



MAYOR
JON MITCHELL
PLANNING DIRECTOR
TABITHA HARKIN

City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
NEW BEDFORD MAIN LIBRARY
3rd FLOOR MEETING ROOM
PLEASANT STREET
NEW BEDFORD, MA
Thursday, January 16, 2020

MINUTES

PRESENT: Leo Schick, *(Chairperson)*
Stephen Brown, *(Clerk)*
Allen Decker
Robert Schilling
Celeste Paleologos

ABSENT: None

STAFF: Angela Goncalves, *Assistant Project Manager*
Danny Romanowicz, *Commissioner of Buildings and Inspectional Services*

1. CALL TO ORDER

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:01 p.m. Chairperson Schick then explained the meeting process and protocol.

2. PUBLIC HEARINGS:

ITEM 1 – CASE 4394

A motion was made (SB) and seconded (CP) that the following be received and placed on file: the communication requesting a continuance to 2/13/20 by Att. Thomas Crotty, dated 1/3/20. Board Member Brown read the same into the record.

Motion passed unopposed.

A motion was made (SB) and seconded (AD) to hold the following public hearings concurrently.
Motion passed unopposed.

Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at <http://www.newbedford-ma.gov/cable-access/government-access-channel-18-program-schedule>

ITEM 2 CASE # 4405/4406

A motion was made (SB) and seconded (RS) that the following be received and placed on file with regard to both cases: communication from the Commissioner of Buildings and Inspectional Services dated 12/23/19; staff comments from the Department of City Planning dated 1/3/20; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.
Motion passed unopposed.

Michael Galasso, Executive Director of the New Bedford Development Corp., came to the podium to speak on behalf of case #4405/4406 as managing member of the project. He introduced his team. Along with a powerpoint presentation, Mr. Galasso provided an update and overview of the project, which had already undergone meetings with the planning board and historic commission. He noted the purpose this evening was in regard to making the number of current lots into two parcels and explained the associated funding details. Mr. Galasso, along with Rick Rheume, detailed the two projects, the first on Parcel 1, having 43 units, some identified as affordable housing units. He explained more specifics with regards to the funding and financing, asserting that the lots needed to be split into two different projects, Lot #1 to have Low Income Housing Tax credits and Lot #2 to have Historic tax credits, etc

Various views of the property were displayed. Mr. Galasso pointed out a smaller building on the site which is slated for a live/work unit on the ground floor, as well as utilities for the main building, trash and bike storage, et cetera.

Mr. Galasso displayed the historic Moby Dick Building, already approved by the Historic commission, and showed a elevation of the proposed project at completion. He then discussed parking, namely the single onsite space, which was continued by Mr. Rick Rheume.

Mr. Rheume explained additional slides shown, including a floor plan, ground floor restaurant/café, et cetera. He pointed out neighborhood parking garages as alternatives for resident parking. Mr. Galasso elaborated on the funding sources available for the five handicap units. Mr. Rheume continued with an explanation of dimensional requirements regarding lot size, density, green space, lot coverage, parking, et cetera, versus what the applicant proposed.

Board Member Brown addressed the dimensional variances requested asking why the request for parking was so low, which Mr. Rheume responded to with a reference to downtown zoning requirements. In response to Board Member Brown, Mr. Rheume offered more information on the planned parking concerns. There was discussion on parking spaces, including the availability of metered and unmetered spaces in the area that will support the housing and restaurant use. It was confirmed that the Planning board originally granted a reduction in parking from 63 to 1, but now that the lot was changing the zoning enforcement officer states that parking was being brought to zero, requiring ZBA approval.

Mr. Galasso noted the downtown parking study done, which showed ample parking for these type projects, along with the garages. He expressed his belief that the same had been adopted by the city council. Mr. Rheume also noted the parking availability changes between the day and night

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

hours. Mr. Galasso noted the applicant plans for two electric cars available for use by the residents.

Mr. Rheume addressed the specific criteria for granting the special permit as well as of the variance, explaining the same in relation to the project as now planned and its complex funding, which he asserted was the need for the lot division request.

