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PLANNING BOARD

STAFF MEMO #2*

REPORT DATE
November 5, 2021

PLANNING BOARD MEETING
NOVEMBER 10, 2021

Case #21-28: SITE PLAN REVIEW

Case #21-04: SPECIAL PERMIT FOR SIX-STORY BUILDING (MUB DISTRICT)

278 Union Street

Map: 46 Lots: 18 & 21

Owner/Applicant: Duane Jackson &
Deborah C. Jackson
278 Union Street
New Bedford, MA
02740

Overview

Request by applicant for **Site Plan Review** and a **Special Permit** for the construction of a mixed-use building with one commercial unit, 53 residential units, and associated underground parking at 278 Union Street, a 16,071 square foot Mixed-Use Business (MUB) zoned site in the Downtown Business Overlay District

*Memo

This memo is a supplement to the previous Staff Report for Case #21-28 and Case #21-29 dated August 5, 2021 and addresses revised plans, submitted supporting materials, the applicant's response to comments from the Department of Public Infrastructure/previous comments from the Planning Board, and discussions between the applicant design team and DCP staff since the last meeting.

REVISED PLANS AND RESPONSE TO DPI COMMENTS

On September 27, the applicant provided a letter responding to the Department of Public Infrastructure's comment memo dated August 10. In the letter, the applicant's engineer addressed each item from DPI's memo indicating how they would be addressed. Many of the comments were requested to be deferred until after site plan approval. DPI indicated that they could not provide comment until revised plans were received

Revised site plans were received October 13 the day of the last Planning Board meeting, which did not allow enough time for City staff to comment. Since the October 13 meeting, DPI has been provided a copy of the plans and a revised comment memo is anticipated prior to the November 10 meeting. Planning staff defers to DPI regarding compliance with City's construction and stormwater management regulations.

In response to concerns regarding the impact that the redevelopment of the project site would have on the adjacent properties, the applicant has revised plans to include a new concrete foundational walls and footings on the east and west

sides of the existing basement to bolster the existing rubble foundation wall, which will remain in place. **The Board may wish to discuss these revisions and the foundational engineering report with the applicant.**

The applicant also provided revised architectural plans, which provide additional context for the site layout and the materials for the building. Planning staff note that the building architectural elements and massing bears similarities with the nearby New Bedford Harbor Hotel property. **The Board may wish to discuss with the applicant the possibility of incorporating other design elements such as a cornice at the roofline and a cornice/canopy for the lower-level retail spaces.**

NEW OR REVISED SUPPORTING MATERIALS

Since the cases were opened on August 11, the applicant has provided the following new or revised materials:

- Revised site plans, dated 10/25/21
- Revised architectural plans, dated 10/25/21
- Stormwater Waiver Request (submitted to DPI), dated 10/25/21
- Revised Stormwater Management Summary Report, dated 10/25/21
- Foundation Engineering Report, dated August 22, 2017
- Contextual renderings, dated 9/29/21

Staff Recommendations



Site Plan Approval/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 requests for the project:

That the following **specific conditions** be applied to the site plan review decision:

1. A cornice shall be added to the architectural plan. Revised plans are to be submitted to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review of may be administratively approved by the Chair prior to the issuance of a building permit.
2. A canopy shall be added to the lower level over the retail spaces on the northern façade/Union Street side. Revised plans are to be submitted to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review of may be administratively approved by the Chair prior to the issuance of a building permit.
3. The applicant shall coordinate with the Department of Public Infrastructure to resolve all comments from their memorandum dated August 10, 2021 and any subsequent memorandums received.
4. There shall be an engineer on site to observe the preparation of foundation bearing surfaces, preparation of the slab-on-grade subgrade, any underpinning and installation of temporary earth support.
5. All excavation work within the public right of way must be coordinated with the Department of Public Infrastructure and completed prior to the final pavement being applied for the current and on-going roadway improvement project for this portion on Union Street; and/or a bond or cash surety in an amount identified by the Department of Public Infrastructure is to be provided to ensure repairs are made to the Union Street public right of way layout, including the sidewalk and street as a result of the development project.
6. Prior to the issuance of a Demolition Permit, the applicant shall provide a Demolition Program and Protection Plan which includes, but is not limited to pre-construction assessments of existing adjacent buildings to set a baseline for evaluation of any subsequent reports of movement or damage; details of bracing and waterproofing of party walls; vibration and building movement monitoring; ground water level monitoring; the maintenance of exiting utility services to adjacent buildings, use and location of protective barriers and debris netting.
7. The applicant shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

8. A lighting plan is to be submitted to the Director of City Planning for determination as to whether the modified plan must return before this Board for further review or may be administratively approved by the Chair prior to the issuance of a building permit.
9. The applicant shall coordinate with Eversource and the Department of Public Infrastructure to relocate any electric lines affected by the project.
10. Plans shall be revised to show the roof will be [color to be determined by the Board] and submitted to the Department of City Planning for administrative review prior to the issuance of a building permit.
11. Construction is limited to the hours of 7 a.m. to 6 p.m. Monday through Saturday. The Planning Board may further limit Saturday hours of construction if deemed warranted by specific circumstances.

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

12. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
13. 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.
14. 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.
15. 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.
16. 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.
17. The applicant shall ensure that a copy recorded decision be provided for the Department of City Planning case file folder.
18. 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.
19. 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.
20. 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, Assistant City Planner
Reviewed by: Jennifer Carloni, City Planner

278 Union Street Map: 46 Lots: 18, 21

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

