

City of New Bedford

ZBA SPECIAL PERMIT APPLICATION

CASE # 4431

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 checked="" 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"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Development Impact Statement (DIS)</u> , if required (per Chapter 9 section 5350 of the City of New Bedford Zoning Code)	<input 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: 10/21/21

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.

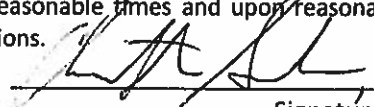
2. SPECIAL PERMIT SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a SPECIAL PERMIT 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)

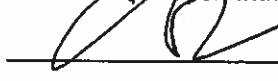
SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	53	LOT(S)#	40,41,215, 216 & 146
REGISTRY OF DEEDS BOOK #:	12830	PAGE #	27
PROPERTY ADDRESS: 117, 115, 121, 127-129 Union St & 7 N. Second St			
ZONING DISTRICT: Mixed Use Business & Downtown Business Overlay District			
OWNER INFORMATION			
NAME: 117 Union Street, LLC			
MAILING ADDRESS: 128 Union St, Suite 400, New Bedford, MA 02740			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-999-0600		
EMAIL ADDRESS:	csaunders@saunderslawllp.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.

 Attorney for 117 Union Street LLC 10-14-2020
Signature of Applicant/s 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 special permit must be recorded and acted upon within one year.

 Attorney for 117 Union Street LLC
Signature of Owner/s

10-19-2020
Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 117	DEPTH 106	AREA in SQ FT		
EXISTING BUILDING/S	# OF BLDGS 5	EXISTING SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS 1 & 3	TOTAL SQ. FT ENTIRE STRUCTURE 14,665
	# OF DWELLING UNITS 0		# OF BEDROOMS 0		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 47,574	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS 5	TOTAL SQ. FT ENTIRE STRUCTURE 47,574
	# OF DWELLING UNITS 46		# OF BEDROOMS 57		EXTENT OF PROPOSED ALTERATIONS New construction
EXISTING USE OF PREMISES:	Vacant				
PROPOSED USE OF PREMISES:	Residential and retail				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED SPECIAL PERMIT:	See Exhibit "A" <hr/> <hr/> <hr/> <hr/>				

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

	EXISTING	PROPOSED
NUMBER OF CUSTOMERS PER DAY	0	200
NUMBER OF EMPLOYEES	0	8
HOURS OF OPERATION	0	6 am to 10 pm
DAYS OF OPERATION	0	7 days
HOURS OF DELIVERIES	0	7am to 5 pm
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input type="checkbox"/> DAILY <input checked="" 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:

Site Plan has been approved and a Special Permit for reduction in parking has been approved by the Planning Board. the Special Permit is being amended.

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property

Book 12830, Page 27

(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:

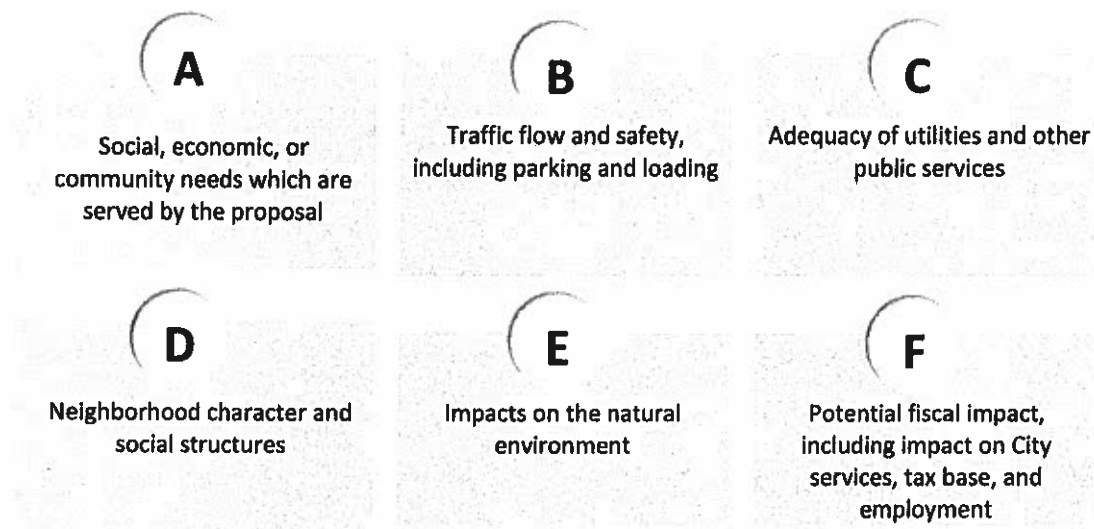
☐ A copy of the Purchase & Sale Agreement or lease, where applicable.

