

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK
MEETING:

REGULAR MEETING OF THE CITY COUNCIL

INÊS LEITE
ASSISTANT CITY CLERK

Tuesday, October 22, 2019 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: Vice-President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Steven A. Camara, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilors Bradford L. Kilby and Stephen R. Long

IN ATTENDANCE: None

Vice-President Pam Laliberte-Lebeau called the meeting to order at 7:06 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Acting Mayor and resolution re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

2. Acting Mayor and resolution re: TIE Agreement for BCBBK, LLC – 713 Davol Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

PRIORITY COMMUNICATIONS

3. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the communications to the Committee on Ordinances and Legislation, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Grant leave to withdraw:

4. Resolution – To discuss the development of a cultural district

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Committee on Regulations recommending:

Grant leave to withdraw:

5. Resolution – Odors and hours of operation at JZ Express, Inc. located at 969 South Main Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

ORDINANCES – None

RESOLUTIONS

6. Creation of a state-authorized cultural district to be named Fall River Waterfront Cultural District

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was voted 6 yeas that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

7. Request that Administration rescind all remaining Streetscape bond authorizations and work with City Council to authorize bonding for roadway infrastructure improvements

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the resolution be referred to the Committee on Finance, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

8. Committee on Ordinances and Legislation convene with Corporation Counsel, City Administrator and Chairs or representatives of Historical Commission and Preservation Society to discuss possible ordinance amendments

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

CITATIONS

9. Fall River Police Department Award Recipients and Retirees

John Albin	Gary K. Atkinson	Eric Bettencourt	Steven R. Burt
Mary Beth Buglio	Celeste Camara	Robert Canito	Dino Carlozzi
Barden Castro	Peter J. Cummings	Jose Dapedra	Michael C. Dean
William Desmarais	Michael Digangi	David Dos Santos	Michael Fogarty
Warren C. Francis	Dennis P. Gagne	Paul Gauvin	James T. Hoar
Gregory J. Homen	Jay Huard	Andrew C. Joseph	John P. Lapointe
Kenneth A. Machado	Coleen Medeiros	Kevin Medeiros	Theodore Nowicki
Tyler Paquette	Derek Pereira	David R. Ramunno	Thomas J. Roberts
Paul H. Santos	Jeffrey Silvia	Jonathan Souza	

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the citations, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #10 through #12 together, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

10. Alexandra's Boutique – their grand re-opening and opening of Alexandra's too

11. James M. Souza – receiving the Florence Cook Brigham Award

12. Judith Perreault – receiving the Florence Cook Brigham Award

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt items #10 through #12, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

ORDERS – HEARING

Curb Removal:

13. Roger Poisson, 293 Driftwood Street, requests the removal of 10 feet at 293 Driftwood Street for a total of 26 feet

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

Taxicab Drivers:

James M. Evans Travis Long

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

15. Auto Repair Shop License Renewals:

John H. Knight, Knight's Quality Service Station, Inc. at 260 Linden Street

John B. Pacheco, The Shine Shop, Inc. d/b/a Ray's Auto Sale's at 707 Brayton Avenue

Vincent Nanni, Vin's Motor Sales, Inc. at 1426 Plymouth Avenue

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

COMMUNICATIONS – INVITATIONS – PETITIONS

16. Claims

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

17. Drainlayer License – GT Excavating Corporation

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the license, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

18. Structure over a public way – Banners for the Fall River Holiday Parade Committee, Inc. located at Bedford Street at the Central Fire Station and South Main Street at Center Place

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the application, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

19. The Fall River Holiday Parade Committee, Inc. requesting permission to hang banners from the railings of Government Center

Councilor Steven A. Camara stated that he would like to see banners removed in a timely manner, after the advertised event. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the request, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

20. Department of Public Utilities – Notice of public hearing for Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, for approval of their 2016-2018 energy efficiency three year term report

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the notice be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

ITEMS FILED AFTER THE AGENDA WAS PREPARED: CITY COUNCIL MEETING DATE: OCTOBER 22, 2019

PRIORITY MATTERS

- 2a. Acting Mayor and order to accept the gift of a piano from Ms. Nancy Dempsey for Flint Senior Center

