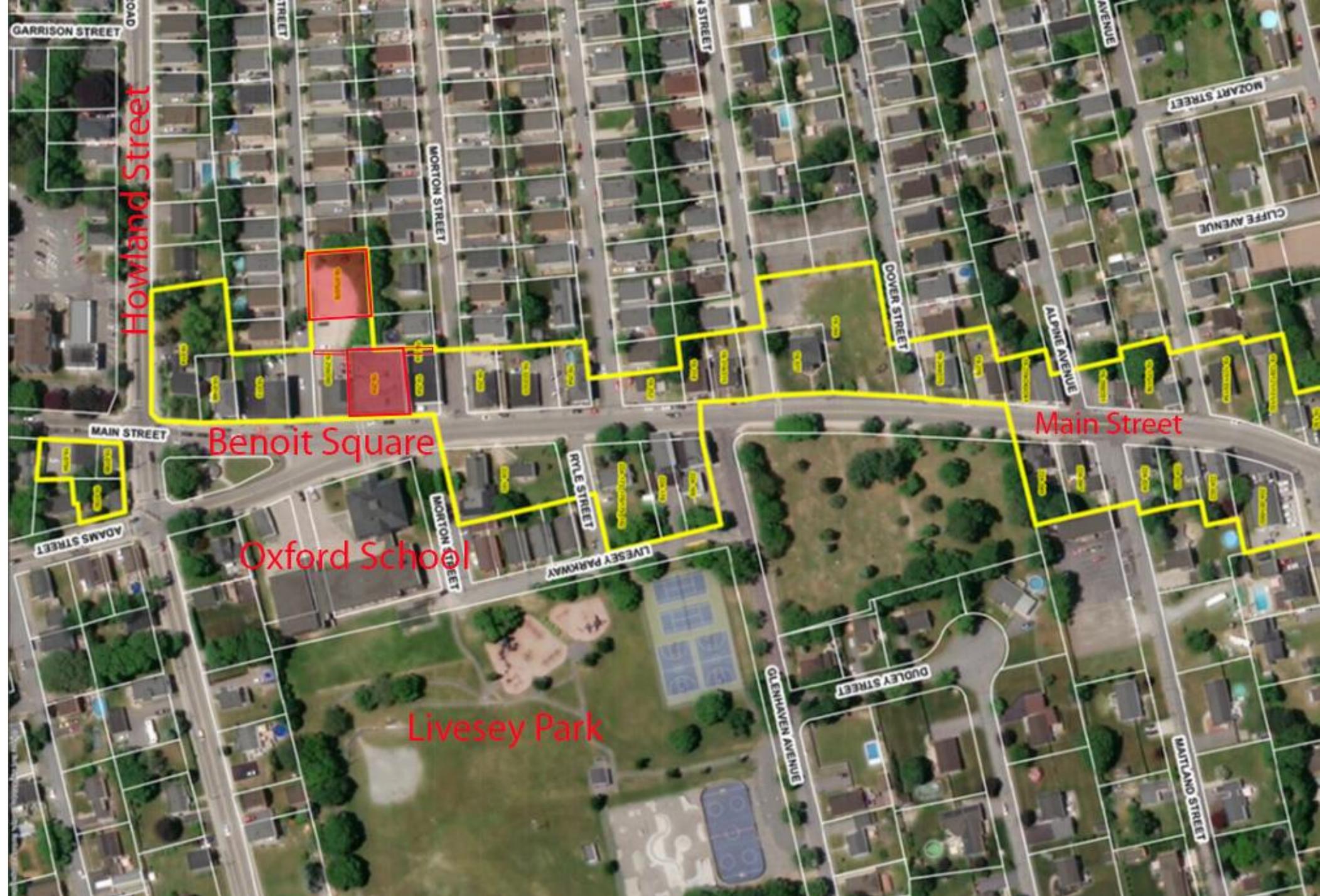


SP 2021-01:
Bijou
Theater
Apartments

North
Fairhaven
Mixed-Use
District



SP 2021-01 350 Main St. Bijou Apartments



SP 2021-01 350 Main St. Bijou Apartments



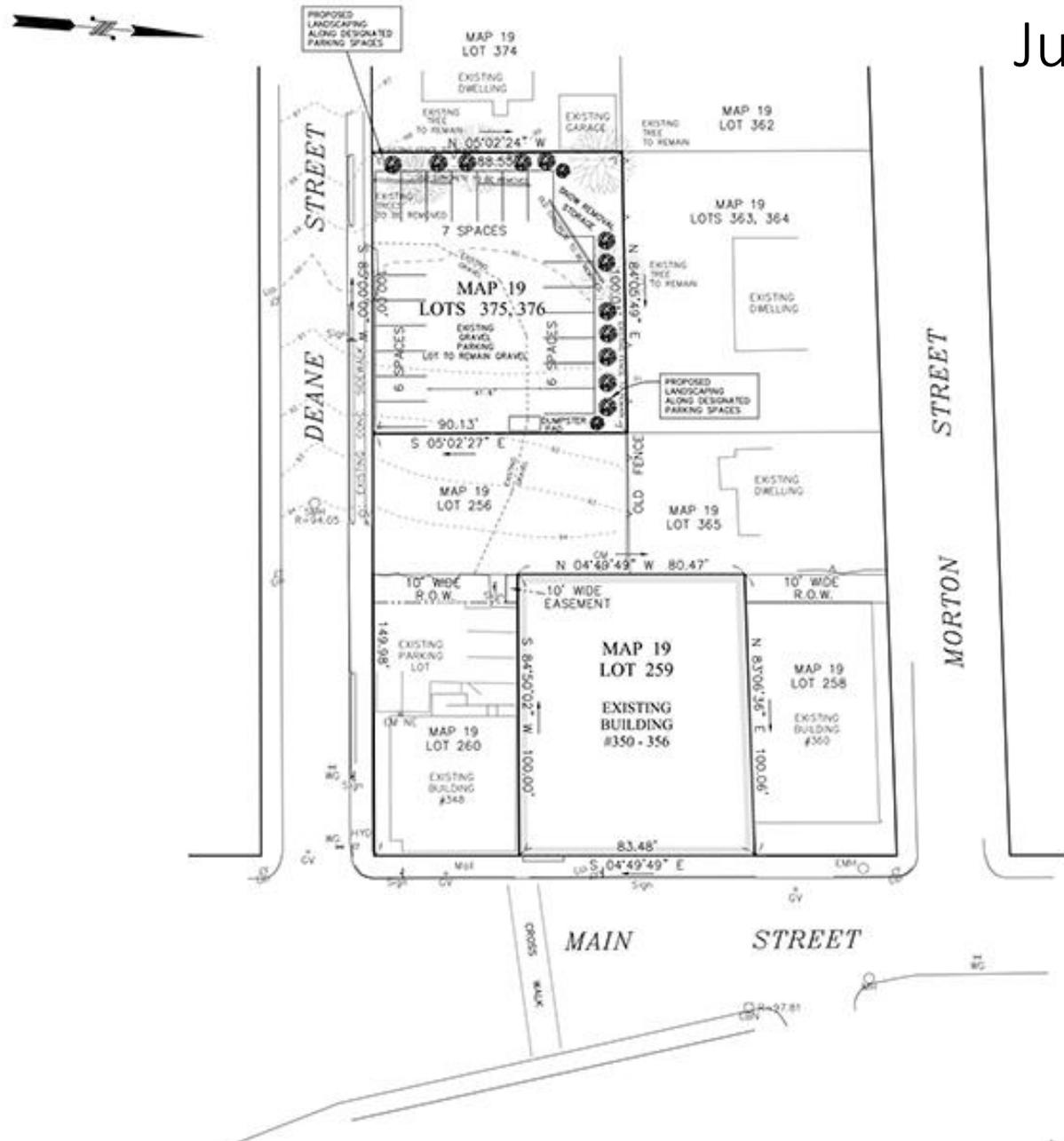
SP 2021-01 350 Main St. Bijou Apartments



SP 2021-01: Bijou Theater Apartments

- **Applicant:** Julio Barbosa
- **Project Location:** 350 Main Street (Map 19, Lots 259, 375 & 376) and parking on Deane Street in Fairhaven
- **Proposal:** to renovate the fifteen (15) residential apartments on the second and third floor and the three commercial units on the ground floor with new windows, paint and a fire detection system.
- **Zoning:** Mixed-Use
- **Local Permits:** Planning; Building; DPW
- **Surrounding Land Uses:** Mixed-use residential and commercial.
- **Project History:** The building was built 99 years ago with a theater in the rear and several small retail spaces on the ground floor on Main Street and residential apartments on the second and third floor. The building has been vacant for at least 10 years and probably much longer. The Town believes the use was abandoned and the building needs to be brought up to modern safety codes.
- **Administrative:** Public Hearing 4/13 (heard); cont'd w/out testimony to 5/11; cont/d w/out testimony to 5/25; continued w/out testimony to **June 8**.
- **Eligible:** 4/13 – RF & GH absent (GH filed Mullins).
- **Revised Site Plan received June 3, 2021**

