

**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 24 AM 9:00

CITY CLERK

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

Case Number:	21-28			
Request Type:	Site Plan Review			
Address:	278 Union Street			
Zoning:	Downtown Business Overlay District, Mixed-Used Business			
Recorded Owners:	Duane Jackson & Deborah C. Jackson			
Owner Address:	278 Union Street New Bedford, MA 02740			
Applicant:	Duane Jackson & Deborah C. Jackson			
Applicant Address:	278 Union Street New Bedford, MA 02740			
Application Submittal Date		Public Hearing Date(s)		Decision Date
July 16, 2021		Aug. 11, Sept. 8, Oct. 13, & Nov. 11, 2021		November 24, 2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
46	18, 21	7800	226	

Application: Request by applicant for **Site Plan Review** 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 (Map: 46 Lot: 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union Street, New Bedford, MA 02740).

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 24, 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.

11/24/2021

Date

Kathryn Duff, Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-28: 278 Union Street – Request by applicant for Site Plan Review 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 (Map: 46 Lot: 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union Street, New Bedford, MA 02740).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application:

The engineered plan submission is shown as “10 @ 8th Street’ Apartments 278 Union Street New Bedford, MA” dated 7/13/2021, revised 10/24/21, and prepared by Gale Associates of Weymouth, MA. The plans are stamped by Bree D. Sullivan, PE. The plan set consists of the following sheets:

- C000 Civil Notes
- C001 Existing Conditions Plan
- C002 Demolitions and Erosion Control Plan
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- C501 Civil Detail Sheet 1
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- Title Sheet
- G002 Abbreviations, Legends, and Drawings List
- G003 Existing Site Plan
- G004 View of Site Facing North
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- G006 Existing Site Imagery
- G007 Site Plan
- G008 Urban Contextual Assessment View Facing North
- G009 Urban Contextual Assessment View Facing East
- G010 View from Spring St. Facing Southwest
- G011 View from Union St. Facing Northeast
- G012 View from Union St. Facing Northeast Materiality
- A100 Basement Plan
- A101 Parking Plan
- A102 First Floor Plan
- A103 Second Floor Plan
- A104 Third Floor Plan
- A105 Fourth Floor Plan
- A106 Fifth Floor Plan
- A107 Roof Plan
- A109 North Elevation

- A110 West Elevation
- A111 South Elevation
- A112 East Elevation
- A113 Section Facing North
- A114 Section Facing West
- A115 Section through Abutting Building Facing North

Other Documents and Supporting Materials:

- Special Permit Application Packet
- Site Plan Review Application Packet
- Stormwater Management Report
- Building Department Rejection Packet
- Howard Stein Hudson Vehicle Trip Generation Memo 8/5/2021
- Department of City Planning Staff Report 8/5/2021
- Dept. of Public Infrastructure Memos 8/11/21 & 10/8/21
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- Letter of Support from Carleen Cordwell, 11/9/21
- Letter of Support from Jeanne Costa, 11/9/21
- Letter of Support from the New Bedford Regeneration Project Committee, 11/9/21
- Project Presentation, 11/5/21

3) DISCUSSION

August 11, 2021

Board Members Kathryn Duff, Arthur Glassman, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the August 11, 2021 meeting. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance.

Case #21-29 was heard as part of new business. Chair Duff opened the case and explained that because cases 21-28 and 21-29 belong to the same project proposal, they will be heard together yet voted on separately.

Chair Duff then asked if a representative for the applicant was present to discuss the case. Attorney Chris Saunders, 700 Pleasant Street, New Bedford, MA 02740 identified himself as authorized to speak on behalf of the applicants.

Attorney Saunders prefaced his comments with an intention to request a continuance on both cases. He then read aloud a letter to the Board from Mr. Jackson (Applicant).

A motion was made by Board member Glassman to accept the letter and place on file, seconded by Board member Cruz and unanimously approved.

Attorney Saunders described the project in general terms, as being 5 to 6 stories tall and being mixed commercial, affordable, and market rate units. He notified the Board the Applicants will be appearing before the Zoning Board of Appeals next week.

Attorney Saunders discussed target tenants, parking, and waste removal. The foundation of the existing property and proposed new construction were discussed.

Hearing no further comments from Attorney Saunders, Chair Duff read aloud letters submitted to the Board.

Chair Duff read a letter of support from City Council President Joseph Lopes.

Chair Duff read a letter of opposition from Mr. Harold Cooper.

Chair Duff read a letter from Cynthia M. Furtado, Esq. as an objection to the request for permit.

Chair Duff then opened the floor for public comment.

Hearing concerns from the public regarding the time, Chair Duff confirmed the cases are to be continued and the public may comment at the next meeting if necessary.