Councilor Steven A. Camara asked if the piano was in working condition. The City Clerk stated that the letter from Council on Aging mentions that all delivery costs would be paid by the donor Nancy Dempsey. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

- 2b. Acting Mayor and notification of the appointment of Beth Ann Viveiros as the Interim Executive Director of the Bristol County Training Consortium (BCTC)

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted that the communication be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

PRIORITY COMMUNICATIONS

- 3a. City Engineer requesting street opening for pavement less than five years old at 56 Frederick Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas to refer the matter to the Committee on Public Works and Transportation, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

3b. Special Assistant to the Mayor requesting consideration in allowing the City of Fall River to participate in the "Through Our Eyes" project

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the request, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

19a. Zoning Board of Appeals Minutes – July 18, 2019

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 7:34 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

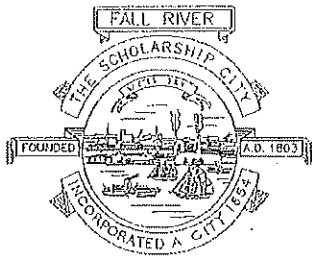
A true copy. Attest:



City Clerk

In City Council, November 12, 2019

Approved



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2019 OCT 22 P 1:17

REVISED POSTING: OCTOBER 18, 2019 AT 4:33 P.M.

ORIGINAL POSTING: OCTOBER 18, 2019 AT 3:21 P.M.

FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, OCTOBER 22, 2019
REVISED AGENDA II

5:55 PUBLIC HEARING
Curb Removal

1. Roger Poisson, 293 Driftwood Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
293 Driftwood Street	16'	10'	0'	26'

The petitioner has an existing 16 foot driveway and requests separate 10 foot driveway for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

6:00 P.M. COMMITTEE ON FINANCE COUNCIL (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF THEY RUN PAST 6:00 P.M.)

1. Citizens Input
2. *Discussion of Fiscal Year 2020 Quarter 1 Budget Report
3. Discussion re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street (see #1 below)
4. Discussion re: TIE Agreement for BCBBK, LLC – 713 Davol Street (see #2 below)

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE IF THAT MEETING RUNS PAST 7:00 P.M.)

PRIORITY MATTERS

1. *Acting Mayor and resolution re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street
2. *Acting Mayor and resolution re: TIE Agreement for BCBBK, LLC – 713 Davol Street

PRIORITY COMMUNICATIONS

3. *Traffic Commission recommending amendments to traffic ordinances

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Grant leave to withdraw:

4. *Resolution – To discuss the development of a cultural district

Committee on Regulations recommending:

Grant leave to withdraw:

5. *Resolution – Odors and hours of operation at JZ Express, Inc. located at 969 South Main Street

ORDINANCES – None

RESOLUTIONS

6. *Creation of a state-authorized cultural district to be named Fall River Waterfront Cultural District
7. *Request that Administration rescind all remaining Streetscape bond authorizations and work with City Council to authorize bonding for roadway infrastructure improvements
8. *Committee on Ordinances and Legislation convene with Corporation Counsel, City Administrator and Chairs or representatives of Historical Commission and Preservation Society to discuss possible ordinance amendments

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John B. Pacheco, The Shine Shop, Inc. d/b/a Ray's Auto Sale's at 707 Brayton Avenue
Vincent Nanni, Vin's Motor Sales, Inc. at 1426 Plymouth Avenue

COMMUNICATIONS – INVITATIONS – PETITIONS

16. *Claims
17. Drainlayer License – GT Excavating Corporation
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located at Bedford Street at the Central Fire Station and South Main Street at Center Place
19. *The Fall River Holiday Parade Committee, Inc. requesting permission to hang banners from
the railings of Government Center .

