the new solar systems. With the installation of the roof recharge system there will be a direct reduction in overall surface runoff.

VARIANCE PETITION

- A. The construction of the Phase 2 canopy solar system is proposed to be located 21 feet from the easterly layout line of Acushnet Avenue and 1 foot from the northerly layout line of Pearl Street. The required setback for this structure from these layout lines is 25 feet in the Industrial B zoning district.

The position of the proposed solar canopies has been set based on the unique shape of the parcel and the existing site features. The existing recycling building is positioned on the central portion of the site adjacent to the easterly property line. This position creates three unique blocks of open land on the site.

The northerly portion of the site is utilized for product handling after onsite processing. There is a mounded topographic feature in this area that prohibits the placement of the canopies in this area. The central, western portion of the site has limited space available due to the required truck traffic access aisle and concrete material storage bins.

Based on the limitations associated with shape and topography, the only portion of the site that is available for the canopy placement is the southeast corner. This location and the resulting configuration maintains full, safe access to the site through the existing curb cut located at the southwest corner of the property. These site constraints affect the subject property but generally do not affect the overall zoning district.

- B. Literal enforcement of the zoning setbacks in this case would create a significant financial hardship due to the shape and topographic features of the property. Compliance with the zoning setbacks would result in a significant reduction in the solar canopy system rendering the project economically unfeasible.
- C. Granting of the requested setback relief would not derogate from the intent of the Zoning Ordinance. The setback requirements of the Ordinance are intended to provide a buffer from adjacent land uses and to insure that structures built close to the right-of-way do not obstruct sight lines along the streets.

In this case, the requested setback reduction from the Acushnet Avenue sideline is limited to 4 feet. The open canopy structure will not obstruct the sight lines along Acushnet Avenue which has a straight alignment in this area. Additionally, the canopy will not block sight lines for vehicles exiting Pearl Street with the elevated pedestrian walkway creating a more significant, ground level obstruction.

The requested setback of 1 foot from the sideline of Pearl Street will not obstruct sight lines or impact adjacent structures. Being located on the north side of the street, the canopy also will not create shading impacts on any abutting properties.

- D. Granting of the requested relief would not create a negative impact on abutting properties or public ways. In fact, the solar canopy system will provide green energy and reduce carbon output to the environment. Additionally, the solar project will allow for the upgrade of the onsite stormwater system, reducing surface runoff into the City stormwater system.

For these reasons, we respectfully request your consideration of this Variance request.



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #	72	LOT(S)#	173
ADDRESS: 1 Pearl Street			
OWNER INFORMATION			
NAME: Kimberly Aguiar, John Jeffery Ferreira, Thomas F. Ferreira Trustees of the Ocean View Realty Trust			
MAILING ADDRESS: 680 Acushnet Avenue New Bedford, MA 02740			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Alison Cesar - for SITEC, Inc.			
MAILING ADDRESS (IF DIFFERENT): 449 Faunce Corner Road North Dartmouth, MA 02747			
TELEPHONE #	508-998-2125		
EMAIL ADDRESS:	ACesar@SITEC-Engineering.com		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (<i>Please explain</i>):		

