



City of New Bedford Department of City Planning

133 William Street • Room 303 • New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 • Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE
SEPTEMBER 17, 2021

MEETING DATE
SEPTEMBER 22, 2021

Case #21-30 & #21-31: **Site Plan Review & Special Permit**
35 Kearsarge Street
Map: 112 Lot: 3A

Owner: Roman Catholic Bishop of Fall River
450 Highland Street,
Fall River, MA 02720

Applicant: Cruz Development Corp.
1 John Eliot Square,
Roxbury, MA 02119

Zoning District: Residence A

Site Area: 32,000± ft²

Overview: Request by applicant for **Site Plan Review** for the conversion of the existing building to 34 apartment units and associated site improvements, and a **Special Permit** for a parking reduction.



Front of the building at 35 Kearsarge Street.
Looking southwest from Kearsarge Street.

Existing Conditions

The project site was formerly St. Joseph-St. Therese parochial school, located behind the associated church. The site has 160± feet of frontage on Kearsarge Street. A paved parking area is in the rear of the property. The building, built circa 1910, is in disrepair; all first-floor windows are boarded up and multiple second-floor windows are broken. The rear of the property is unsecured, and the building has been vandalized with spray paint. The surrounding neighborhood consists of single and multi-family homes. A parking area owned by the church abuts the property to the south and across Duncan Street. Brooklawn Park is across Acushnet Avenue from the adjacent church. The neighborhood becomes a mix of homes and businesses north and south on Acushnet Avenue.

Related Permitting

In November 2020, the property owner received an endorsed ANR plan to divide the portion of the parcel containing the former school and the parking area from the church and rectory. This plan has yet to be filed with the Registry of Deeds.

The applicant is also seeking a Special Permit from the Zoning Board of Appeals for the change of use.

Decision Criteria

The applicant is requesting a Site Plan Review and Special Permit for a reduction of parking requirements. The ordinance provides the Board the following criteria for reaching a decision.

Site Plan Review Criteria

In considering Site Plan Approval for the proposed project, the Board must find that the plan meets the objectives identified in Section 5470 of the City's Zoning Ordinance (c.9) including:

- **Adequate access to each structure for fire and service equipment**
- **Adequate provision for utilities and stormwater drainage**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development so as to:**
 - Minimize cut/fill volumes, removal of 6" caliper trees and larger, removal of stone walls, displacement of wetland vegetation, extent of stormwater flow increase from the site, soil erosion and the threat of air/water pollution;
 - Maximize pedestrian/vehicular safety to/from the site
 - Minimize the obstruction of scenic views from publicly accessible locations
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas
 - Minimize glare from vehicle headlights and lighting fixtures
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity
 - Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of solid/liquid wastes and hazardous substances
 - Ensure compliance with the Zoning Ordinance
 - Minimize damage to existing adjacent public ways
 - Promote orderly and reasonable internal circulation within the site so as to protect public safety

Special Permit Criteria for Parking Reduction

When deciding on the Special Permit for a parking reduction, the Board must consider the requirements outlined in Section 3120 of the City's Zoning Ordinance (c.9):

- Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:
 - Use of a common parking lot for separate uses having peak demands occurring at different times
 - Age or other characteristics of occupants of the facility requiring parking which reduces auto usage
 - Peculiarities of the use which make usual measures of demand invalid
 - Availability of on-street parking or parking at nearby municipally owned facilities.
 - Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces

Proposed Conditions

The applicant proposes to convert the former school to 34 units of housing for individuals 62 years and older and indicates that there will be 31 one-bedroom units and three (3) two-bedroom units. Unit size will range from 491 to 974 ft². Interior alteration will consist of the installing an elevator and converting existing space into residential units, laundry rooms, mechanical rooms, and common areas. Site improvements include the repaving and restriping of the parking area behind the building to create 35 spaces, the installation of a stormwater system under the parking lot, and addition of landscaped areas around the parking area and rear entrance.

Staff Review

The table below outlines the proposed site changes and highlights items for discussion and the Board's consideration.