BULLETINS – NEWSLETTERS – NOTICES

20. *Department of Public Utilities – Notice of public hearing for Massachusetts Electric Company
and Nantucket Electric Company each d/b/a National Grid, for approval of their 2016-2018
energy efficiency three year term report


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 22, 2019

PRIORITY MATTERS

- 2a. *Acting Mayor and order to accept the gift of a piano from Ms. Nancy Dempsey for Flint Senior
Center
2b. *Acting Mayor and notification of the appointment of Beth Ann Viveiros as the Interim
Executive Director of the Bristol County Training Consortium (BCTC)

PRIORITY COMMUNICATIONS

- 3a. *City Engineer requesting street opening for pavement less than five years old at 56
Frederick Street
3b. *Special Assistant to the Mayor requesting consideration in allowing the City of Fall River
to participate in the "Through Our Eyes" project

COMMUNICATIONS – INVITATIONS – PETITIONS

- 19a. *Zoning Board of Appeals Minutes – July 18, 2019



City of Fall River
Massachusetts
Office of the Mayor

2b

RECEIVED

2019 OCT 22 P 12:24

CITY CLERK
FALL RIVER, MA

CLIFF A. PONTE
Acting Mayor

October 21, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

In an effort to assure the continuity of operations at the Bristol County Training Consortium (BCTC), I am appointing Beth Ann Viveiros to serve as Interim Executive Director. Mrs. Viveiros has served BCTC in a variety of capacities for 39 years including her current role as the Deputy Director of Operations/Career Center Director.

After consultation with Joseph L. Viana, retired MassHire Bristol Career Center Director, and Holly Hill-Baptista, Deputy Director of Administration and Finance at BCTC, I believe Mrs. Viveiros is very capable of assuming this role until such time as a permanent appointment can be made.

While the City Council's approval is not required for this interim appointment, I wanted to keep the City Council informed as to this important change in staffing at BCTC.

Very Truly Yours,

Cliff A Ponte
Acting Mayor

2b

BRISTOL COUNTY
TRAINING CONSORTIUM
a **MASSHIRE** partner

One Government Center, 5th Floor
Fall River, Massachusetts 02722
508.675.1161

October 21, 2019

Acting Mayor Cliff A. Ponte
One Government Ctr, 6th Floor
Fall River, MA 02722

RECEIVED
2019 OCT 22 P 12:24
CITY CLERK
FALL RIVER, MA

Dear Acting Mayor Ponte,

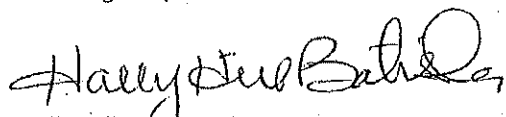
We are requesting your permission to allow Beth Ann Viveiros to act in the capacity of Interim Executive Director specifically for the signatory authority until a permanent appointment is made.

Mrs. Viveiros has served Bristol County Training Consortium in various capacities for 39 years. We have shared her exemplary resume and her most recent performance evaluation for your review in which she has exceeded all categories.

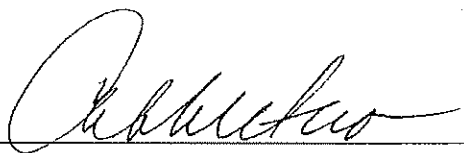
Please sign below your agreement regarding the designation of Mrs. Viveiros. Once we have this designation from you, I will prepare the Commonwealth's documents which change the authorized signatures with our major funders.

Thank you in advance for your assistance in this matter.

Best Regards,



Holly Hill-Batista
Deputy Director of Administration and Finance



Acting Mayor Cliff A. Ponte

2b

Joseph L. Viana
443 Ludlow Street
Fall River, MA 02721

RECEIVED

2019 OCT 22 P 12: 24

CITY CLERK _____
FALL RIVER, MA

October 21, 2019

Honorable Cliff Ponte
Acting Mayor
City of Fall River, MA

Mayor,

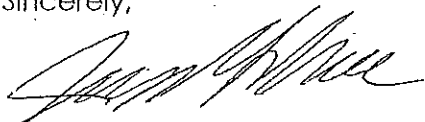
Please accept this letter as a recommendation for Beth Ann Viveiros to be considered for the position of Interim Executive Director of Bristol County Training Consortium.

Mrs. Viveiros has 39 years of experience in the agency and as the Deputy Director of Operations/Career Center Director has been responsible for the day to day operation of all MassHire career center programs. This combination of experience in workforce development and extensive first hand knowledge of center operations is very valuable for the position.

