

**PLANNING BOARD**

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

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

***CORRECTIVE NOTICE OF DECISION**

*This Corrective Notice of Decision has been issued to address an error in the original decision issued by the City of New Bedford Planning Board on May 12, 2021 and recorded with the City Clerk on May 26, 2021. All interested parties received notice of that decision and the twenty-day appeal period has passed. This Corrective Decision, dated July 14, 2022, makes a technical correction to the Book and Page associated with the subject property.

OFFICE OF THE CITY CLERK
 NEW BEDFORD, MA
 2022 JUL 14 AM 9:15
 CITY CLERK

| | | | | |
|-----------------------------------|---------------------------------------|--|-------------|----------------------|
| Case Number: | 21-10 | | | |
| Request Type: | Special Permit | | | |
| Address: | 563 County Street | | | |
| Zoning: | Residence A | | | |
| Recorded Owners: | St. Lawrence Church Corp. | | | |
| Owner Address: | PO Box 2577, Fall River, MA 02820 | | | |
| Applicant: | Charing Cross Realty Trust | | | |
| Applicant Address: | 2 Centennial Drive, Peabody, MA 01960 | | | |
| Application Submittal Date | | Public Hearing Date(s) | | Decision Date |
| January 13, 2021 | | February 10, March 10, March 17, April 14, May 12, 2021 | | May 12, 2021 |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 86 | 10 | 254 | 514 | |

Application: Request by applicant for a **Special Permit** for the reduction of parking/loading space and landscape buffer requirements at 563 County Street (Map: 58 Lot: 259), a 13,187-square foot site in a Residence A zoned district. Owner: St. Lawrence Church Corp. (PO Box 2577, Fall River, MA 02820). Applicant: Charing Cross Realty Trust (2 Centennial Drive, Peabody, MA 01960).

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

A copy of this corrective decision was filed with the City Clerk of the City of New Bedford on July 14, 2022. The original decision was filed on May 26, 2021 and as such the twenty (20) day appeal period 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 has since lapsed.

7/14/22

Date


 Arthur Glassman, Vice Chair
 City of New Bedford Planning Board

1) APPLICATION SUMMARY

Case #21-10 563 County Street – Request by applicant for a **Special Permit** for the reduction of parking/loading space and landscape buffer requirements at 563 County Street (Map: 58 Lot: 259), a 13,187-square foot site in a Residence A zoned district. Owner: St. Lawrence Church Corp. (PO Box 2577, Fall River, MA 02820). Applicant: Charing Cross Realty Trust (2 Centennial Drive, Peabody, MA 01960).

2) MATERIALS REVIEWED BY THE PLANNING BOARD

Plans Considered to be Part of the Application

The engineered site plan submission is shown as “Site Plan: 563 County Street” dated January 15, 2021, with latest revision dated April 27, 2021. Plans were prepared and stamped by Christian Albert Farland, PE of Farland Corp. The plan set consists of the following sheets:

- Sheet 1 –Cover
- Sheet 2 – Notes & Legend
- Sheet 3 – Existing Conditions
- Sheet 4 – Demolition
- Sheet 5 – Layout & Landscaping
- Sheet 6 – Grading & Drainage
- Sheet 7 – Utilities
- Sheet 8 – Sediment & Erosion Control
- Sheet 9 - Details
- Sheet 10 – Details

The architectural plan submissions is shown as “Holy Family Apartments at 106 Summer Street, New Bedford, MA” dated 01.08.2021. The plans were prepared by William Starck Architects and are unstamped. The plan set consists of the following sheets:

- Sheet A1.0 – Basement Floor Plan
- Sheet A1.1 – First Level Floor Plan
- Sheet A1.2 – Second Level Floor Plan
- Sheet A3.0 – Exterior Elevations
- Sheet A3.1 – Exterior Elevations