Revised Plan received
June 3, 2021



PLAN FOR SPECIAL PERMIT

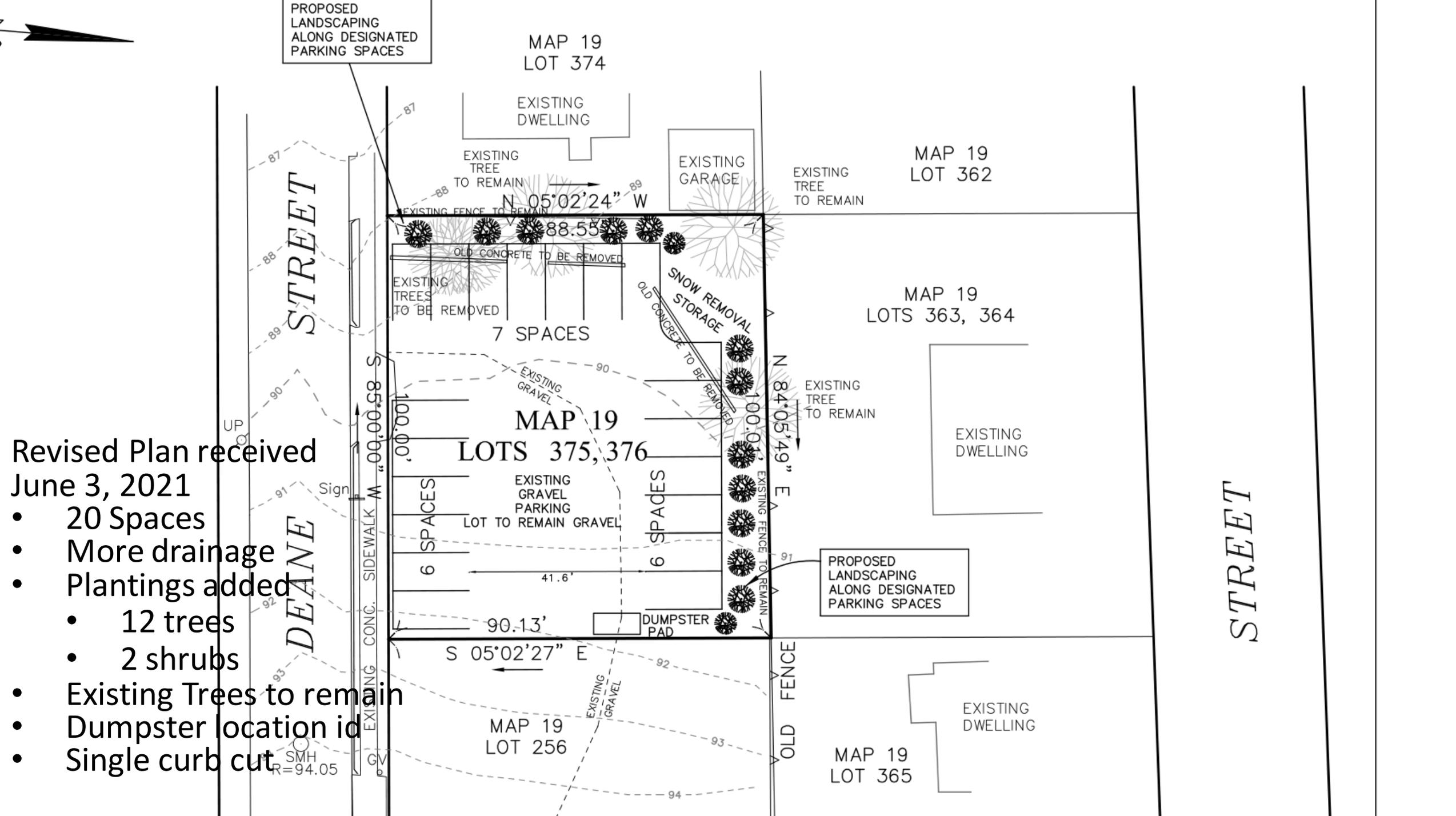
350-356 MAIN STREET
IN
FAIRHAVEN, MA.

SCALE: 1" = 20' DATE: JUNE 03, 2021



ZLS
ZENITH LAND SURVEYORS, LLC
1162 ROCKDALE AVENUE
NEW BEDFORD, MA 02740
(508) 995-0100

THIS PLAN IS BASED ON AN INSTRUMENT SURVEY PERFORMED BY ZENITH LAND SURVEYORS, LLC ON 9/17/2020.
PROFESSIONAL LAND SURVEYOR DATE



PROPOSED
LANDSCAPING
ALONG DESIGNATED
PARKING SPACES

MAP 19
LOT 374

EXISTING
DWELLING

EXISTING
GARAGE

MAP 19
LOT 362

STREET

EXISTING
TREE
TO REMAIN

N 05°02'24" W

EXISTING FENCE TO REMAIN

88.55'

EXISTING TREES
TO BE REMOVED

OLD CONCRETE TO BE REMOVED

SNOW REMOVAL
STORAGE

OLD CONCRETE TO BE REMOVED

7 SPACES

EXISTING
TREE
TO REMAIN

MAP 19
LOTS 363, 364

EXISTING
DWELLING

MAP 19
LOTS 375, 376

N 84°05'49" E

EXISTING FENCE TO REMAIN

EXISTING
TREE
TO REMAIN

6 SPACES

EXISTING
GRAVEL
PARKING
LOT TO REMAIN GRAVEL

6 SPACES

PROPOSED
LANDSCAPING
ALONG DESIGNATED
PARKING SPACES

DEANE

EXISTING CONC. SIDEWALK

W 00°00'58" S

85.00'

100.00'

41.6'

90.13'

S 05°02'27" E

DUMPSTER
PAD

OLD FENCE

EXISTING
DWELLING

MAP 19
LOT 256

MAP 19
LOT 365

STREET

Revised Plan received
June 3, 2021

- 20 Spaces
- More drainage
- Plantings added
 - 12 trees
 - 2 shrubs
- Existing Trees to remain
- Dumpster location id
- Single curb cut

Superseded



MAP 19
LOT 362

MAP 19
LOTS 363, 364

EXISTING
DWELLING

EXISTING
DWELLING

MAP 19
LOT 365

N 83°06'36" E 100.06'

N 84°05'49" E
100.01'

6 SPACES
100.01'

EXISTING
GARAGE

MAP 19
LOT 374

N 05°02'24" W
88.55'

8 SPACES

MAP 19

2 SPACES
100.00'

LOTS 375, 376

8 SPACES
90.13'

S 05°02'27" E

MAP 19
LOT 256

N 04°49'49" W 80.47'

10' WIDE
EASEMENT

MAP 19
LOT 259

EXISTING
BUILDING
#350 - 356

83.48'

S 84°50'02" W 100.00'

S 04°49'49" E
UP GRD

SignCROSSWLK

CROSS

MAIN

STH

EXISTING
DWELLING

STREET

DEANE

SMH

EXISTING
PARKING
LOT

149.98'

EM'NE
MAP 19
LOT 260

EXISTING
BUILDING
#348

WG
HYD

Mail

SignNO PRK HERE TWCORN

GV



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



Stephen Kelleher Architects, Inc.
57 Alden Road
Fairhaven, MA 02719
508-992-2007 Fax 508-992-2021