Additionally, Mrs. Viveiros is an extremely dedicated, dependable and productive professional who has demonstrated the ability to communicate effectively with clients, staff as well as other workforce development agencies and professionals.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Joseph L. Viana
Retired MassHire Bristol Career Center Director

Cc: Holly Hill-Batista, Deputy Director of Administration and Finance, BCTC

3b



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2019 OCT 22 P 12: 25

CITY CLERK _____
FALL RIVER, MA

CLIFF A. PONTE
Acting Mayor

October 17, 2019

Honorable Members of the City Council

City of Fall River

One Government Center

Fall River, MA 02722

Dear Honorable City Council Members:

I am writing to you on behalf of the "Through Our Eyes" project. This project is a collaboration between SER Jobs for Progress and The University of UMass Dartmouth. Enclosed is an explanation of the project, information on participants and target locations within the City as well as an example photograph of the banner to be installed.

The "Through Our Eyes" project has requested permission to utilize the Third Street Parking Garage as one of its target locations. I have reviewed this with Parking Director, Laura Ferreira as well as Acting Mayor Cliff A. Ponte.

Your consideration in allowing the City of Fall River to participate in this project is much appreciated. If you have any questions or concerns please feel free to reach out to me via email msousa@fallriverma.org or via my work cell phone 774-644-0703.

Best,

Monica Sousa

Special Assistant to the Mayor

Special Projects

3b

**Through Our Eyes
Agreement for Mounting of Photographic Banner**

I _____
understand the nature and terms of the Through Our Eyes project as described below and agree
to have an agreed-upon photograph installed on the building at

of which I am the legal owner (Authorized lean agent or representative).

Printed Name

Signature

Date

The Through Our Eyes project is a joint project of SER-Jobs for Progress and UMass Dartmouth and is sponsored by a generous grant from the Community Foundation of Southeastern Massachusetts. SER-Jobs is a community-based organization that has been serving the immigrant and non-English speaking constituents of the Greater Fall River since 1979. Maria Ferreira-Bedard, Executive Director of SER-Jobs and Andrea Klimt, anthropology professor at UMass Dartmouth are co-directing this project. Ms. Ferreira-Bedard has worked at SER-Jobs for going on 28 years and is a Fall River resident. Dr. Klimt has worked her entire career with immigrant populations and has been involved with numerous community projects in Fall River.

The goal of the Through Our Eyes project is to celebrate Fall River's cultural diversity and enhance the visual appeal of the city's neighborhoods through locally-produced public art. The project aims to install between 12-15 large-scale banners of photographs taken by students at SER-Jobs on highly visible exterior building walls around the city. All of the photographers contributing to the project are residents of Greater Fall River and students in SER-Jobs English language classes. All of them are amateur photographers who want to share their stories and their unique ways of seeing family, community, and culture. None of them stand to gain financially through this project – and all of them are looking forward to contributing to the city they have come to call home.

The company that will be installing the banners is SignDesign of Brockton. They have been in business for over 30 years and have successfully completed very similar art projects in Brockton (see Champions of Brockton) and Providence (for examples see web site for photographer MaryBeth Meehan - <http://www.marybethmeehan.com>). The banners will be between 10-15 feet across and installed on the face of suitable exterior walls primarily in the Downtown (South

Main/Bedford/Purchase Streets), Waterfront (State Heritage Park/Water Street), and Flint Neighborhood (Pleasant Street) areas. The photographs are printed on a banner made of 13 oz Matte Vinyl that has a sewn perimeter. They will be mechanically fastened to buildings using a surface appropriate fastener (Typically a 2.5" x 1/4" masonry screw or lag & shield). The number of fastening points vary depending on size of banner, but will be approximately 1 fastening point for every 2 perimeter feet. Best efforts will be made to attach only in mortar joints on brick or block building surfaces and impact on the structure will be minimal. Upon removal, holes to be filled with silicone.

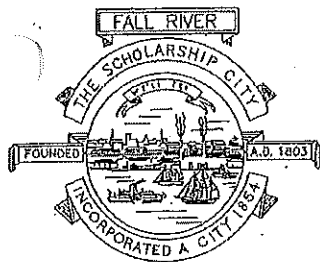
There is no specific time warranty for banners, but they are expected to last a minimum of 2 years and up to 3 or 4 years without maintenance. The duration of the installation will depend upon size, location, and exposure to severe weather. SignDesign will repair or reinstall a loose banner as long as damage is minimal at a cost to be covered by the grant funds. SignDesign will also remove the banner when it is no longer aesthetically appealing or physically intact at a cost to be covered by grant funds. The company is fully insured, proof of which will be furnished upon request.