☐ 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 SPECIAL PERMIT

City of New Bedford Code of Ordinances Chapter 9 Section 5320 requires the ZBA to **find 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 includes consideration of each of the following:



The full text of New Bedford Code of Ordinances can be accessed from: www.newbedford-ma.gov

Because the ZBA must be able to articulate their findings on each of the items listed above in order to grant a special permit, you must make your case as to **HOW** your application affects each of the criteria for consideration. ***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 social, economic, or community needs which are served by your proposal:

See Exhibit "A"

B Describe how traffic flow and safety, including parking and loading, are addressed in your proposal:

See Exhibit "A"

C

Describe the utilities and other public services necessary for your proposal, and explain how these are adequately available for your proposal:

See Exhibit "A"

D

Describe the neighborhood character and social structures surrounding your proposed location, and how your proposal will fit in this area:

See Exhibit "A"

E

Describe any impacts on the natural environments your proposal may have:

See Exhibit "A"

F

Describe any potential fiscal impact, including impact on City services, tax base, and employment your proposal may have:

See Exhibit "A"

Please review the section(s) of the zoning ordinance under which your Special Permit request is made, there may be additional criteria required for your request.

Describe how your proposal meets any additional criteria required under zoning ordinance:

See Exhibit "A"

EXHIBIT "A"

117 UNION STREET, LLC (hereinafter referred to as "the Applicant) located at 115, 117, 112, 127-129 Union Street and 7 N. Second Street, New Bedford, MA and more particularly identified on the City of New Bedford Assessor's Map 53, Lots 40, 41, 215, 216, and 146. The premises is located in a Mixed Use Zoning District. The premises is also located in the Downtown Business Overlay District (DBOD).

On April 25, 2019, the City of New Bedford Zoning Board of Appeals granted the Applicant a Special Permit in Case No. 4372 to construct 42 residential dwelling units and 3,000 square feet of ground level retail space at the premises. The plan submitted with the application approved on April 25, 2019 included one ground level work/live space. The original plan that was approved contained 42 residential dwelling units and 3,000 square feet of retail space along with one work/live space in Phase One of the project. Phase One consisted of a new five story structure located at 117 Union Street. The original plan contained a contemplated a Phase Two build out which was to contain an additional eight dwelling units. Phase Two was to be a build out of the Moby Dick Building (hereinafter referred to as "Moby Dick") which is located on Assessor's Map 53, Lot 146. The original proposal was to raze five existing attached buildings located on Lots 40, 41, 215 and 216, as well as the rear one story addition located on Lot 146 and construct a five story/residential building on Lots 40, 41, 215, 216 and a one story building in the rear of Lot 146. The total amount of dwelling units proposed in Phase One and Phase Two of the original plan was 51 residential dwelling units. The Applicant hereby requests to amend Special Permit 4372 to allow for a total of 43 residential dwelling units on the upper level floors along

with three work/live units on the ground level floor. On September 17, 2020 the Applicant was granted a one year extension of Special Permit 4372 by the City of New Bedford Zoning Board of Appeals.

The Applicant was granted a Special Permit under Chapter 9, Comprehensive Zoning, Sections 4500 – 4572 (Downtown Business Overlay District – DBOD) and 5300 and 5360-5390 (Special Permit) relative to the property located at 115, 117, 121, 127-129 Union Street and 7 N. Second Street, New Bedford, MA to construct 42 residential dwelling units and 3,000 square feet of ground level retail space at the premises and now seeks a Special Permit under the same zoning bylaws to construct 43 residential dwelling units on the upper level floors along with a combination of retail and three work/live units on the ground level floor.

