



MAYOR  
JON MITCHELL

PLANNING DIRECTOR  
TABITHA HARKIN

## City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740  
Telephone: (508) 979.1488 · [www.newbedford-ma.gov](http://www.newbedford-ma.gov)

### ZONING BOARD OF APPEALS

#### STAFF REPORT

#### ZONING BOARD OF APPEALS MEETING

MEETING DATE: February 13, 2020

STAFF REPORT: February 3, 2020

#### Case#4407: Special Permit

**Property:** 109 Hillman Street  
Map: 58 Lot: 157

**Zoning:** Mixed Use Business (MUB)

**Owner:** City of New Bedford  
133 William Street  
New Bedford, MA 02740

**Applicant:** Waterfront Historic Area League  
(WHALE) C/O Teri Bernert  
15 Johnny Cake Hill  
New Bedford, MA 02740



**Overview of Request:** The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a Mixed Use Business [MUB] zoning district. Notice is given of a public hearing on the petition of: **City of New Bedford** (133 William Street, New Bedford, MA 02740) and **Waterfront Historic Area League (WHALE), C/O Teri Bernert** (15 Johnny Cake Hill, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single- and two- family structure) and 5300-5330 & 5360-5390 (special permit); relative to property located at **109 Hillman Street**, Assessors' map 58 lot 157 in a Mixed Use Business [MUB] zoned district. The petitioner is proposing to rehabilitate and change the use of an existing vacant building into a 9 unit mixed residential building per plans filed.

*Note: On February 20, 2020, by a vote of 8-0, the Community Preservation Committee (CPC) voted to recommend the project to the City Council for funding in the amount of \$300,000 for the installation of a new roof and structural support for the building.*

As with all **Special Permits**, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;
- d) neighborhood character and social structures;
- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

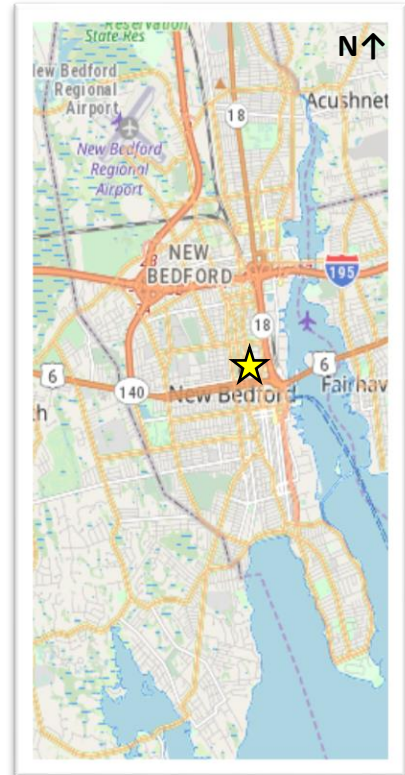
**Existing Conditions:** The 7,500± SF, multistory brick Romanesque Revival style structure is located on the corner of Hillman Street and County Street in the west end of the city, directly northwest of downtown New Bedford. The site's parcel is a 6,490± SF corner lot, with 50.3' of frontage on Hillman Street and 129.92' on the adjacent County Street. There is driveway access from both sides of the street frontages.

The building was constructed in 1893 as Fire House No. 5 and was used as the headquarters of the City's Civil Defense. The City disposed of the property through an RFP process in 2013 and regained the property through tax title in 2016. The building consists of a full basement, first and second stories with an attic. The building has a peaked asphalt roof and a tower on the east side of the building.

There is a small bituminous concrete unmarked parking area in the rear of the building northerly. The center elevation is comprised of a double door entryway to the west and a garage stall easterly, further east is a side entrance on County Street. The rear elevation is comprised of three separate entryways northeast; including a basement bulkhead.

The building encompasses the majority of the parcel with no greenspace on site. Chain link fencing surrounds the building to keep people off the site. The building has been vacant since 1994, therefore there is no activity on site.

**The subject property is located in the North Bedford National Historic District and is listed in the National Register of Historic Places. As such, the Department of City Planning has deemed it a priority site for preservation and adaptive reuse.** The surrounding neighborhood is a mixture of commercial, religious and residential uses in a Mixed Used Business (MUB) zoned district. Directly abutting the site to the north is Dillan's Restaurant, directly south across Hillman Street is Saint Lawrence Martyr Church, while directly abutting east is a residential multifamily dwelling. Directly west across County Street is a single family dwelling. Further south east adjacent across County Street is Chadwick's Awards, Trophy Plaques & Engraving.



*Note: The proposal required Site Plan Review and a Special Permit for Parking & Loading from the Planning Board. The proposal was granted, with conditions on February 12, 2020. Any conditions imposed by the Planning Board decision shall also be conditions of this Special Permit.*

**Proposal:** The proposal is to rehabilitate and change the use of an existing vacant building into a 9 unit residential building per plans filed. The proposal would include a complete renovation of the existing first, second and third stories into residential units. Additionally, there is proposed construction of new egress stairs to all floors to meet code requirements.