Building owners do not have to do anything to prepare the wall for installation of the banner and all repair and dismounting costs of the banner will be covered by grant funds. The photograph selected for installation on a particular building and specific size and placement will be approved by the building owner. Each installation site will have the appropriate approvals in accordance with city ordinances.

All questions and concerns regarding this project can be directed to Maria Ferreira-Bedard (mferreira-bedard@ser-jobs.co) or Andrea Klimt (aklimt@umassd.edu).

3b





City of Fall River Massachusetts

Planning Division

RECEIVED

2019 OCT 22 P 12:16

WILLIAM D. ROTH JR., AICP

City Planner

CITY CLERK _____
FALL RIVER, MA

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: **Fall River Zoning Board of Appeals Meeting**
July 18, 2019

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, July 18, 2019, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chair, Carolyn Morrisette, Vice Chairwoman, John Frank, Jim Calkins, Greg Brilhante and alternate member Dan Dupere.

Members absent: none

Also present: City Planner, William D. Roth Jr., AICP and Recording Secretary, Brittany Faria, and Alex Mello of FRGTV.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, July 3, 2019, and Wednesday, July 10, 2019. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

6:00pm Chairman read the Open Meeting Law notice, and his opening statement.

TECUMSEH ST. REALTY TRUST
257 Tecumseh St., Lot I-23-26

19a

In the matter of Variance request to construct a single family dwelling waiving requirements in [A-2] District in place of previous 3-family dwelling. Lot size 3,700+/-sf

FAVOR

Continued from June 20, 2019, meeting. Discussion regarding which members would hear this petition, to include Mr. Brilhante and Mr. Frank.

Lisa Nunez was present to address the Board. Waivers being requested are for 37' frontage, 20' front yard, 5' side-yards, lot area of 3,700sf, and 35% lot coverage. Was previously a three-family, which burned down in April of 2010 and now requesting a single-family. They would be providing two off-street parking spaces.

Mr. Roth recommended if the Board moves to grant, that conditions include Site Plan Review, to specify which requirements being varies and require two off-street parking spaces.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Ms. Morrisette, the Board unanimously voted 5-0 to GRANT the variance with Conditions being: 1. Specific waivers being: 37' frontage, 20' front yard, 5' side yards, 3,700sf lot area and 35% max lot coverage 2. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 3. There shall be a minimum of two (2) off-street parking spaces.

Mr. Brilhante, Ms. Morrisette, Mr. Assad, Mr. Calkins and Mr. Frank voted in favor of the motion.

FRANK CORREIA
129 Hemlock St., R-13-58

19a

In the matter of Special Permit request to construct a 26x34 (884sf) detached garage exceeding maximum allowance of 750sf in [S] District. Lot size 16,569+/-sf

FAVOR

Mr. Frank Correia was present to address the Board requesting a Special Permit for a garage in excess of allowed size of 750sf. Pursuant to Sec.86.446, scale is consistent with neighboring structures and won't impact use and enjoyment of abutting properties. It will be a single floor, three-stall garage for vehicle storage, no residence. Mr. Correia explained that this will have a 12' ceiling but it is set below grade, so it's really 8'. Chair explained that while the plans show a driveway of 34' wide, that dimension cannot be permitted by this Board. An opening of 16' wide is the maximum allowed unless City Council grants a waiver. Mr. Correia explained that there is no existing curb cut.

Mr. Roth requested Site Plan Review, and to possibly also condition no living area allowed. Mr. Roth pointed out that based on the plans it could not be determined if the 25% max lot coverage requirement was met. The plans do not have a notation of lot coverage, so all impervious surfaces, including patio, need to be considered during Site Plan Review.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Brilhante, the Board unanimously voted 5-0 to GRANT the Special Permit with Condition being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. Mr. Brilhante, Ms. Morrisette, Mr. Assad, Mr. Calkins and Mr. Frank voted in favor of the motion.