Mr. Galasso noted the presence this evening of the executive director of the New Bedford Housing Authority, who could attest to the desperate, rising need for more affordable housing in the area.

Mr. Rheume continued displaying various slides of the proposed project. He noted that, after study, no perceptible change is expected in the traffic flow. He addressed the lack of impact on city services, such as schools, et cetera.

In response to Board Member Brown, Mr. Galasso explained that the applicant will be using the rest of the year to put together the project financing and explained the same. He suggested a need to update the zoning in the downtown area, claiming that the zoning as it is structured doesn't work for projects such as this.

In response to Board Member Schillings questions pertaining to the division of the lots, Mr. Galasso represented the Moby Dick Building (Lot #2) budget was \$2.5 million dollars, with the larger building (Lot #1) being \$16 million dollars, and listed some of the funding sources being explored, including historic tax credits, CPA funds and loans that could be assembled more quickly than that of Lot #1, which was seeking Low Income Tax Credits (LIHTC). There was discussion on the low-income and micro-units, Mr. Galasso explaining that within the bigger building on Lot #1, 22 units will be affordable units, detailing the associated income levels. He explained the Moby Dick Building would be comprised of market rate units. Mr. Galasso noted that though downtown is growing, they have seen no new residential development.

Chairperson Schick confirmed that all the units are rentals. Mr. Galasso explained that the funding required that they be rentals only.

Mr. Galasso then invited questions.

Board Member Schilling addressed the concern of women leaving the area garages at night to walk home, and the limited on-street parking. He inquired of any chance to make the building a three or four-story rather than five. Mr. Galasso referred back to the funding requirements/sources. There was further discussion on surrounding public housing, parking needs and pedestrian safety. Mr. Galasso asserted that surrounding parking could be better utilized and also highlighted that the building would be staffed with security 24/7. He also pointed out the work that had been done with the Historic Commission regarding the current plan for the five-story building, how the top story had been stepped back to reduce its bulk.

In response to Chairperson Schick, Mr. Galasso confirmed 22 single studio apartments, explaining that these units cost less to build and generate more money per square foot, helping the pro forma. Mr. Galasso confirmed that the applicant is working with the New Bedford Housing Authority to provide project based Section 8 certificates. Mr. Galasso explained that with these

*Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at:
<http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>*

certificates, the renter would pay up to 10% of their income as rent, and the certificate would make up the rest. He explained these certificates help the pro forma.

There was discussion on Board Member Schilling's understanding that New Bedford has more public housing per capita than any other Massachusetts city. This was disputed by several others in the room.

Board Member Brown raised concerns such as potential overcrowding versus the investment opportunity. Board Member Schilling agreed and stated that was his understanding of what was occurring at the Moby Dick building.

In response to Board Member Decker, there was discussion on the ANR plan process.

There was no response to Chairperson Schick's invitation to speak in favor.

There was no response to Chairperson Schick's invitation to speak in opposition.

The public hearing was closed.

After extensive board discussion, including parking, the necessary criteria, the lack of abutters in opposition, the number of proposed units, this board's prior approval of the project, the city's present public housing, et cetera, a motion was made (SB) and seconded (CP) to grant a variance under provisions of the City Code of New Bedford relative to property located at 115, 117, 121, 127 and 129 Union Street and 7 North Second Street, Assessors' map 53 lot 40, 41, 215, 216, 146 in a Mixed Use Business [MUB], Waterfront Historic District & Downtown Business Overlay District [DBOD] zoned district, to allow the petitioner to subdivide the lot into two nonconforming lots, which requires parking and dimensional variances under provisions of Chapter 9, Comprehensive Zoning Sections 2700, 2710, 2720 - Appendix B, 2750, 2753, 2755, 3100, 3110, 3130 - Appendix C. Having reviewed this petition, including materials submitted and testimony heard, in accordance with the City of New Bedford Code of Ordinances and M.G.L. Chapter 40A, §10, the board finds that the applicable requirements have been met. This determination includes consideration of the following:

The board finds there are circumstances related to the soil conditions, shape or topography specifically affecting the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. In this instance, circumstances are that 18 million dollars in funding sources require the lots be separated to obtain collateral for separate funding sources. Two, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant. In this case, the hardship is that without the variance this redevelopment project would be prevented from going forward. Three, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw. Four, the desirable relief may be granted without substantial detriment to the public good.