Other Documents and Supporting Materials

- ❑ Department of Public Infrastructure Comment Memo 3/10/21
- ❑ Department of Public infrastructure Comment memo 5/12/21
- ❑ Department of City Planning Staff Report, dated March 8, 2021
- ❑ Project Narrative - **REVISED 4/28/21**
- ❑ Site Plan Review Application
- ❑ Special Permit Application
- ❑ Waiver Application
- ❑ Stormwater Management Report - **REVISED 4/28/21**
- ❑ Draft ANR/81L Plan
- ❑ Abutters List
- ❑ Deed
- ❑ Rejection Packet

3) DISCUSSION

March 10, 2021

Board members Arthur Glassman, Shayne Trimbell, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the March 10, 2021 online meeting. Staff Planner Michael McCarthy and Acting Director of City Planning Anne Louro were also present during the discussion. Chair Duff recused herself from hearing this case.

Case #21-09 and Case #21-10 were heard concurrently as part of new business. Vice Chair Glassman opened the hearing and asked if there was a representative for the applicant in attendance to present the case.

Bill Luster explained the project location, as well as a property history and project plans. He explained the partnership with the New Bedford Development Corporation, the development arm of the New Bedford Housing Authority. He described the proposed units, the associated funding, and the location details. He introduced the team on the call. Mr. Luster acknowledged they had read both the staff report and the DPI memo, and were amendable to each condition.

John Marchand, Farland Corp., displayed and explained photos, plans, and parking areas. He described their existing conditions plan, noting the pedestrian access areas. Mr. Marchand described the site, including concrete walkways and parking lot. Mr. Marchand then discussed the proposed 15 space parking lot on the building's north side, including the handicapped access. He discussed landscape buffering and their special permit request.

Mr. Marchand described the parking space size, parking aisle width, zoning board relief sought, lighting, landscaping. He then discussed storm water and drainage. He invited questions.

David Andrade described the building itself and displayed renderings. He noted this was a historic renovation and the limits/requirements that attach to that. He explained the units, noting that they are not designed as family units, but more likely for singles.

Mr. Luster discussed the boarded windows described in the staff report, noting that the windows had been un-boarded and may require replacement.

Board Member Glassman expressed his confidence with the site plan as regards the building, noting its historic review, but he noted concern about the parking lot, such as the available spaces and lack of snow storage areas, et cetera. Board Member Glassman offered suggestions, such as a nearby parking lot.

Board Member Cruz shared his concerns about the available parking area, including addition of a dumpster and the AC condensers location. Applicant's representative spoke to the AC condensers location and the historic challenges, as well as the roll out dumpster location. Board Member Cruz made further inquiry, such as any enclosure of the AC units. The applicant's representatives discussed the concerns, including availability of the nearby parking lot, space dimensions, pedestrian traffic/access, stairs on the rectory building, walkways, et cetera.

Board Member Khazan discussed consideration of a motion to continue the matter to another date in order to afford the public an opportunity to speak.

Board Member Trimbell inquired as to bike parking, the applicant pointed out the location of the same.

Board Member Cruz and Board Member Glassman raised the issue of snow removal/storage.

Anne Louro implored the board to go forward with the meeting process in order to hear the waiting public, noting that cable access will continue recording.

A motion was made (PC) and seconded (AK) to open the public hearing.

Board Member Glassman read into the record a letter from abutter Maria G. Fernandes expressing her concerns and her late receipt of the meeting notice.

Board Member Glassman read into the record a letter from the New Bedford Development Corporation in support of the project.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition, Khalid Bilal, 107 Summer St., stated the project would be a neighborhood disaster. He spoke on the parking, the curb cut, and the improper steps taken on the project.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition, Pamela DosSantos, 115 Summer St., confirmed the same experience with letters of notice. She noted an overnight letter she sent and was received but was not read into the record. Ms. DosSantos read her letter of opposition into the record.

There was public discussion on the number of vehicles per unit and space around schools.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition, a male discussed his feeling that this matter needs to be continued for others, who may have left due to the 9:00 p.m. ending, to have the opportunity to speak.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition, Patricia Dixon, owner 111 Summer St., requested the meeting be extended. She noted her agreement with comments related to the difficulty with parking and the proposed curb cut.