19a

SOARES FAMILY REVOCABLE LIVING TRUST
142 Tuttle St., B-15-10

In the matter of Variance request to allow existing apartment unit above garage to remain on parcel which contains an existing 6 unit apartment building in the [B-L] District. Lot size 5,035+/-sf

FAVOR

Dan Aguiar, Senior Project Manager of SITEC Inc. was present to address the Board. This is an existing six-family dwelling on the east side of Tuttle St. At the rear of the property is an existing garage with an apartment and deck which has parking in the garage, so this is an after-the-fact filing. The Soares Family Revocable Trust owns a number of the homes in the area and in the last few years have been moving a number of properties into the trust and getting Mr. Soares' estate in order. During due diligence of insurance inspections, it was brought to his attention that the city did not have record of the garage apartment having been built. Mr. Aguiar gathered information from the owner that the apartment had been built approximately 10 years ago through hiring a contractor whom apparently did not pull a building permit. The owner is pursuing making the apartment lawful. Existing driveway can hold 6 parking spaces, plus 1 in the garage but parking in the area is not an issue. Neighborhood consists of mixed uses.

Mr. Brilhante asked when Mr. Soares had purchased the property. Mr. Soares answered that he has had it over 40 years. Per the Building Inspector, this request should not be moved as special permit.

Ms. Morrisette asked for a hardship in relation to a variance. Mr. Aguiar explained that it being a unique structure, this is not considered a financial gain but the owner is trying to avoid a financial loss. Mr. Brilhante stated that it already exists which pertains to the structure.

Mr. Aguiar explained that it must still have inspections for residency if the Board chooses to approve.

Discussion regarding non-conformity, which most of the neighborhood is non-conforming.

Mr. Roth requested the Board condition all required building permits and no further subdivision if the Board chooses to grant.

Mr. Calkins noted that all fees involved should also be paid.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Frank, with a vote of 4-1 the Board GRANTED the variance with Conditions being: 1. All required building inspections and permitting need to be completed prior to occupancy 2. All associated after-the-fact filing fees must be paid in full prior to occupancy 3. No further subdivision

Mr. Assad, Mr. Calkins, Mr. Brilhante and Mr. Frank voted in favor of the motion, Ms. Morrisette voted opposed and the petition was granted.

6:27pm Mr. Assad announced his exit abstaining from petitions #3 and #4. Ms. Morrisette to Chair.

19a

PETER CABRAL

397 Tower St., E-6-39

In the matter of Variance request to subdivide lot into two lots, leaving existing single family on one lot, while constructing a new single family on second lot waiving requirements in the [R-8] District. Lot size 10,506+/-sf

FAVOR

Dan Aguiar, Senior Project Manager of SITEC Inc., along with owner Peter Cabral, were present to address the Board. This property was purchased in March of 2017. Due to the location of the existing structure, the land is underutilized which is bisected from the use of the existing single family. Hardship being the uniqueness of the location of the structure, being pushed all the way to one side, on an oversize lot with excess frontage.

Ms. Morrisette made mention that no changes have been made on this proposal from when it was last withdrawn without prejudice. Mr. Aguiar answered that the applicant had withdrawn to attempt contacting neighbors to resolve concerns.

Mr. Calkins asked about provisions for parking, noting that parking was not indicated on the plans. Mr. Aguiar answered that two parking spaces would be provided as required by zoning.

Present in favor of the petition:

Joseph and Maria Raposo, 21 Tucker St.- family in favor, lot has been cleaned up and a single family will be an improvement to neighborhood;

Jeremias Sousa, 146 Lisbon- family, direct abutter in favor;

Ludovina Sousa, 146 Lisbon St.- family, direct abutter in favor;

John and Lucy Marques, 124 Clay St- family, consistent with neighborhood;

Jose and Maria Cabral, 136 Lisbon- father, community, desire to have family in close proximity. Property has been cleaned up, filled, and it is a small house being proposed;

Maria Afonso, 332 Ludlow St- in favor;

Makayla Correia, 146 Lisbon St.- family, in favor;

Manny Lindo, 124 Clay- family who owns abutting two-family. Being in real estate, a 5,000sf lot is a decent size in this city. It is well-kept belonging to a respectful family. Proposal is not detrimental to neighborhood;

Paula and Madeline Cabral, 132 Lisbon St- abutter, family, keep family close by;

