

**PLANNING BOARD**

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

OFFICE OF THE CITY CLERK
 NEW BEDFORD, MA

2021 NOV 22 AM 10:52

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number: 21-37				
Request Type: Site Plan Review				
Address: 414-430 Rivet Street				
Zoning: Mixed-Use Business				
Recorded Owners: Pamela McLeod Lima "TRS" Freedom Trust				
Owner Address: 405 County Street, New Bedford, MA 02740				
Applicant: Pamela McLeod Lima "TRS" Freedom Trust				
Applicant Address: 405 County Street, New Bedford, MA 02740				
Application Submittal Date		Public Hearing Date(s)		Decision Date
September 17, 2021		November 10, 2021		November 22, 2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
23	9	12210	107	

Application: Request by applicant for **Site Plan Review** for the conversion of a commercial unit to a residential unit at 414-430 Rivet Street (Map: 53 Lot: 9), a 9,844 square foot site in a Mixed-Used Business (MUB) zoned district. Owner/Applicant: Pamela McLeod Lima "TRS" Freedom Trust.

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 November 22, 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.

11/22/21

Date

Arthur Glassman, Vice Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-37 – Request by applicant for **Site Plan Review** for the conversion of a commercial unit to a residential unit at 414-430 Rivet Street (Map: 53 Lot: 9), a 9,844 square foot site in a Mixed-Used Business (MUB) zoned district. Owner/Applicant: Pamela McLeod Lima “TRS” Freedom Trust (405 County Street, New Bedford, MA 02740).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The site plan and architectural plan submission is shown as “414-430 Rivet Street, New Bedford, MA 02740” dated 06.30.2021, and prepared by studio2sustain Inc. of New Bedford, MA. The plan set consists of the following sheets:

- A-0.0 Project Summary, Site Plan
- A-0.1 Narrative Specifications
- A-0.2 Narrative Specifications
- CR-0.1 Code Review Summary
- SP1.1 Site Plan – Existing & Proposed
- EX-1.1 Plans: Basement, First, Second, Third Floors, and Roof - Existing
- A-1.1 Plans & Section: First Floor, Section: Building - Proposed
- A-1.2 PLANS: Second & Third Floor - Proposed
- A-1.3 Enlarged Plans & Specifications: First Floor ADA Unit & Office – 426-428 Rivet Street - Proposed
- A-1.4 Reflected Ceiling Plans & Specifications: First Floor ADA Unit & Office – 426-428 Rivet Street - Proposed
- FP-1 Fire Protection / Fire Alarm – Details Notes, Site Plan – Proposed
- FP-2 Fire Protection / Fire Alarm – Plans – Proposed
- FP-3 Fire Protection / Fire Alarm – Plans – Proposed

Other Documents and Supporting Materials:

- ❏ Department of Public Infrastructure Memo, 11/10/21
- ❏ Staff Report, dated November 5, 2021
- ❏ Site Plan Review Application and Checklist
- ❏ Special Permit Application
- ❏ Site Plans

3) DISCUSSION

Due to the COVID- 19 outbreak, the following meeting were 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, Alexander Kalife, Kamile Khazan, and Shayne Trimbell attended the November 10, 2021 online meeting. Chair Duff recused herself from hearing the case and left the meeting for the duration of the subject hearing. Director of City Planning Jennifer Carloni, Assistant City Planner Michael McCarthy, and Staff Planner Rachel Mulroy were also in attendance.

Case #21-37 was heard as part of new business. Vice Chair Glassman opened the case and asked if a representative for the applicant was present to discuss the case. Attorney Andrew Lang introduced himself as the applicant’s agent and gave the Board an overview of the proposal, which primarily includes internal renovations to meet the needs of the social service agency that uses the space.

Attorney Lang then introduced Ms. Sherry McTigue, the project architect. Ms. McTigue reviewed the plans with the Board.

Vice Chair Glassman asked the applicant to clarify how many parking spaces would be provided. Attorney Lang responded that four (4) spaces were provided on site and one (1) would be striped as a handicapped space and that they would be seeking a reduction of 58 parking spaces. Attorney Lang reminded the Board that the site had previously been used as a department store and restaurant and that parking had never been an issue for these businesses. He added that the clientele of the social service agency typically used public transportation.

Board member Khazan asked if a traffic analysis had been conducted. Attorney Lang responded that no study had been done. He clarified for the Board that the apartments on site would not be rented would act as transitional housing for people assigned to the agency who typically do not have cars.

Hearing no more comments from the Board, Vice Chair Glassman opened the floor so members of the public could speak in support or opposition. Ms. Carleen Cordwell asked if there were tenants already in place at this location. Attorney Lang responded that the use of the building has changed, and it was no longer a rented residential building.

Hearing no comments from the public, Vice Chair Glassman made a motion, seconded by Board Member Trimbell, to close the public hearing.

4) DECISION

Vice Chair Glassman made the motion, seconded by Board Member Kalife to approve **Case #21-37 – Request by applicant for Site Plan Review** for the conversion of a commercial unit to a residential unit at 414-430 Rivet Street (Map: 53 Lot: 9), a 9,844 square foot site in a Mixed-Used Business (MUB) zoned district. Owner/Applicant: Pamela McLeod Lima “TRS” Freedom Trust (405 County Street, New Bedford, MA 02740).

The approval is subject to the following conditions:

With the following GENERAL conditions:

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 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.
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 recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
5. 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.

6. 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.
7. 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 Vice Chair called for a roll call vote which was taken and unanimously approved four (4) to zero (0).

Board Member Khazan – Yes
Board Member Glassman – Yes

Board Member Kalife – Yes
Board Member Trimble – Yes

Filed with the City Clerk on:

11/22/21

Date



Arthur Glassman, Vice Chair
City of New Bedford Planning Board