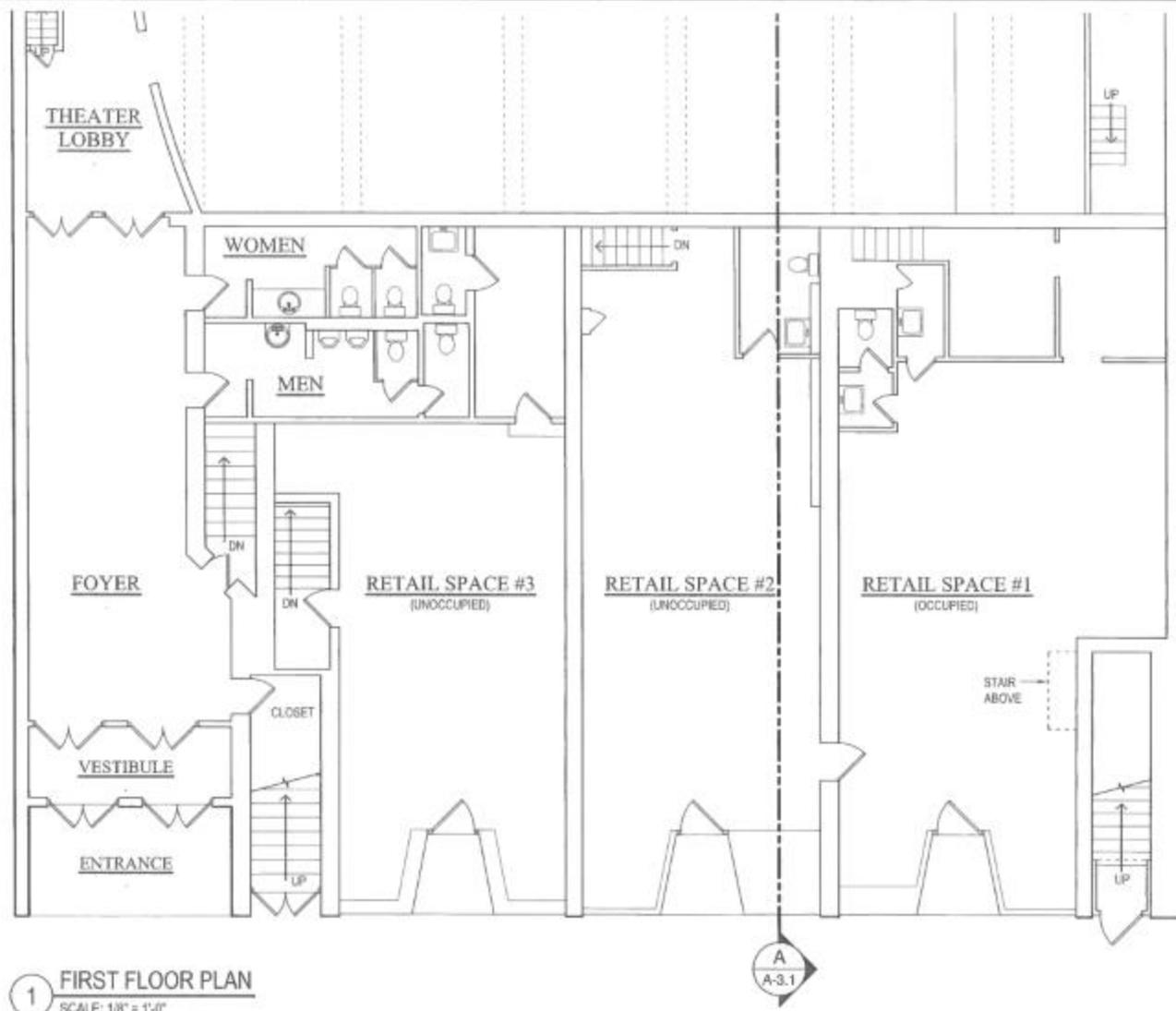
AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING FRONT
ELEVATION

EX-2.1

Date:
6/19/2012

Scale:
1/8" = 1'-0"