Charlie Flood, 26 Eighth Street, New Bedford, MA spoke in opposition to the project.
Bill Pappas, owner of the abutting property to the west, spoke in opposition to the project.

John Buddy Andrade, 41 Bedford Street, New Bedford Builders Development Corporation, New Bedford, MA, spoke in favor of the project.

Kyle Stanler, 26 Eighth Street, New Bedford, MA, spoke in opposition to the project.

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

Board Member Glassman made the motion, seconded by Board Member Cruz to continue Case #21-29 to the September meeting. The motion passed unanimously.

September 8, 2021

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, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the September 8, 2021, online meeting. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance. The meeting was held via Zoom.

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Chair Duff then asked if a representative for the applicant was present to discuss the case. Attorney Chris Saunders, 700 Pleasant Street, New Bedford, identified himself as authorized to speak on the Applicants' behalf.

Attorney Saunders has received DPI comments since the last meeting and as a result the Applicants have not had time to address those comments. The applicants continue to pursue alternative parking options.

Attorney Saunders discussed demolition plans. He notified the Board that they will be heard by the Zoning Board of Appeals for Special Permit after Site Plan Review. Rental units were discussed. Waste removal was discussed. The Applicants are still looking into options for parking. Utilities are still being examined. Renderings are still under production. Circulation throughout lower level and basement was discussed. Layout of the site was discussed.

The Board noted the volume of the building relative to its context and pointed to concerns heard from the public at the last meeting and requested drawings that reflect this. Clarification on protecting foundations of surrounding properties and other elements effecting abutters is needed.

Attorney Saunders addressed decisions regarding foundation work and acknowledged the Boards remaining concerns.

The Board discussed whether the Applicants would be interested in cooperating with the abutting property and business owner. Environmental concerns and energy efficiency was discussed. Community outreach was discussed.

Hearing no other questions from the Board, Chair Duff then read letters submitted regarding the case. Duarte D. Silva, President and Chief Executive Officer, Southcoast Federal Credit Union, 271 Union Street, New Bedford, MA, submitted a letter in opposition to the proposal.

Chair Duff then opened the floor for public comments.

Charlie Flood, 26 Eighth Street, New Bedford, MA, requested to present visual slides during his comments. The Board voted unanimously in favor after Board Member Glassman made the motion, seconded by Board Member Cruz. Charlie Flood commented in opposition to the project. The Board discussed some of the concerns raised from these comments.

Kyle Stanler, 26 Eighth Street, New Bedford, MA, commented in opposition to the project. The Board discussed new concerns that were raised from these comments.

Chair Duff then read questions and comments in opposition to the proposal from Harry Cooper, owner of the abutting property to the east.

Steve Beauregard, Director of New Bedford Housing Authority, and President of the New Bedford Development Corporation, spoke in favor of the project.

Attorney Saunders offered comments to the Board in response to some of the concerns raised. The Downtown Overlay District and Master Plan was discussed.

Hearing no further comments from the public, Chair Duff asked for a motion to continue the cases.

Board Member Glassman made the motion, seconded by Board Member Cruz to continue Case #21-29 to the October meeting. The motion passed unanimously.

October 13, 2021

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, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the October 13, 2021, online meeting. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance. The meeting was held via Zoom.

Case#21-29 was heard as a part of old business. Chair Duff opened the case and noted the Board is still awaiting revised plans and presentation, and DPI's review.

Attorney Saunders and architect Thomas Schwake presented artistic renderings. The Board outlined further information required by both the Board and DPI before the Board can come to a decision. Some potential impacts of the proposal on the neighborhood were discussed.

Mr. Jackson addressed the Board and verified a formal, architectural presentation has yet to take place. Chair Duff listed information the Board would need to see. The Applicant discussed the requirements with the Board and the Chair recommended the Applicant meet with the Planning staff before the next meeting.

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

Board Member Glassman made the motion, seconded by Board Member Cruz to continue Case #21-29 to the November meeting. The motion passed unanimously.

November 10, 2021

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, and Kamile Khazan and attended the November 10, 2021, online meeting and were present for the subject case hearing. City Planner Jennifer Carloni, Assistant City Planner Michael McCarthy, and Staff Planner Rachel Mulroy were also in attendance. The meeting was held via Zoom.

Chair Duff reminded the applicants they need a unanimous vote of all members present this evening.

Case #21-29 was heard as a part of old business. Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case. Mr. Duane Jackson, 278 Union Street, New Bedford, MA came forward and introduced the architectural team.

Architect Tom Schwake gave a presentation on the project which addressed the Board's concerns related to the neighborhood context, foundation conditions, proximity of the new construction to existing buildings, waste removal, building materials, and energy efficiency. Attorney Saunders provided details on parking arrangements and ongoing discussions with local businesses. The Board discussed environmental and energy efficiency certifications and benchmarks for the project at length. Space for bicycle parking was discussed.