JAN 27 2020

2020 FEB 14 A 10:23

CITY CLERK
NEW BEDFORD, MA

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Michael J. Motta

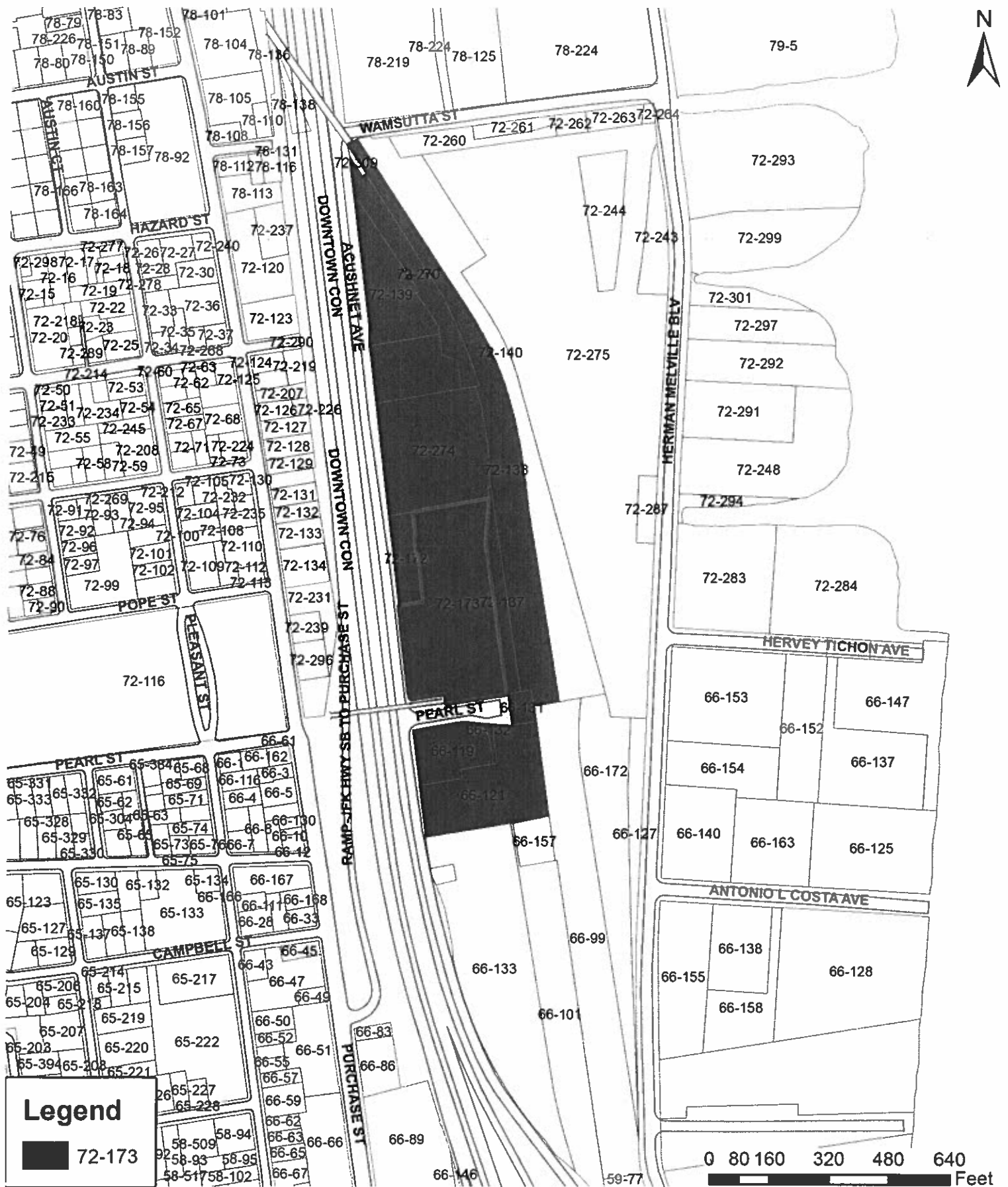
Printed Name

[Signature]

Signature

1/27/2020

Date



January 27, 2020

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 1 Pearl Street (Map: 72, Lot: 173). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
72-138	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP 500 WATER STREET DEPT J910 JACKSONVILLE, FL 32202
66-121 SS	PEARL ST	N B REDEVELOPMENT, AUTHORITY 133 WILLIAM STREET NEW BEDFORD, MA 02740
66-119	618 ACUSHNET AVE	COMMONWEALTH OF MASS, NEW BEDFORD, MA 02740
66-132 SS	PEARL ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
66-131 END	PEARL ST	COMMONWEALTH ELECTRIC CO, C/O PROPERTY TAX DEPARTMENT P O BOX 270 HARTFORD, CT 06141
72-173	1 PEARL ST	AGUIAR KIMBERLY "TRS", FERREIRA JOHN JEFFREY "TRS" FERREIRA THOMAS F "TRS" 680 ACUSHNET AVENUE NEW BEDFORD, MA 02740
72-137	RIGHT OF WAY	PENN CENTRAL CO., CONSOLIDATED RAIL CORP 500 WATER STREET DEPT J910 JACKSONVILLE, FL 32202
72-274	700 ACUSHNET AVE	PLUMBERS SUPPLY COMPANY, P O BOX 51687 NEW BEDFORD, MA 02745
72-270 ES	ACUSHNET AVE	GLICKSMAN DAVID, GLICKSMAN RUTH 1550 PADANARAM AVENUE NEW BEDFORD, MA 02740
72-139	730 ACUSHNET AVE	GLICKSMAN DAVID P "TRUSTEE", DAVID P GLICKSMAN REVOCABLE TRUST - 2003 1550 PADANARAM AVENUE NEW BEDFORD, MA 02740
72-172 ES	ACUSHNET AVE	AGUIAR KIMBERLY "TRS", FERREIRA JOHN JEFFREY "TRS" FERREIRA THOMAS F "TRS" 680 ACUSHNET AVENUE NEW BEDFORD, MA 02740
72-276	706 ACUSHNET AVE	ERINICLIA LLC 911 MILLS ESTATE PLACE CHULUOTA, FL 32766