Parking	<ul style="list-style-type: none">• <u>The proposed parking area behind the building will include new curb cuts, pavement, and parking space striping.</u> The applicant proposes new 22' wide curb cuts on Duncan Street and Ingraham Street to create driveways for the parking area. The resulting work will create 35 parking spaces, including 2 handicapped spaces. Per the Zoning Ordinance, the applicant is required to provide 68 spaces (2 spaces for every unit required for multi-family structures X 34 units) and is therefore seeking a Special Permit for a parking reduction from the Board. The Board may wish to discuss the anticipated auto usage of the residents with the applicant.• <u>On-street parking is not allowed along the site frontage on Kearsarge Street.</u> During a site visit, daytime parking was available on Duncan Street and Ingraham Street, but no on-street parking was available the length of Kearsarge Street across from the site. In considering the parking reduction, the Board may wish to consider the potential impacts to on-street parking generated by the project.
Landscaping & Site Features	<ul style="list-style-type: none">• <u>Landscaped areas are proposed along the perimeter of the parking area and the rear of the building.</u> Plans show a landscaped area west of the parking lot along the proposed property line with the church, in an alcove at the rear of the building, and on either side of a walkway leading from an egress to the parking area. The landscaping schedule of species proposed in the engineered site plan, differ from those proposed in the architectural plan. The Board may wish to discuss these discrepancies with the applicant.• <u>A patio is proposed along the rear of the building.</u> Plans show a patio area in the alcove in the rear of the building. No details are provided indicating material, stormwater drainage, or screening intended for this area. The existing conditions plan refers to this area as "raised roof" and the lower-level architectural plan shows that a laundry and mechanical room are proposed below the patio. The Board may wish to discuss the proposed materials and drainage system for the patio with the applicant.• <u>No screening is proposed for the north and south sides of the parking area.</u> Per the ordinance, screening is required for any parking facility of five (5) spaces or more which adjoins or abuts any residential use or residential district. The Board may wish to discuss this with the applicant and condition appropriate screening along the sidewalks on Duncan Street and Ingraham Street.

Circulation	<ul style="list-style-type: none"> • <u>A cement walkway is proposed along the rear of the building.</u> A 5' wide cement walkway is proposed between the east edge of the parking area and the rear of the building to provide pedestrian access. Plans indicate that the walk will have handicapped ramps adjacent to the two (2) handicapped parking spaces. The walkway widens to 9' to connect to the entrance proposed at the rear of the building. • <u>Existing building egresses on Ingraham Street and Duncan Street are shown on the architectural plans but it is unclear how they will be used.</u> Main entrances are indicated on both plans on the east side of the building on Kearsarge Street and at the rear/west side off the parking area. The Board may wish to address this with the applicant and determine how the side doors will be used. • <u>Existing stairs on Kearsarge Street are to remain but will no longer be used to access entrances.</u> As proposed, the exterior stairways would lead to a first-floor residential unit's bedroom window. The Board may wish to discuss this with applicant and determine if this plan poses a risk to public safety. The Board may also wish to discuss the stairways and entrances in the context of historical preservation.
Traffic/Transit	<ul style="list-style-type: none"> • Stops for SRTA Route 2 are one block west of the site on Acushnet Avenue. • The applicant has provided a traffic impact assessment, which estimates the total trips during peak times: <ul style="list-style-type: none"> ○ Weekday morning – 6 trips ○ Weekday evening – 9 trips ○ Saturday midday – 11 trips • The traffic assessment concludes that the proposed development “is not expected to result in a noticeable increase in the number of vehicles trips travelling to and from the site” and recommends parking restrictions be imposed within 20 feet from each proposed driveway entrance to maintain safe sightlines. • It is within the Board’s purview to request a peer review of the traffic report.
Stormwater	<ul style="list-style-type: none"> • A new stormwater system is proposed under the parking area, including two infiltration chambers. • The applicant has provided a stormwater report, which concludes that post-develop conditions will not increase discharge. Planning staff defer to the Department of Public Infrastructure regarding compliance with the City’s stormwater regulations. • <u>New downspouts and gutters are proposed, but it is unclear where the roof drainage system discharges.</u> Plans do not show how downspouts—which currently discharge into drainpipes built into the exterior of the building—will be incorporated into the new stormwater system. It is also unclear if the existing drainpipes connect to the City system. The Board may wish to discuss plans for roof drainage with the applicant.
Snow Storage	<ul style="list-style-type: none"> • Plans do not indicate a snow storage area. The Board may wish to discuss this with the applicant and condition a location.
Waste Receptacles	<ul style="list-style-type: none"> • The applicant proposes a cement dumpster pad and a cedar fence enclosure with grass islands on either side. The Board may wish to confirm that trash trucks will have adequate space to access the enclosure. • There is currently an unscreened dumpster on the adjacent church property, east of the rectory garage, where the property line is proposed in the unregistered 2020 ANR plan. The Board may wish to discuss how the project will impact this dumpster location.