Marta Aiten, 136 Lisbon St- lifelong resident, family, in favor;

Derik Aiten, 136 Lisbon- family, the purpose of purchasing this lot was to divide it for family;

Steve Cabral, 132-136 Lisbon St.- abutter, family, 156 was his original property number, stated that he had a petition in favor (not submitted to the Board). Proposal is only 45' under the required 5,500sf. Previously an eyesore, so it is an improvement. Ideal buildable for close proximity to family. Consistent with neighborhood stating there are 122 single family homes are in that area with 2/3 of which not in compliance with zoning restrictions. Mr. Cabral expressed concerns regarding opposition;

19a

Pedro Fernandes, 360 Second St- Realtor, proposed is normal size for city. It has been cleaned up and will be an additional tax revenue for the city;

Paul Lindo, 593 Montaup St.- family, previous resident at 212 Lisbon St., in favor

OPPOSITION

Robin Sheehan, 350 Frost St- Maplewood area, minimum size is supposed to be 8,000sf, undersized lots could be built prior to zoning laws but zoning laws are in place to prevent overcrowding. Nuisance property containing 11 vehicles, which includes tractor trailer;

Dolores Mello, 156 Powell St.- 80yr resident, variances overcrowding neighborhood;

Robert Silva, 226 Archer St.- subdivisions are a financial gain;

Delores Silva, 226 Archer St- overpopulated area, zoning laws are to prevent this;

Cecil Couture 424 Tower St- across the street from an abutter, having 2 lots that should show as 1 on assessor records. She had been denied a variance to split her larger property. This proposal is on undersized lot. There is a history of drainage problems in the area. The signed petition has residents that live in the area. Tower Street has poor parking due to neighboring Lisbon Street being full. Mr. Brilhante asked for more information about her denied variance;

Paula Martingale, 197 Reney St- frequents family on Tower St. Neighborhood and parking is crowded, greatly affects neighbors that aren't related. They had turned the previous garage into a residence. Undersized lot and too close proximity to existing neighboring structures;

Richard Souza, 266 Kennedy St.- with Maplewood Association. Undersized lot with tight dimensions between existing structures. They had converted the garage into a 2 family. Expansion increases congestion and fire concerns. Asked if this proposal is 1 floor or 2? Parking was not shown on proposal. 18" overhang on existing house which will protrude between existing and proposed, which increases fire hazard;

Julie Jasmin, 208 Frost St- longtime Fall River resident, undersized proposal lot. Asking Board to preserve neighborhood;

Ron Seigny, 250 Kennedy St- Vice President of Maplewood Assoc. voted opposed on 7/17/19. Proposal doesn't meet zoning, undersized, too close proximity, should stick to conforming;

Paul Gerard, 13 Kyle Jacob Rd. of Westport- visits neighborhood often at #419, overcrowding, many accidents because of parking at that property. Concern with use of abutting driveway;

Brenda Gerard, 13 Kyle Jacob Rd. of Westport- abutters' family, crowded neighborhood, fire hazard, previously was a pond in back yards that she used to ice skate on, water table concern;

Eugene Duarte, 419 Tower St- direct abutter- lot undersized, subdivision is non-conforming, fire hazard, has trouble backing out due to parking, curb cut will take away on-street parking, water table changed over the years, previously a Brook in back of property;

Delores Duarte, 419 Tower St. direct abutter- basement had previously flooded when other houses were built in the area. Sucker Brook finger in backyard. Too close to her existing structure which creates concern for fire. Also parking concern when backing out;

Mr. Jim Finglas, 156 Emmett- Maplewood longtime resident, Zoning in place to provide open space. This proposal was withdrawn in 2018 but map and filing is exactly identical. It had been withdrawn with the understanding that the applicant would change the filing. Board had granted that request without prejudice. Land is undersized for a subdivision and for adding a building. Currently oversized but area has many oversized with minimum requirements being 8,000sf. Oversized isn't a hardship;

19a

Cheryl Quintal, 25 Clay St- 20yr resident, not coerced into petition, understandably a concern for fire hazard and privacy;

Bethany Duarte, 26 Lisbon- congestion, fire hazard, history of flooding, not misleading.

Chairwoman read 2 letters of opposition into record, 68 signatures on petition.