The proposed residential dwelling would include (2) studio units, (4) one-bedroom units and (3) two-bedroom units. In total, (9) residential units are proposed.

The application depicts the proposed parking lot layout as providing six (6) parking spaces. Under the zoning ordinance the proposal requires eighteen (18) parking spaces. The application therefore **requires a Special Permit for a parking reduction**. In this case, because the site has existing parking the **Planning Board** is the designated Special Permit granting authority for the district.

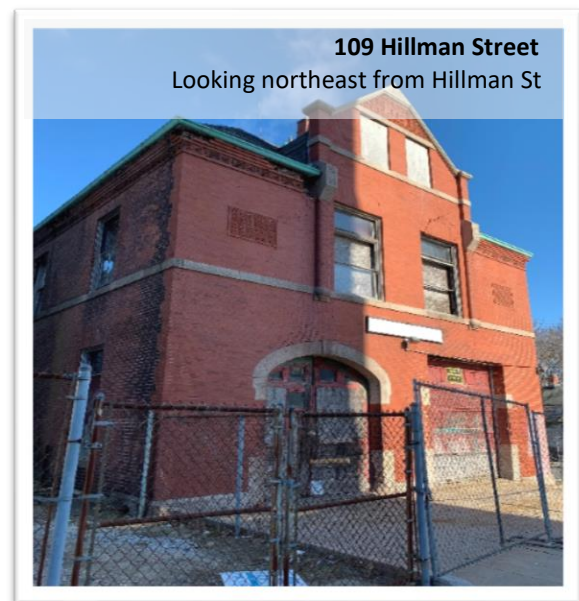
The existing bituminous concrete parking area in the rear of the building will be remain. The parking area will be patched, sealed and new parking lines will be painted. Additionally, the petitioner proposes to increase the green space by adding landscaped lawn areas surrounding the site in all directions.

The proposal to rehabilitate and change the use of an existing vacant building into a (9) unit mixed residential building per plans filed, **requires a Special Permit from the Zoning Board of Appeals for change of use to an existing nonconforming building**.

In regard to the criteria necessary to grant the **Special Permit**, staff offers the following:

**a.) Social, economic or community needs which are served by the proposal.** The petitioner states the rehabilitation and reuse would prevent the demolition of a historic building and reinstate a vacant lot to a taxable property; preserving the character, history and existing density of the surrounding neighborhood. The petitioner also notes the proposed use would offer additional housing for the citizenry of the city, which promotes and serves economic and community needs. Staff acknowledges the proposal offers 9 residential units, 6 of which will hold an affordable component. Additionally, staff notes the proposal would bring a vacant historic structure back into active use.

**b.) Traffic flow and safety including parking/unloading.** The petitioner states the proposal includes a dedicated lot with six spaces of on-site parking; the six parking spaces would be assigned to six of the proposed residential units. Additionally, the petitioner mentions that there is ample on street parking in the immediate vicinity. Staff acknowledges that the proposal offers six designated parking spaces. Staff also notes Hillman Street is a one-way street with on-street parking on the left side of the street.



**c.) Adequacy of utilities and other public services.** The petitioner states the necessity for gas, electric, water and sewer. Staff notes that there are adequate utility services serving this area.

**d.) Neighborhood character.** The petitioner states the North New Bedford Historic District/Acushnet Heights neighborhood is a dense, primarily residential neighborhood composed of multi-story wood framed dwellings that span the 19<sup>th</sup> & early 20<sup>th</sup> centuries with a variety of architectural styles. The petitioner states the proposal would rehabilitate, reuse and preserve the existing building from demolition. The application states the building was one of many neighborhood fire stations constructed in the city during the late 19<sup>th</sup> & early 20<sup>th</sup> centuries; contributing to the history and character of the surrounding neighborhood. Staff acknowledges that the surrounding area is characterized by commercial, religious and residential uses.

**e.) Impacts on the natural environment.** The petitioner indicated that there will be minimal impact as a result of this project. The petitioner notes efforts would be taken to use sustainable building materials and systems where feasible. Staff acknowledges the impacts on the natural environment are neutral as proposed. Staff does not anticipate a substantial change in the existing impacts on the natural environment at this site.

**f.) Potential fiscal impact, etc.** The application indicates the proposal would reuse and revitalize a vacant city owned property, enhancing the tax revenue as well as creating new jobs and services for the city. The petitioner states the proposal would create 70 temporary construction jobs and one permanent property management opportunity. Staff acknowledges the proposal could have the potential to add employment while providing services; and would reactivate a city property that has been vacant.



# 109 Hillman Street

## Map: 58 Lot: 157

*NOTE: Property line is approximate; for discussion purposes, only.*