Utilities	<ul style="list-style-type: none"> • <u>The transformer will be relocated from the south side of the parking area to the landscaped alcove at the rear of the building.</u> Site plans do not show any screening proposed for the transformer, but architectural plans show landscaping screening on the north, south, and east sides. The Board may wish to discuss suitable screening options for the transformer. • New water service connections (fire and domestic) and sewer are proposed at Ingraham Street. The existing service will be cut and capped.
Lighting	<ul style="list-style-type: none"> • <u>New pole-mounted lighting is proposed for the parking area.</u> Plans show four (4) Bega Model #77 911 15' pole-mounted LED lights along the parking area. The applicant has provided a lighting plan, which shows that there will be no bleed outside of the existing property. • The lighting plan does not show any exterior lighting mounted on the building above egress points. The Board may wish to discuss any additional lighting with the applicant.
Demolition and Erosion Control	<ul style="list-style-type: none"> • Applicant proposes removing the pavement in the rear of the building and the sidewalk areas where curb cuts are proposed to create the new parking area. • Compost filter socks are proposed at the edge of the work being done to the parking area and a stabilized construction entrance is proposed off Ingraham Street. Details of the construction entrance and protective measures for the stormwater system have not been provided; the Board may wish to discuss this with the applicant.
Architectural	<ul style="list-style-type: none"> • <u>Exterior renovations to the building include repairing the brick façade and replacing the roof.</u> The applicant notes in the project narrative that brick exterior will be sand blasted and repointed. Additionally, the roof will be replaced with EDPM material of an unindicated color. The Board may wish to discuss plans for roof color with the applicant. • <u>Architectural elevations do not show any mechanical systems on the roof.</u> A site visit and satellite imagery from Google Earth indicate that rooftop mechanical systems current exist. The Board may wish to discuss rooftop mechanicals with the applicant and condition appropriate screening.
Master Plan	<ul style="list-style-type: none"> • The proposal is consistent with the master plan's goal to encourage and maintain a wide range of housing types throughout the city that reflect the historic and cultural character of each area by supporting development that provides for households of all income levels.

Interdepartmental Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

At the time of writing this report, no departmental memos have been received.

Site Photos



Rear of the building at 35 Kearsarge Street.
Looking east from the parking area.



Stairways on the front will lead to bedroom windows.
Looking north from the Kearsarge Street.

Site of proposed parking area and north curb cut.
Looking south from Ingraham Street.



Tree and transformer (to the right of the tree) on site will be removed to create the south curb cut.
Looking north from Duncan Street.