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

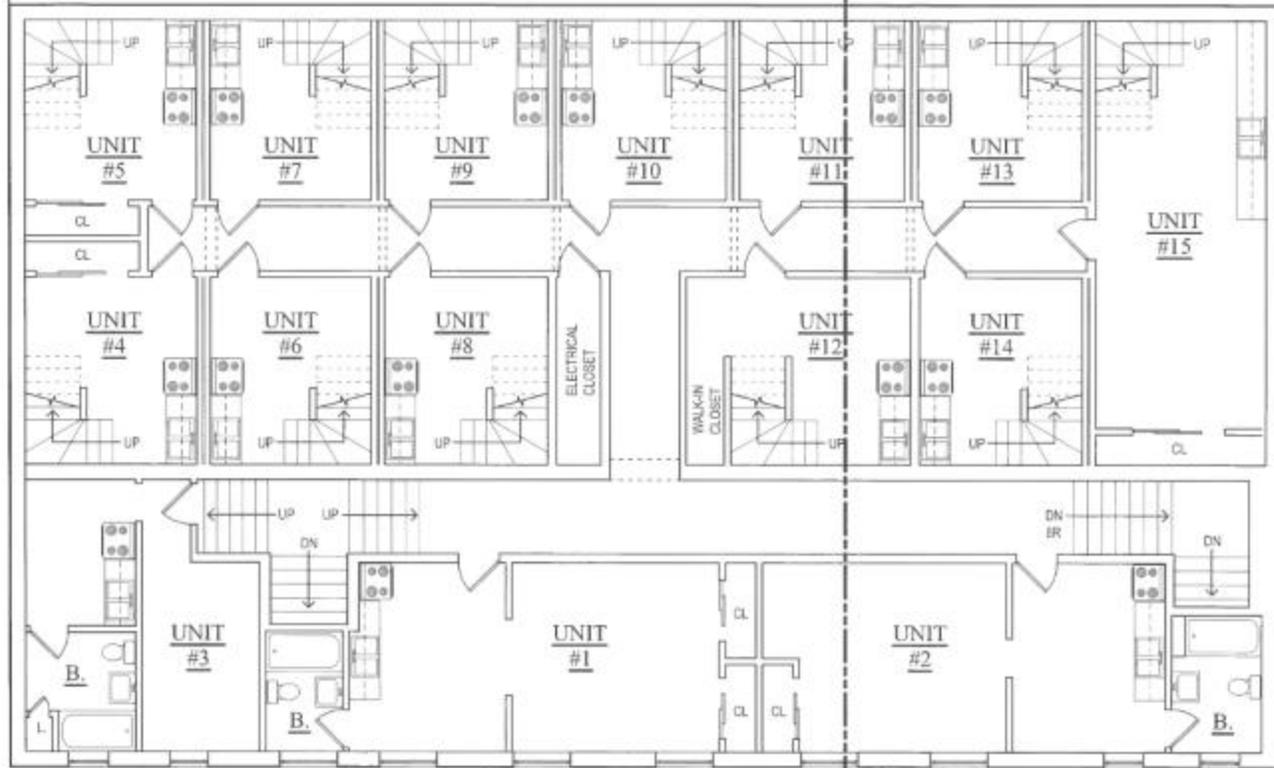


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AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING FIRST FLOOR PLAN - RETAIL
Date: 6/7/2012 Scale: 1/8" = 1'-0"

EX-1.1A



2 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

A
A-3.1



Stephen Kelleher Architects, Inc.
57 Alden Road
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508-992-2007 Fax 508-992-2021

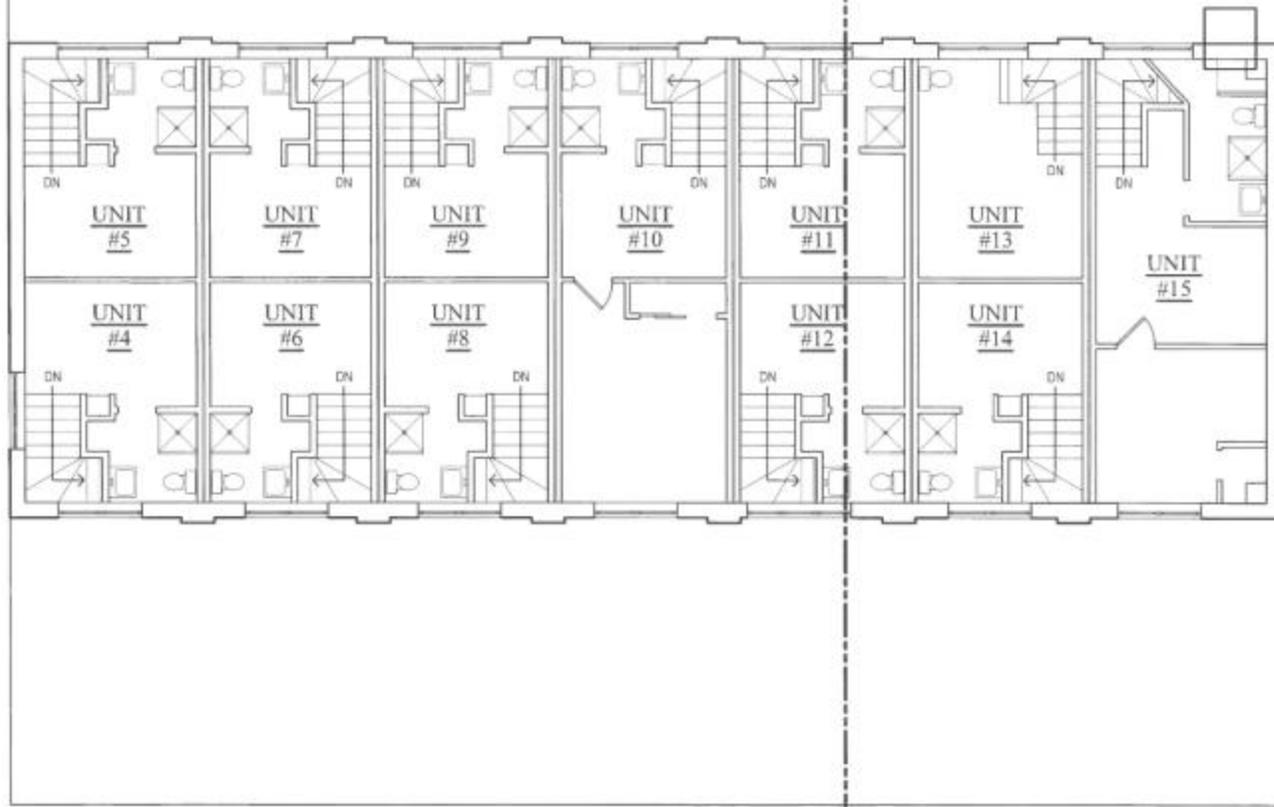
AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING SECOND
FLOOR PLAN