Board Member Glassman recommended the board leave the public hearing open for future comments.

After board discussion, a motion (PC) was made and seconded (AK) to continue the matter to April 14, 2021. No opposition to the motion was voiced.

Mr. Bilal added opposition on the record for Ms. Hallsmith.

Anne Louro commented on the notice issues raised.

April 14, 2021

The applicant sought a 90 day extension and Case #21-09 was continued to the May 12, 2021 meeting at the applicant's request.

A motion was made (AG) and seconded (PC) to grant a 90 day extension. A roll call vote passed unanimously.

May 12, 2021

Board members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the May 12, 2021 online meeting. Acting Director of City Planning Anne Louro was also present during the discussion. Chair Duff recused herself from hearing this case.

Vice Chair Glassman opened the hearing and asked if there was a representative for the applicant in attendance to present the case.

Atty Christopher Saunders stated that he was representing the applicant and noted that although he was not present at the March 10, 2021 meeting, he had reviewed the meeting recording and could address the comments and concerns relative to the project. Atty Saunders referred to the previously proposed curb cut on Summer Street which would have resulted in the loss of several on-street parking spaces. He noted that the applicant had gone back to the Diocese of Fall River, which own the property, and were able to acquire additional land to accommodate parking. He referred to the revised plan with the Summer Street curb cut removed and the new access to the proposed parking lot through an existing driveway on North Street.

Atty Saunders noted the addition of six parking spaces along the east side of the project's building and the reconfiguration of the proposed parking lot to make all parking spaces code compliant with 9' X 20' spaces, with a total count of 22 parking spaces for the project compared to the originally proposed 15 spaces.

Atty Saunders noted that the Special Permit was also required for the reduction of the buffer between the rectory and the parking lot. He noted that with the slight increase in the size of the lot, the concrete walkway was relocated northward, adjacent to the rectory. The increased landscaping adjacent to the building was noted as well as an irrigation system. Screening was added to the parking lot dumpster and AC units and additional light poles were added to the parking area to the east of the building. Draining will be improved with a new recharge system.

Atty Saunders stated that the 22 parking spaces were adequate for the types of proposed units: studio and one bedroom apartments and noted the project's conformance with the City Master Plan's goal for more Workforce Housing. He referenced the project's location near the Downtown Overlay District and the capability of accommodating potential residents who would work within the downtown and walk or bike to their employment. He also noted the existence of an electric car charging space within the parking lot.

Vice Chair Glassman noted that the previous concerns relative to parking appeared to have been addressed with the revised plan and thanked the applicant for being responsive to the Board and neighborhood's concerns.

Board member Cruz sought clarification regarding the electrical vehicle (EV) parking space and the required signage and pavement markings. Atty Saunders noted that they would comply with the EV requirements. Board member Cruz noted the existence of an electrical substation adjacent to the building's east side parking spaces and the likely requirement from Eversource to supply bollards at this location for protection.

Board member Trimbell also applauded the applicant for increasing the amount of parking on site and referenced the shared parking agreement as a good example. He also noted some of the comments within the neighbor's letters to the Board which characterized the project as a "rooming house". For the sake of the public, he sought clarification that this was indeed an apartment building with no shared facilities among the dwelling units. Atty Saunders stated that a rooming house is not allowed by the zoning and that it was not their intent, reiterating that

each unit has its own kitchen and bathroom. Atty Saunders also noted that only service animals would be allowed within the building.

Board member Khazan referenced the updated DPI memo received and its reference to the water and sewer services. Atty Saunders noted that he had not yet reviewed the new DPI memo. Staff member Anne Louro stated that she had received the DPI comments late in day and had emailed it to the applicant and Atty Saunders, but at that moment realized that it had bounced back. She clarified that there was only one new DPI comment based on

the revised plan, and that the water and sewer services were addressed in the previous DPI memo. Atty Saunders noted that the applicant would meet all of DPI's conditions and addressed the concern regarding the project's physical street address. He noted that the City Assessor refers to the school building as 563 County Street, as the school building and church are currently located on the same parcel. He indicated that when the parcel is subdivided, the applicant will work with DPI to utilize the correct address.