Additionally, the Applicant seeks a Special Permit under Chapter 9, Comprehensive Zoning, Sections 2200 – 2421 as a change or substantial extension of the grandfathered non-conforming use and structure to allow the three work/live units on the ground level floor.

Pursuant to §4500-4572 and §5300-5390, the Zoning Board of Appeals may issue a Special Permit for this project upon written determination that the benefit to the city and the neighborhood outweigh the adverse effects of the proposed use taking into account the characteristics of the site and of the proposal in relation to that site. The Zoning Board of Appeals can take into consideration the social economic and community needs which are served by the proposal. Additionally, the traffic flow and safety, including parking and loading, should be taken into consideration, as well as the adequacy of utilities and other private services. Other considerations are the neighborhood character and social structures and impacts on the natural environment. Lastly, the potential fiscal impact, including impact on city services, tax base and employment shall be considered. When considering the proposed project in relation to the criteria as outlined

in §5320-5326, the proposed project will compliment a successful rehabilitation project and provide safe, adequate housing for the citizenry of the City of New Bedford, which promotes social, economic and community needs. As Site Plan Review has been approved on this project, the traffic flow and safety, including parking and loading, has already been determined to be adequate by the Planning Board during the permitting of the first phase. The Applicant is presently seeking to amend the Special Permit granted to allow for reduction in parking and loading spaces and any approval by the Zoning Board of Appeals would be conditioned on approval of the amendment. The project will be using newly installed utilities and no additional public services will be required. This project will fit into the character and social structure of the neighborhood. There will be no adverse impacts on the natural environment as this project will consist primarily of rehabilitating of an existing building and construction of a five story building to create 46 residential dwelling units. Lastly, there will be minimal impact to city services while at the same time increasing the city's tax base by increasing the property value of the structure and providing gainful employment opportunities for the construction.

The Applicant respectfully requests the Zoning Board of Appeals grant the Special Permit and make the findings that the proposed project complies with the requirements of this section; that the proposed project does not cause a substantial detriment to the neighborhood as there will be no adverse environmental impacts or risks to pedestrians or vehicular traffic during or after the operation of the project; that the Applicant has demonstrated a reasonable effort to comply with the parking requirements; and that the proposed project protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements on site.



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 #	53
LOT(S)#	40,41,215,216 & 146
ADDRESS: 117 121 115 127-129 Union St; 7 N Second Street	
OWNER INFORMATION	
NAME: 117 Union Street, LLC	
MAILING ADDRESS: 128 Union Street, Suite 400, New Bedford, MA 02740	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): Christopher Saunders	
MAILING ADDRESS (IF DIFFERENT): 700 Pleasant Street, New Bedford, MA 02740	
TELEPHONE #	508-999-0600
EMAIL ADDRESS:	csaunders@saunderslawllp.com
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (Please explain):

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

Digitally signed by Michael Motta
DN: cn=Michael Motta, o=City of New Bedford, MA, email=mmotta@cityofnewbedford-ma.gov, c=US
Date: 2020.09.04 13:11:25 -0400

2020 OCT 9 4/2020

Date

CITY CLERK

2020 OCT 21 A 8:53

ASSESSOR'S OFFICE

Amount Due

\$7.00

Date Paid

9/3/2020

Confirmation Number

4765445



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

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SUBJECT PROPERTY	
MAP #	53
LOT(S)#	40, 41, 215, 216 + 146
ADDRESS: 117, 121, 115, 127-129 Union Street; 7 N. Second St, New Bedford	
OWNER INFORMATION	
NAME: 117 Union Street, LLC	
MAILING ADDRESS: 128 Union Street, Suite 400, New Bedford, MA 02746	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): Christopher Saunders	
MAILING ADDRESS (IF DIFFERENT): 700 Pleasant Street, New Bedford, MA 02740	
TELEPHONE #	508-999-0600
EMAIL ADDRESS:	csaunders@saunderslawllp.com
REASON FOR THIS REQUEST: Check appropriate	
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (Please explain):

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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

Date

Account Information

Payment Type: Permits
Reference Number: 117 UNION ST
Phone Number: 508990600

Payment Information

Payment Date: 9/3/2020
Payment Amount: \$7.00
Convenience Fee: \$1.95
Total Payment: \$8.95

Payment Method: VISA
Card Number: XXXXXXXXXX6469
Expiration Date: 11/20
CHRISTOPHER SAUNDERS
Billing Zip Code: 02740

Your confirmation number is: **4765445**

Your payment will post to the account listed below. It takes approximately two business days to post your payment to the account. Your payment date and time are equal to the time you completed this transaction as indicated by the Digital Time Stamp below.