EX-1.2

Date:
6/7/2012

Scale:
1/8" = 1'-0"



3 **THIRD FLOOR PLAN**
SCALE: 1/8" = 1'-0"



Stephen Kelleher Architects, Inc.
57 Alden Road
Fairhaven, MA 02719
508-992-2007 Fax 508-992-2021

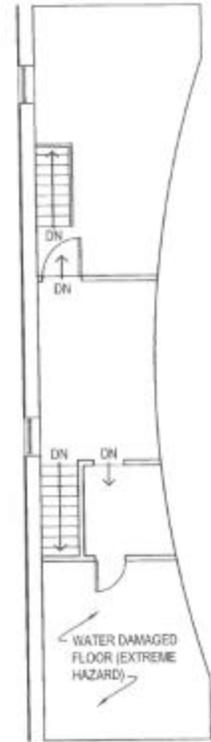
AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING THIRD FLOOR PLAN

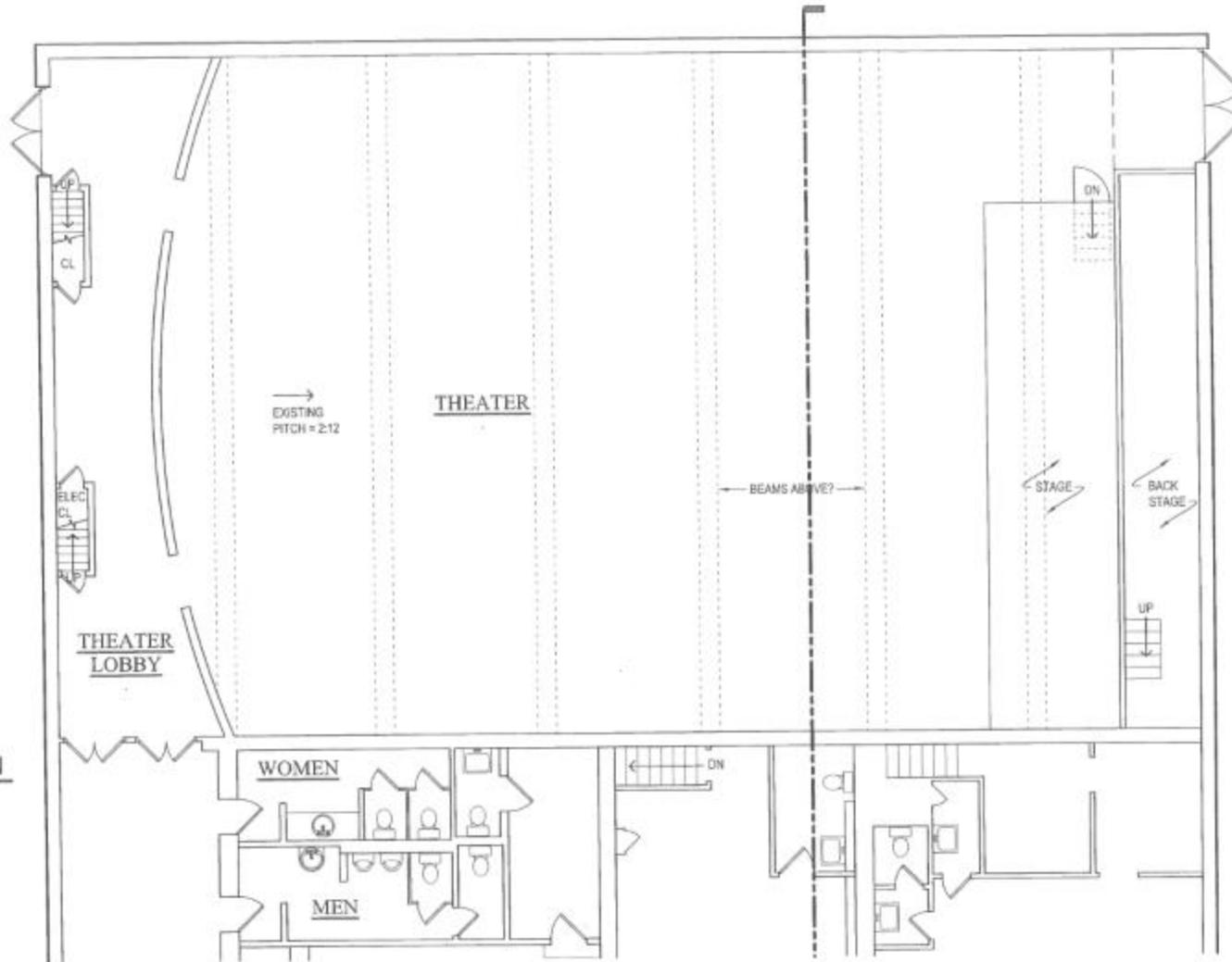
Date: 6/7/2012

Scale: 1/8" = 1'-0"

EX-1.3



PROJECTION BOOTH PLAN
SCALE: 1/8" = 1'-0"



Stephen Kelleher Architects, Inc.
57 Alden Road
Fairhaven, MA 02719
508-992-2007 Fax 508-992-2021