Chair Duff noted that not all of DPI's concerns have been addressed and the applicant is expected to work with the Department to handle this.

The Board discussed availability of open space within the proximity of the project with the applicant, who noted the recent construction of Abolition Row Park.

Chair Duff then read a letter submitted to the Board by a cohort of individuals who live and work in New Bedford in support of the project. Similar letters of support from Peter Muise, Carleen Cordwell, Peter Costa, and the South Coast Chamber of Commerce were also submitted. Chair Duff noted all letters are on file at the Planning Department and available to the public.

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

4) DECISION

Board Member Glassman made the motion, seconded by Board Member Kalife to approve Case #21-28: 278 Union Street – Request by applicant for Site Plan Review 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 (Map: 46 Lot: 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union Street, New Bedford, MA 02740).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

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 of 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. 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.
11. Bike storage shall be provided on site and revised plans showing its location shall be submitted to the Department of City Planning for review prior to the issuance of a building permit.

With the following GENERAL conditions:

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.

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 four (4) to zero (0).

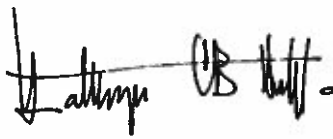
Board Member Duff - Yes
Board Member Glassman – Yes

Board Member Khazan – Yes Board Member Kalife – Yes

Filed with the City Clerk on:

11/24/2021

Date

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

Kathryn Duff, Chair
City of New Bedford Planning Board

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NOTICE OF DECISION

Case Number:	21-29			
Request Type:	Special Permit			
Address:	278 Union Street			
Zoning:	Downtown Business Overlay District, Mixed-Used Business			
Recorded Owners:	Duane Jackson & Deborah C. Jackson			
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Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
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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, Peter Cruz, Alexander Kalife, and Kamile Khazan attended the October 13, 2021, online meeting. City Planner Jennifer Carloni and Staff Planner Michael McCarthy were also in attendance. The meeting was held via Zoom.

Case#21-29 was heard as a part of old business. Chair Duff opened the case and noted the Board is still awaiting revised plans and presentation, and DPI's review.

Attorney Saunders and architect Thomas Schwake presented artistic renderings. The Board outlined further information required by both the Board and DPI before the Board can come to a decision. Some potential impacts of the proposal on the neighborhood were discussed.

Mr. Jackson addressed the Board and verified a formal, architectural presentation has yet to take place. Chair Duff listed information the Board would need to see. The Applicant discussed the requirements with the Board and the Chair recommended the Applicant meet with the Planning staff before the next meeting.

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

Board Member Glassman made the motion, seconded by Board Member Cruz to continue Case #21-29 to the November meeting. The motion passed unanimously.

November 10, 2021

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, and Kamile Khazan and attended the November 10, 2021, online meeting and were present for the subject case hearing. City Planner Jennifer Carloni, Assistant City Planner Michael McCarthy, and Staff Planner Rachel Mulroy were also in attendance. The meeting was held via Zoom.

Chair Duff reminded the applicants they need a unanimous vote of all members present this evening.

Case #21-29 was heard as a part of old business. Chair Duff opened the case and asked if a representative for the applicant was present to discuss the case. Mr. Duane Jackson, 278 Union Street, New Bedford, MA came forward and introduced the architectural team.

Architect Tom Schwake gave a presentation on the project which addressed the Board's concerns related to the neighborhood context, foundation conditions, proximity of the new construction to existing buildings, waste removal, building materials, and energy efficiency. Attorney Saunders provided details on parking arrangements and ongoing discussions with local businesses. The Board discussed environmental and energy efficiency certifications and benchmarks for the project at length. Space for bicycle parking was discussed.

Chair Duff noted that not all of DPI's concerns have been addressed and the applicant is expected to work with the Department to handle this.

The Board discussed availability of open space within the proximity of the project with the applicant, who noted the recent construction of Abolition Row Park.

Chair Duff then read a letter submitted to the Board by a cohort of individuals who live and work in New Bedford in support of the project. Similar letters of support from Peter Muise, Carleen Cordwell, Peter Costa, and the South Coast Chamber of Commerce were also submitted. Chair Duff noted all letters are on file at the Planning Department and available to the public.

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

4) DECISION

Board Member Glassman made the motion, seconded by Board Member Kalife to approve Case #21-29: 278 Union Street – Request by applicant for 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 (Map: 46 Lot: 18). Owner/Applicant: Duane Jackson & Deborah C. Jackson (278 Union 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 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.

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 four 4) to zero (0).

Board Member Duff - Yes

Board Member Khazan – Yes

Board Member Kalife – Yes

Board Member Glassman – Yes

Filed with the City Clerk on:

11/24/2021



Date

Kathryn Duff, Chair
City of New Bedford Planning Board