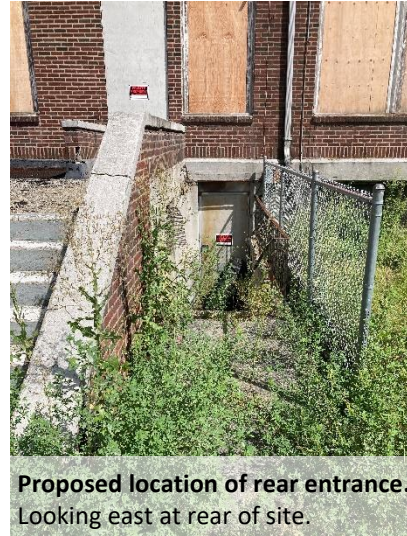
Daytime parking on Ingraham Street.
Looking east from Ingraham Street and Acushnet Avenue.



Daytime parking on Duncan Street.
Looking west from Duncan Street and Kearsarge Street.



Dumpster on proposed property line.
Looking north from Duncan Street.



Proposed location of rear entrance.
Looking east at rear of site.

Materials for Consideration

The engineered plan submission is shown as “35 Kearsarge Street Multi-family Redevelopment” dated August, 2021, and prepared by Civil & Environmental Consultants Inc. of Raynham, MA. The plans are stamped by Steven Gioiosa, PE. The plan set consists of the following sheets:

- C000 Cover Sheet
- C100 Existing Conditions Plan
- C200 Layout and Materials Plan
- C500 Grading, Drainage, and Utilities Plan
- C700 Lighting and Landscaping Plan
- C800 Details Sheet 1
- C801 Detail Sheet 2
- C900 Demolition, Erosion, and Sediment Control Plan (amended)

The architectural plan submission is shown as “35 Kearsarge Street, New Bedford, MA” dated 7/14/21, and prepared by Michael Washington Architects, Inc. of West Roxbury, MA. The plan consists of the following sheets:

- T-0 Title Sheet
- C-1 Proposed Parking Plan
- A-1 Proposed Building Plan – Lower Level
- A-2 Proposed Building Plan – First Floor
- A-3 Proposed Building Plan – Second Floor
- A-4 Proposed Building Plan – Roof
- A-5 Proposed Elevations – East & West
- A-6 Proposed Elevations – North & South
- A-7 Proposed Building Section
- A-8 Proposed Landscaping Plan

Recommended Conditions



Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

That the following **specific conditions** be applied to this decision:

1. Stormwater management plans shall be in conformance with the City Stormwater Regulations and receive approval from the Department of Public Infrastructure prior to issuance of a building permit.
2. Revised plans showing adequate screening for the north and south sides of the parking area shall be submitted the Department of City Planning for administrative review prior to the issuance of a building permit.
3. **[If applicable]** Revised plans showing the rooftop mechanical systems and adequate screening shall be submitted the Department of City Planning for administrative review prior to the issuance of a building permit.
4. **[If applicable]** Revised plans showing adequate screening for the transformer shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
5. Revised plans showing details for the construction entrance and any protective measures for the stormwater system shall be submitted to the Department of City Plan for administrative review prior to the issuance of a building permit.
6. The roof shall be **[color to be determined by the Board]**.
7. Revised plans showing snow storage areas shall be submitted to the Department of City Plan for administrative review prior to the issuance of a building permit.



Special Permit. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested special permit for the project:

That the following **specific conditions** be applied to this decision:

1. Revised plans showing adequate screening for the north and south sides of the parking area shall be submitted the Department of City Planning for administrative review prior to the issuance of a building permit.

That the following **general conditions** also be applied to both decisions:

1. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
2. The project shall be undertaken in a manner consistent with any departmental memos received in relation to plan and placed on file for Planning Board consideration. The conditions of such memos shall be considered to be part of these conditions.
3. The applicant shall submit final plan revisions to the Department of City Planning 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.
4. 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, be provided for the Department of City Planning case file folder.
5. That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk, signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds.
6. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
7. The applicant shall present any proposed modification from the approved plans for consideration to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review.

8. 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.
9. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/planning-board-agenda-info-2021/>

Staff Report prepared by: Michael McCarthy, Staff Planner
Reviewed by: Jennifer Carloni, City Planner

35 Kearsarge Street Map: 112 Lot: 3A

NOTE: Property line is approximate; for discussion purposes, only. Aerial image is oriented north.