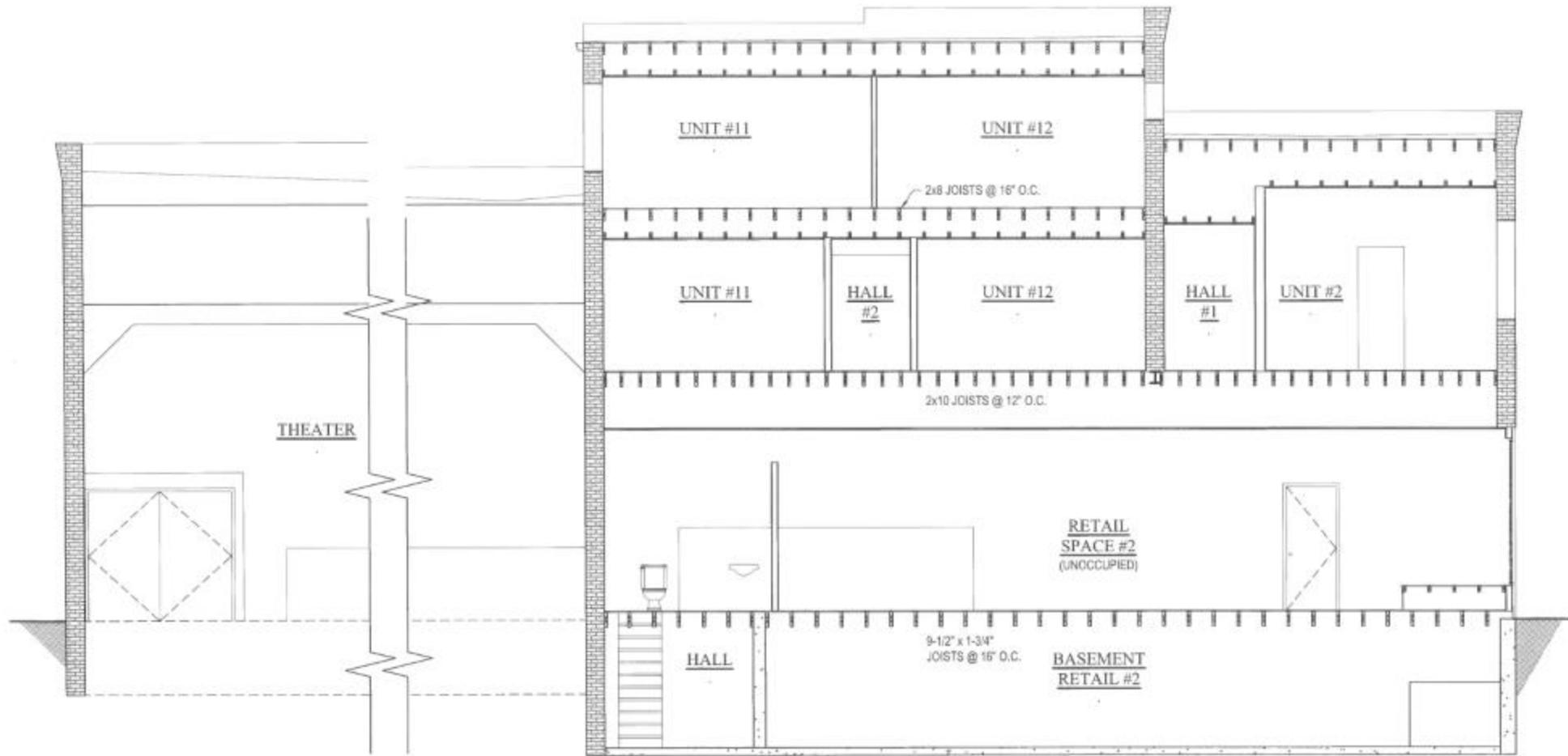
AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING FIRST FLOOR PLAN - BIJOU

Date: 6/7/2012

Scale: 1/8" = 1'-0"

EX-1.1B



A EXISTING SECTION - A
SCALE: 3/16" = 1'-0"



Stephen Kelleher Architects, Inc.
57 Alden Road
Fairhaven, MA 02719
508-992-2007 Fax 508-992-2021

AMERICAN BUILDING 1922
350 Main Street
Fairhaven, Massachusetts

EXISTING SECTION - A

EX-3.1

Dec: 6/18/2012

Scale: 3/16" = 1'-0"

SP 2021-01: Bijou Theater Apartments

Project Summary:

- To renovate the fifteen (15) residential apartments on the second and third floor and the three commercial units on the ground floor with new windows, paint and a fire detection system.
- The Applicant has discussed possibly making the apartments available to veterans.
- Revised Site Plan shows 20 Parking spaces in Deane Street parking lot. The lot will remain unpaved and accessed via the existing curb cut.
- There is a 10' wide easement from the former theater exit to the sidewalk on north and south sides.
- **Application Stamped:** February 25, 2021
- **Advertisement:** March 25 and April 1, 2021
- **Routing Sent:** March 26, 2021
- **Public Hearing:** April 13, 2021; continued twice without testimony to June 8, 2021

Comments from other Town Departments

- **Fire Department ()**: We have no issue with the modification of the building and/or its use. However, the following will need to be addressed prior to final approval:
 - Fire Alarm: The fire alarm will need a complete overhaul and updated to the current code; This will be established by following NFPA 1 & NFPA 72 with the approval of the fire department.
 - Sprinkler: Sprinkling the building will fall under the Building Department. However, if required the building sprinkler system will need to be pre-approved by the fire department. Hydrant locations may be impacted by this requirement.
 - Access: The Fire Department will require access to the front, side, and rear of the building. We would require a fire lane in the rear to accommodate fire department vehicles.
- **Police Department ()**:
 - Not sure if the parking lot in the rear is designed to handle all the parking. With the main entrance in the front what does that look like for Main Street? With the Oxford Stafford residences opening across the street it could add parking to that area that could be an issue.
- **Public Works Department (Vinnie Furtado)**:
 - Highway Department (John Charbonneau): If there are any new driveway aprons for the parking lot they will need a driveway permit.
 - Also, where is the water runoff going to be directed to from the new parking lot ?
 - Sewer:
 - Water: The Water Department has had issues with service feeding this building, and would like to see service updated with new shut offs.