With the following specific conditions:

- This proposal requires a Certificate of Appropriateness from the Historical Commission and the modification of previous site plan review by the Planning Board;

Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at: <http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>

- Any conditions imposed by the Historic Commission and Planning Board decisions shall also be conditions of this permit.

General conditions are as follows: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of the variance 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.

ROLL CALL VOTE:

Board Member Schick - No
Board Member Brown - Yes
Board Member Decker - Yes

Board Member Paleologos - Yes
Board Member Schilling - No

Motion failed 3-2

Chairperson Schick explained his reasoning for voting as he did.

A motion was made (SB) and seconded to grant a special permit under provisions of the City Code of New Bedford relative to property located at 115, 117, 121, 127 and 129 Union Street and 7 North Second Street, Assessors' map 53 lot 40, 41, 215, 216, 146 in a Mixed Use Business [MUB], Waterfront Historic District & Downtown Business Overlay District [DBOD] zoned district, to allow the petitioner raze the five existing one-story buildings at the corner of Union Street and North Second and Barker's Lane to construct a five-story commercial/residential building; and to renovate the three-story Moby Dick Building at 127-129 Union Street for a combined total of 51 residential units and 2 commercial units (retail/restaurant) per plans filed, which requires a special permit under Chapter 9, Comprehensive Zoning Sections 4500-4572 and 5300-5330 & 5360-5390. In accordance with the City of New Bedford Code of Ordinances Chapter 9, Section 5320, the benefit to the city and the neighborhood outweighs the adverse effect of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. Including consideration of the following: social, economic and community needs which are served by the proposal, traffic flow and safety, including parking and loading, adequacy of utilities and other public services, neighborhood character and social structure, and impact on the natural environments.

With the following specific conditions:

- This proposal requires a Certificate of Appropriateness from the Historic Commission and a modification of previous site plan review by the Planning Board;
- Any conditions imposed by the Historic Commission and Planning Board decision shall also be conditions of this special permit.

The general conditions are as follows: that the project be set forth according to the plans submitted with the application; that the applicant shall ensure a copy of the Notice of Decision bearing certification from the City Clerk's Office be recorded at the Registry of Deeds; and that the rights authorized by the granting of the special permit must be exercised by issuance of a

Note: These are minutes only. A complete copy of the meeting audio is available on the City of New Bedford website at: <http://www.newbedford-ma.gov/cable-access/government-access-channel-18/program-schedule/>

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.

ROLL CALL VOTE:

Board Member Schick - No
Board Member Brown - Yes
Board Member Decker - Yes

Board Member Paleologos - Yes
Board Member Schilling - No

Motion failed 3-2

3) APPROVAL OF MINUTES

A motion was made (SB) and seconded (CP) to accept the meeting minutes of November 14, 2019. Motion passed unopposed.

4) OLD/NEW BUSINESS

After discussing application rates, a motion was made (SB) and seconded (AD) to approve the proposed increase in rates. Motion passed unopposed.

Ms. Goncalves raised the need for election of officers. A motion was made (AD) and seconded (RS) for the proposed slate of officers as follows:


Leo Schick – Chairperson
Laura Parrish – Vice Chairperson
Steven Brown - Clerk

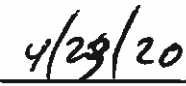
Motion passed unopposed.

5) ADJOURNMENT

This Zoning Board meeting was adjourned at 7:02 p.m.

NEXT MEETING IS SCHEDULED FOR FEBRUARY 12, 2020.


Stephen Brown, Clerk


Date