



ZONING BOARD of APPEALS

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

RECORDS OFFICE
Registry of Deeds/City of New Bedford, MA

2020 MAY -4 P 12:14

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	#4407			
Request Type:	Special Permit			
Address:	109 Hillman Street			
Zoning:	Mixed Use Business (MUB) Zoned District			
Recorded Owner:	City of New Bedford			
Owner Address:	133 William Street, New Bedford, MA 02740			
Applicant:	Waterfront Historic Area League (WHALE), C/O Teri Bernert			
Applicant Address:	15 Johnny Cake Hill, New Bedford, MA 02740			
Application Submittal Date	Public Hearing Date	Decision Date		
December 23, 2019	April 23, 2020	April 23, 2020		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
58	157	11945	95	

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 an 8 unit mixed residential building per 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, May 4, 2020. 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.

May 4, 2020

Date

Stephen Brown, Clerk of the Zoning Board of Appeals

APPLICATION SUMMARY

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, which requires a Special Permit under Chapter 9 Comprehensive Zoning Sections 2400 (non-conforming 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.

1.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Plan Set, drawn by Studio2sustain Inc., plans dated August 26, 2019, date stamped December 23, 2019 by City Clerk's Office.
 - A 0.0 Cover Sheet Project Summary
 - E 1.0 Existing Site Plan
 - SP 1.1 Existing & Proposed Site Improvement Plan
- Plan Set, drawn by Romanelli Associates Inc., plans dated September 4, 2019, date stamped December 23, 2019 by City Clerk's Office.
 - Existing Conditions Survey
- Plan Set, drawn by Riverhawk Environmental, plans dated October 25, 2019, date stamped December 23, 2019 by City Clerk's Office.
 - SP1.1 Site Layout Plan

Other Documents & Supporting Material

- Completed Petition for a Special Permit Form, stamped received by City Clerk's Office December 23, 2019.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated January 27, 2020.
- Staff Comments to the ZBA from the Office of the City Planner, dated February 3, 2020.

2.) DISCUSSION

On the evening of the April 23, 2020 meeting, board members: Leo Schick, Stephen Brown, Robert Schilling, Celeste Paleologos and Allen Decker were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Angela Goncalves (Assistant Project Manager) were present during proceedings for the subject case review.

In regards to Case #4407 Clerk Brown made a motion, seconded by Mr. Schilling to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated January 27, 2020; staff comments from the Department of Planning, dated February 3, 2020; the appeal packet as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

Chairperson Schick then declared the hearing open.

The petitioner: Rachel Alison, Project Manager, Waterfront Historic Area League (WHALE) (15 Johnny Cake Hill, New Bedford) presented the case at the hearing. Ms. Alison began her presentation by thanking the Board and the DCP staff in a continued effort to keep projects moving during this time.

Ms. Alison continued the presentation with a brief background of the site. The subject property is located in the North Bedford National Historic District and is listed in the National Register of Historic Places. 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 building was constructed in 1893 as Fire House No. 5 and was used as the headquarters of the City's Civil Defense until 1994. The building has been vacant since 1994, an incurred extensive damage due to water infiltration, therefore there is no activity on the site.

Ms. Alison proceeded with her presentation stating the subject property was slated for demolition in April 2019, WHALE stepped in to preserve the historical building. Ms. Alison explained the reuse as a residential dwelling is the only viable means to support the restoration and upkeep of the site. Additionally, Ms. Alison stated the proposal would preserve a historical property and inject affordable housing into the city.

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.

Under the zoning ordinance a change to an existing nonconforming structure for a substantial change of the use requires a Special Permit from the Zoning Board of Appeals.

The proposal also required Site Plan Review (Case 20-01) and a Special Permit (Case 20-02) for parking reduction by the Planning Board. The relief was granted, with conditions by the Planning Board on February 12, 2020.

Per recommendations by the Planning Board the revised proposal is to rehabilitate and change the use of an existing vacant building into an **eight (8)** unit mixed residential building per plans filed. The proposal would include a complete renovation of the existing first, second and third stories into residential units.

Additionally, the revised proposed residential dwelling would include (3) one-bedroom units and (5) two-bedroom units. In total, (8) residential units are proposed.