Building Department Comments

Pursuant to MGL 40A s 6 p.3 its use is not protected as it has been abandoned.

- The fifteen (15) R-2 residential apartment units located on the second/third levels were illegally constructed in the late 1970's without building permits. This constitutes an illegal change of use from the existing Assembly/Mercantile to include the residential units. Pursuant to MGL 40A s 7, after ten (10) years no enforcement may be made on the construction, but the change of use to residential still remains illegal.
- Constructed ninety nine (99) years ago prior to most building codes giving it numerous ***areas of concern***. These include balloon framed walls, large interstitial spaces between the floors and ceilings, lack of insulation, no rated walls/ceilings, no fire doors, no fire suppression or alarm systems and a poor egress system. As buildings of this age have shown numerous times there is a strong likelihood that these problem would allow a fire to race throughout the building and entrap its occupants and first responders.

Parking – Revised plan received June 3

- **Existing:**

- There are 4 spots directly in front of building on N. Main Street.
- Two of Three lots (9,000 sf or 0.2 acre) on Deane Street belong to this property that was formerly used for the movie theater.

- **Proposed:**

- A revised Site Plan shows a total of 20 spots in the Deane Street Parking lot.

- **198-27 - Parking Schedule:**

- 198-27.B.(1) Res.(b) Dwelling units having fewer than two bedrooms: one space.
- 198-27.B.(2) Non-Res.(b) Retailing: one space per 250 gsf leasable floor area
- 15 apartments require 15 parking spots.
- 3 Retail Spaces are 400-500sf. Requiring about 6 spots per 198-27.B(2)(b). Customers likely to use one of eight on street parking spaces on Main Street.
- The revised lot has two less spots than original plan but leaves space for drainage, retains existing trees, adds 12-14 trees and only uses existing access.

Special Permit Issues

- **§ 198-2. Purpose of Zoning: How does the proposal adhere to the following purposes of § 198:**
 - **A. Does design promote the health, safety, convenience and general welfare of FH?**
 - Town concerned existing configuration of apartments for accessibility and fire danger.
 - **B. Does design lessen danger from fire, flood, panic and other natural or manmade disasters?**
 - The Applicant has removed the awning that was falling off the front. Town has concerns that the existing configuration of the apartments poses a fire danger to inhabitants.
 - **C. Does design improve and beautify the town?**
 - The building has been abandoned for many years. The Applicant has removed the awning that was falling off the front. Active use will improve the look.
 - **D. Does design prevent overcrowding of land?**
 - *This is a Mixed-Use zoned area of Town designed for higher density. However, as noted Town is concerned apartments do not meet modern safety codes.*

Special Permit Issues

- ***E. Does design avoid undue concentration of population?***
 - *Configuration of apartments lacks access to air, light and ventilation.*
- ***F. Does design facilitate the adequate needs of water, water supply, drainage, sewerage, schools, parks, open space and other public requirements?***
 - *The location is appropriate for Mixed-Use.*
 - *Water Department has had difficulty with service feeding this building in the past.*
 - *Unpaved parking lot does not automatically trigger stormwater plan.*
- ***G. Does the design conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment?***
 - *Yes, this is a proposed reuse of an existing building.*
- ***H. Does the design encourage the most appropriate use of land throughout the town?***
 - *Yes, mixed-use is appropriate at this location.*

Special Permit Issues

- **§198-29(1): How does the proposal show Harmony with the general purpose and intent of the Special Permit chapter, and are the standards of Section 198-29(1) met by the use as designed:**
- **§198-29(1)(a): Does design assure safety with respect to internal circulation and egress of traffic.**
 - *The revised Site Plan shows a parking lot with enough spaces for the residential and Main Street retail space uses but does not account for the theater. Parking lot will remain unpaved. If paving the site will need to do a stormwater management plan.*
- **§198-29(1)(b): Does design provide adequate access for fire and service equipment.**
 - *This property has a 10' wide walking access on either side in the back. The property owner does not own directly behind the building or the sides of the theater.*
- **§198-29(1)(c): Does design provide adequate utility services and drainage facilities ...**
 - *The revised parking lot leaves green space on north and west to attenuate drainage. Lot is not being paved so does not automatically trigger requirement for Stormwater Management Plan.*
- **§198-29(1)(d): Does Landscape design conform to § 198-27C of this chapter.**
 - *14 unidentified trees have been added to the parking lot plan.*
- **§198-27C(1): No off-street parking area for five or more cars shall be located within the required front, side or rear yard setback. If no setback is required minimum parking setback shall be 6'.**
 - *Parking appears to be within the 6 foot setback.*
- **§198-27C(2): Required parking areas paved, unless exempted by Special Permit.**
 - *The parking is proposed to continue as is, not paved.*





















Parking for
Residents of
348
Main Street
ONLY

Parking for
Residents of
348
Main Street
ONLY

SP 2021-01 350 Main St. Bijou Apartments