Digital Time Stamp: 09/03/2020 11:04:53 (EST)

If an email address was provided, your confirmation email will be sent from marketing@valuepaymentsystems.com. Please have payer sign below and retain merchant copy for your records.

Signature X

September 2, 2020
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 115,117,121,127-129 Union Street & 7N. Second Street (Map: 53, Lot: 40,41,215,216,146). 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
47-3	PURCHASE ST	S BNK NB UNION LLC, C/O WHELEN ASSOCIATES 70 N SECOND STREET NEW BEDFORD, MA 02740
53-141	BARKER'S LN	CITY OF NEW BEDFORD, PARKING LOT & GARAGE 131 WILLIAM ST NEW BEDFORD, MA 02740
53-138	343 ACUSHNET AVE	NEWBEDFORD ACUSHNET LLC, C/O LAW OFFICE OF STEVE ROSS 83 SPEEN STREET NATICK, MA 01760
53-215	121 UNION ST	117 UNION STREET LLC 128 UNION STREET SUITE 400 NEW BEDFORD, MA 02740
53-216	117 UNION ST	117 UNION STREET LLC 128 UNION STREET SUITE 400 NEW BEDFORD, MA 02740
53-29	143 UNION ST	WORK INCORPORATED, 25 BEACH STREET DORCHESTER, MA 02122
53-41	115 UNION ST	117 UNION STREET LLC 128 UNION STREET SUITE 400 NEW BEDFORD, MA 02740
53-143	141 UNION ST	WATERFRONT HISTORIC AREA LEAGUE OF NEW BEDFORD INC, 128 UNION STREET NEW BEDFORD, MA 02740
53-144	135 UNION ST	WATERFRONT HISTORIC AREA LEAGUE OF NEW BEDFORD,INC, 128 UNION STREET NEW BEDFORD, MA 02740
53-145	133 UNION ST	LAJOIE MICHAEL P "TRUSTEE", M B M REALTY TRUST 28 WATERFALL ROAD ACUSHNET, MA 02743
53-146	127 UNION ST	117 UNION STREET LLC 128 UNION STREET SUITE 400 NEW BEDFORD, MA 02740
53-40	7 N SECOND ST	117 UNION STREET LLC 128 UNION STREET SUITE 400 NEW BEDFORD, MA 02740
53-137	355 ACUSHNET AVE	FLOOD DANIEL "TRUSTEE", 355 ACUSHNET AVENUE REALTY TRUST 355 ACUSHNET AVENUE NEW BEDFORD, MA 02740

September 2, 2020
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 115,117,121,127-129 Union Street & 7N. Second Street (Map: 53, Lot: 40,41,215,216,146). 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.

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<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
53-154	93 UNION ST	ST ANNE CREDIT UNION, 93 UNION STREET NEW BEDFORD, MA 02740
47-1	174 UNION ST	S BNK NB UNION LLC, C/O WHELAN ASSOCIATES 70 N SECOND STREET NEW BEDFORD, MA 02740
47-21	25 S WATER ST	N B YOUNG MENS CHRISTIAN, ASSOCIATION 25 SOUTH WATER ST NEW BEDFORD, MA 02744
47-5	128 UNION ST	128 UNION STREET LLC, 117 HATHAWAY ROAD NORTH DARTMOUTH, MA 02747
53-153	15 JOHNNY CAKE HILL	NB PORT SOCIETY LLC 15 JOHNNY CAKE HILL NEW BEDFORD, MA 02740

Note: This map was developed using the best available data and serves a guide rather than a determination. Data should be confirmed in the field to ensure accuracy.