Ms. Alison continued the presentation to explain the entire site is covered in concrete and the project proposes to introduce as much permeable green space as possible including installing subsurface drainage systems to reduce strain on city water system. Ms. Alison proceeded to explain the site would accommodate (5) designated parking spaces including an ADA accessible space.

Mr. Alison concluded the presentation briefly summarizing multiple economic, environmental and community benefits to the city. Indicating 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. Additionally, the proposed use would offer additional housing for the citizenry of the city, which promotes and serves economic and community needs.

In response to an inquiry from Board Member Decker relative to parking, Ms. Alison notes the (5) designated parking spaces would be assigned to specific units; some of the units would not have designated off street parking. Ms. Alison also mentions per Planning Board recommendations , future collaboration with the Traffic Commission is in transit to discuss on street parking on both sides of Hillman Street.

Following the petitioner's testimony, Chairperson Schick invited to the podium anyone wishing to speak in favor or be recorded in favor of the petition of the application. There was no response to Chairperson Schick's invitation to speak or be recorded in favor.

Chairperson Schick invited to the podium anyone wishing to speak in opposition of the petition. There was no response to Chairperson Schick's invitation to speak or be recorded in opposition.

Chairperson Schick asked the Board if there were any further questions. With no further questions, Chairperson Schick closed the hearing.

The Board had a brief discussion. Board members Schilling and Paleologos both expressed their approval of the proposal. Mrs. Paleologos added that she preferred that the project provided designated parking for all the residential units.

Board member Decker refereed to Commissioner of Building and Inspectional Services, Danny D. Romanowicz regarding the Special Permit, Mr. Romanowicz stated the Special permit is to allow for the reuse of an existing non-conforming building into a substantial change in use. In this instance for the reuse of a Civil Defense Building into a Residential Building.

With no further questions. The board indicated their readiness to vote.

3.) FINDINGS

The Board found that in accordance with City of New Bedford Code of Ordinances Chapter 9 Section 5320, the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site including consideration of the following: social, economic, or community needs which are served by the proposal; traffic flow and safety, including parking and loading; adequacy of utilities and other public services; neighborhood character and social structures; and impacts on the natural environment.

4.) 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 in Section 6.

The Board grants the applicant's request for relief from 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 an 8 unit mixed residential building per plans filed.

5.) 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 special permit.

A motion to approve was made by Mr. Brown and seconded by Mrs. Paleologos as follows:

In regards to Case #4407 for **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) relative to property located at **109 Hillman Street**, Assessors' map 58 lot 157 in a Mixed Use Business [MUB] zoned district, to allow the petitioner to rehabilitate and change the use of an existing vacant building into a 8 unit mixed residential building per plans filed, which requires 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). Having reviewed this petition in light of the City of New Bedford Code of Ordinances Chapter 9 Comprehensive Zoning sections as cited; the board finds that in respect to these sections the board finds in regard to the criteria as follows:

The board finds that in respect to these sections 5300-5330 and 5360-5390 relative to the granting of Special Permits, that the benefit to the city and the neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. This determination included consideration of each of the following:

- *Social, economic, or community needs which are served by the proposal;*
- *Traffic flow and safety, including parking and loading;*
- *Adequacy of utilities and other public services;*
- *Neighborhood character and social structures;*
- *Impacts on the natural environment;*
- *Potential fiscal impact, including impact on City services, tax base, and employment*

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinance, the findings subsequently made based on these items along with all properly submitted materials and

testimony made, and the board's careful consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief.

Specific Conditions on this decision shall include:

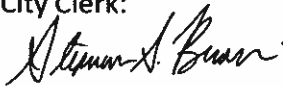
- This proposal required Site Plan Review by the Planning Board. Any conditions imposed by the Planning Board decisions shall also be conditions of this special permit.

General Conditions on this decision shall include:

- That the project be set forth according to the plans submitted with the application.
- That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk's Office be recorded at the Registry of Deeds.
- The rights authorized by the granted special 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 the decision was granted, or the approval will lapse.

On a motion by S. Brown seconded by C. Paleologos to grant the requested Special Permit, the vote carried 5-0-0 with members S. Brown, C. Paleologos, R. Schilling, A. Decker and L. Schick voting in the affirmative; with no members voting in the negative; and no one abstaining. (Tally 5-0-0).

Filed with the City Clerk:



May 4, 2020

Stephen Brown
Clerk of the Zoning Board of Appeals

Date