Atty Saunders noted the specific DPI recommendation that new sidewalks and grass ribbons be installed along the property frontage on Summer and North Streets. He sought a waiver for the grass ribbon, stating that it would be inconsistent, as other portions of the abutting sidewalks do not currently have grass ribbons. Anne Louro noted that the new DPI memo did not have the sidewalk and grass ribbon installation as a comment, based on the fact that the revised plan no longer had a sidewalk curb cut on Summer Street and the sidewalk would remain uninterrupted.

Planning Board member Cruz asked if the new memo addressed the existing downspouts being tied into the stormwater system. Anne Louro noted that the new DPI memo specifically addressed that matter. In response to Planning Board member Cruz, Anne Louro stated that the grass ribbons had been removed by DPI, as DPI had edited the initial comments based on the revised plan. Planning Board member Cruz noted the continued existence of sidewalk grass ribbons in the applicant's revised plan and noted the Board's general requirement and advocated for it to remain along with the additional proposed street tree. Board member Trimbell agreed.

Chair Glassman noted the receipt of several letters related to the project. A motion was made (AK) and seconded (ST) to receive and place on file the following communications which Chair Glassman read a synopsis of each.

Pamela Borges DosSantos

115 Summer Street

Dated: March 8, 2021

- Opposed to the proposed project in a residential neighborhood consisting of historic homes and the curb cut on Summer Street. Cites lack of neighborhood parking due to school and church activities.

Maria G. Fernandes

112 North Street

Dated: March 8, 2021

- Opposed to the proposed project and characterizes it as a "boarding house" which will bring a transient element and blight to the neighborhood. Cited safety concerns for nearby students and suggested support if the 15 units would be dedicated to 55+ residents exclusively.

Jessica Fernandes Gomes

196 Brownell Street

Parent of Holy Family Holy Name student and Mother is an Abutter to the project.

Dated: March 18, 2021

- Opposed to the proposed project citing concerns with traffic, safety, parking, loading and neighborhood character. Notes removal of greenspace used by School students and suggested the reduction of units by half and suggested support for senior living.

Rochelle Lee

172 Ontario Street, Providence, RI

Relatives reside on Chancery Street

Dated: April 22, 2021

- Opposed to the proposed project's location in a residential neighborhood with historical significance. Cites concerns with parking and neighborhood safety along with equity of city services. States the project will create a hardship for the neighbors.

Patricia Norton

137 Summer Street

dated: April 12, 2021

- Opposed to the proposed project citing concerns with the revised plan removing parking from the existing Church parking lot and safety concerns with the access easement through the existing Church parking lot. Additionally, seeks a traffic study of the area due to the dense mix of residential and business used. Recommends other vacant buildings located throughout the City as alternative siting of the project.

Carlos & Lucy Pinto

116 North Street

Authors with additional signatories:

Richard Gonzalez

Randy Schoerner

Courtney VanHoose

116 North Street

Victor Adorno

100 Summer Street

- Opposed to the proposed project, characterizing it as "rooming house" to be located in an area zoned as single family residential, which would diminish the neighborhood.

Steven Beauregard, President

New Bedford Development Corporation

128 Union Street

Co-Partner in Proposed Project

- Support of revitalizing and repurposing a long-term vacant building to fulfil a community need for a mix of market-rate and affordable studio and one-bedroom apartments.

A motion was made (PC) and seconded (AK) to open the public hearing. The motion passed unanimously with a roll call vote.

