

**PLANNING BOARD**

City Hall, Room 303
 133 William Street,
 New Bedford, MA 02740
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CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

OFFICE OF THE CITY CLERK
 NEW BEDFORD, MA
 2021 OCT -6 PM 3:17
 CITY CLERK

Case Number: 21-30				
Request Type: Site Plan Review				
Address: 35 Kearsarge Street				
Zoning: Residence-A				
Recorded Owners: Roman Catholic Bishop of Fall River				
Owner Address: 450 Highland Street, Fall River, MA 02720				
Applicant: Cruz Development Corporation				
Applicant Address: 1 John Eliot Square, Roxbury, MA 02119				
Application Submittal Date		Public Hearing Date(s)		Decision Date
August 12, 2021		September 22, 2021		October 6, 2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
112	3	336	500	

Application: Request by applicant for Site Plan Review for the conversion of the existing building to 34 apartments and associated site improvements at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A (RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

Action: GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on October 6, 2021. Any person aggrieved by this decision for Site Plan Approval has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

October 6, 2021

Date

Kathryn Duff, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-30: 35 Kearsarge Street – Request by applicant for **Site Plan Review** for the conversion of the existing building to 34 apartments and associated site improvements at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A (RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

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

Other Documents and Supporting Materials:

- Staff Report, 9/15/2021
- Department of Public Infrastructure Memo, dated 9/21/2021
- Site Plan Review Application Packet
- Special Permit Application Packet
- Stormwater Report
- Rejection Packet

3) DISCUSSION

Due to the COVID- 19 outbreak, the following meeting was held fully remotely in accordance with the Governor of Massachusetts’ March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G. L. c. 30A, Section 20.

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the September 22, 2021 online meeting. City Planner Jennifer Carloni, Assistant City Planner Anne Louro, and Staff Planner Michael McCarthy were also in attendance.

Case #21-30 was heard as part of new business. Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case. Attorney Marc Deshaies introduced himself as the agent for the applicant, Cruz Development, and introduced the project team: Mr. John Cruz and Mr. Daniel Cruz of Cruz Development Corporation; Mr. Daniel Aguiar and Mr. Thomas Rosborough of Civil & Environmental Consultants, Inc.; and Mr. Ben Lee of Michael Washington Architects, Inc.

Attorney Deshaies then provided an overview of the proposal to convert the building at 35 Kearsarge Street to 34 "senior living" apartments for people over 62 years of age and to construct a new parking area with 35 spaces behind the building. Attorney Deshaies turned the presentation over to Mr. Lee, who discussed the interior layout plans and the proposed improvements to the exterior of the building, including replacing windows, updating existing egress points, and landscaping. Mr. Rosborough then detailed the site design and drainage plan. Finally, Mr. Cruz explained the concept of the development, the anticipated mix of residential unit types, and the outcome of prior community outreach meetings.

Chair Duff asked why the original stairways were to be maintain, as they would lead to an apartment window. After some discussion, the applicant agreed to add landscaping or another feature to prevent access to stairs from the street.

After a discussion with the Board, the applicant agreed to choose a light color for the roof.

The Board discussed transportation options and how residents would access the SRTA bus line with the applicant. The Board also inquired about improving access to Brooklawn Park and nearby neighborhood amenities, such as the Wilkes Library and Senior Center. The applicant agreed to repaint all crosswalks adjacent to the site and the crosswalks across Acushnet Avenue.

The Board discussed site drainage and the concerns raised by the Department of Public Infrastructure with the applicant. The applicant agreed to reassess the draining calculations to account for the new roof, disconnect any roof leaders tied into the City's stormwater system and redirect all site drainage to the infiltration system under the parking area.

The Board discussed required screening for the parking lot with the applicant, who agreed that screening would be added as required along the west, north, and south sides of the parking area.

Hearing no more comments from the Board, Chair Duff opened the floor so members of the public could speak in support or opposition.

Hearing no comments from the public, Chair Duff asked for a motion.

4) DECISION

Board Member Glassman made the motion, seconded by Board Member Cruz to approve Case #21-30: 35 Kearsarge Street – Request by applicant for Site Plan Review for the conversion of the existing building to 34 apartments and associated site improvements at 35 Kearsarge Street (Map: 112 Lot 3), a 32,000± square foot site in a Residence A

(RA) zoned district. Owner: Roman Catholic Bishop of Fall River (450 Highland Street, Fall River, MA 02720). Applicant: Cruz Development Corporation (1 John Eliot Square, Roxbury, MA 02119).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

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 to the Department of City Planning for administrative review prior to the issuance of a building permit.
3. Revised plans showing details for the construction entrance and any protective measures for the stormwater system shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
4. The roof shall be a light color.
5. Revised plans showing snow storage areas shall be submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
6. The applicant shall restripe the crosswalks adjacent to the site and the crosswalks across Acushnet Avenue at Ingraham Street and Duncan Street.
7. A parking lot lighting plan shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.
8. The applicant shall meet the conditions of the Department of Public Infrastructure's memorandum dated September 21, 2021.

With the following GENERAL conditions:

9. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
10. The project shall be undertaken in a manner consistent with the Memorandum from the Department of Public Infrastructure (DPI) received in relation to plan and placed on file for Planning Board consideration. The conditions of the DPI memorandum shall be considered to be part of these conditions.
11. 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.
12. 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 recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
13. 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.
14. 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.
15. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Member Duff - Yes
Board Member Glassman – Yes

Board Member Khazan – Yes Board Member Kalife – Yes
Board Member Cruz – Yes

Filed with the City Clerk on:

October 6, 2021

Date

A handwritten signature in black ink, appearing to read 'Kathryn Duff', is written over a horizontal line.

Kathryn Duff, Chair
City of New Bedford Planning Board