In response to Board Member Glassman's invitation to speak or be recorded in favor or opposition, Bill King, 30 Centre Street, spoke in favor of the project citing the City's need for housing. Steven Beauregard, President of the New Bedford Development Corporation, referenced his submitted letter of support. Father Michael Racine, Pastor of St. Lawrence Parish, stated his support, noting the developer's changes to the project. Leona Fisher, 207 Sycamore Street, spoke in favor. Joseph Carvalho, President Victoria Realty, spoke in favor, noting the need for additional housing within the City.

Khalid Bilal, accompanied by Jacquie Hallsmith, 107 Summer Street, spoke in opposition stating that Atty Saunders only addressed the parking issue but not the other concerns discussed at the neighborhood meeting. Mr. Bilal stated that the change of use to residential was greater impact on the neighborhood and that a survey of the impact related to drainage, water, and traffic should take place. He also noted that the students' loss of greenspace and the impacts of construction on the students had not been addressed. He also felt it was unrealistic that working professionals would not have a car, and that he appreciated the removal of the Summer Street curb cut but still had an issue with the number of units at 15. He stated that similar projects start out targeting a certain demographic of renters, but then that often deteriorates, and the apartment units become a blight on the neighborhood.

Pamela Borges DosSantos, 115 Summer Street, agreed with Mr. Bilal and noted her concerns with snow removal as well as the project's impacts on water and sewer. She noted that she was in support of revitalizing the property but not with the high number of proposed apartments. She also referenced a traffic study noting the number of automobile accidents in the area of the project. Beverly Chandler, 111 Summer Street, noted that she has witnessed illicit and illegal activity on the property and sought assurance that these types of activities would not continue with the new building use. Pat Norton, 137 Summer Street referenced her submitted opposition letter and raised concerns regarding the proximity of the parking lot to the rectory building as well as handicap access to all the apartment units. Mrs. Pinto, 116 North Street, noted the congested neighborhood and the parking issues related to the church and school activities.

A motion was made (PC) and seconded (AK) to close the public hearing. The motion passed unanimously with a roll call vote.

Chairman Glassman invited Atty Saunders to address any of the concerns stated by the neighbors. Atty Saunders addressed the comments related to crime and illegal activity by stating that the building is currently vacant and run down and that a fully occupied and revitalized building will drive those issues away. He noted that the current drainage is non-existent, and a new recharge system will improve the site. He also referenced the comments relative to a traffic study, indicating that because this is not a high-traffic commercial project, it was unnecessary and unwarranted. He noted the minimal trip generations from the proposal and its minimal impacts.

Board member Khazan agreed that the project was smaller than other projects, but also recognized the concerns of the neighbors relative to traffic and sought a traffic study to determine the traffic impacts.

Chairman Glassman noted that a traffic study was not a requirement and the project was relatively small. He noted recent larger residential projects which did not require traffic studies. He sought other board member opinions. Board member Cruz stated that he recognized both sides concern, but also noted the small size of the project. Board member Trimbell stated that a traffic study would be inappropriate to seek for the project and that he would estimate that a study would most likely indicate no more than 60 trips per day. He noted that seeking a traffic study would only extend the permitting process with no benefit.

4) DECISION

Board Member Alex Kalife made the motion, seconded by Shayne Trimbell to approve Case #21-10– Request by applicant for a Special Permit for the reduction of eight (8) parking/loading spaces and landscape buffer requirements at 563 County Street (Map: 58 Lot: 259), a 13,187-square foot site in a Residence A zoned district. Owner: St. Lawrence Church Corp. (PO Box 2577, Fall River, MA 02820). Applicant: Charing Cross Realty Trust (2 Centennial Drive, Peabody, MA 01960).

The approval is subject to the following conditions:

The following SPECIFIC conditions:

1. Proposed Inkberry shrubs to be a minimum 3' in height at time of planting.

With the following GENERAL conditions:

2. The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 (4) to zero (1).

Board Member Trimbell-Yes

Board Member Khazan – Abstention

Board Member Kalife – Yes

Board Member Glassman – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

7/14/22

Date



Arthur Glassman, Vice Chair
City of New Bedford Planning Board