Mr. Aguiar's responded to opposition stating that the purpose of Zoning Board of Appeals gives property owners an opportunity to not meet zoning requirements. The previous petition was withdrawn to discuss but applicant is not required to change the plans. In regards to the two most affected abutters, the Duarte's had been granted a variance to build closer to a property line and across the street had attempted her own variance. With regards to the water table and things of that nature, land development is reviewed by the Site Plan Review Committee. And parking is being provided for both parcels.

Mr. Roth requested Site Plan Review condition if the Board chooses to grant as well as minimum of 2 parking spaces. Mr. Roth did note that the proposal is identical to the plans that had been withdrawn.

Mr. Calkins made a motion to Deny based on an inadequate display of a hardship.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 5-0 to DENY the variance. Mr. Dupere, Mr. Frank, Mr. Brilhante, Mr. Calkins and Ms. Morrisette voted in favor of the motion, Mr. Assad abstained and the petition was denied.

19a

FRANKLIN SERVICE AUTO CARE, LLC
1101 N. Main St., O-7-13

In the matter of Variance request to demolish the existing non-conforming canopy and auto repair structures, and to construct new canopy and 2,080 sf convenience store (no auto repairs) waiving requirements in the [A-2] District. Lot size 13,085+/-sf

FAVOR

Al Chubert, Engineer representing applicant was present to address the Board. Requesting to waive set-back requirements. The previous use had expired in March. Proposing to raze canopy and existing building. They would just be adding convenience retail use but have changed structure design due to current placement of pumps and age of structures. Pushing easterly on-site to improve safety, circulation and traffic, and provide parking. Expanded canopy is nonconforming. Would be constructing same size building but new placement improves parking. Mr. Brilhante questioned if privately owned company, which Mr. Chubert confirmed. Mr. Brilhante noted it would be an improvement to area given proximity of school. Access and egress would be safer. Mr. Brilhante questioned if there would be a drive-thru, which Mr. Chubert stated that they are not proposing a drive-thru.

Ms. Morrisette asked to clarify about auto repairs as previously approved, but Mr. Chubert stated that they would not be doing repairs.

Mr. Frank questioned pump totals, canopy to cover entire and access intentions. Mr. Chubert answered it would be 4 pumps, 8 stations, fully covered by canopy and they would work with the city at what would be best for access. Use is the same as the previous approval but eliminating repairs.

Mr. Roth expressed that this proposal would be an improvement to the area considering the trip generation. In favor of building new compared to what is existing. He was opposed to the more intensive use with the size being proposed, strongly disagreeing with an overbuilt site. Recommending removal of 1 pump to north which only provides 12.7' around, near handicap space. It would limit it to one way site circulation. Removal would allow for full site circulation. The 24' curb cut should be required to be removed. The 69' curb cut should be reduced to almost half, to line up with access drive being proposed. These modifications would be more efficient and safer. Lighting should be included in the Site Plan Review process and signage should be limited with building requirements. The canopy would be reduced by removing 1 island. Board could approve to conditions or definitive plans.

OPPOSITION

No one was present in opposition to this matter.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Dupere, the Board unanimously voted 5-0 to grant the petitioners request to continue the matter to August 15th, 2019 ZBA meeting.

19a

CITIZENS INPUT

No one signed up for Citizens Input.

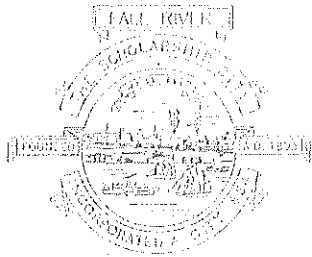
APPROVAL OF MINUTES

In the matter of Minutes for Zoning Board of Appeals Meeting dated April 18, 2019, a motion was made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 5-0 to APPROVE and WAIVE the reading of the minutes for the April 18, 2019 meeting. Mr. Brilhante abstained from the vote.

In the matter of Minutes for Zoning Board of Appeals Meeting dated June 20, 2019, minutes had not yet been completed and were not ready for an approval vote.

ADJOURNMENT

In a motion made by Mr. Brilhante and seconded by Mr. Dupere, the Board unanimously voted 5-0 to adjourn the meeting at 7:46pm. Mr. Assad abstained from the vote.



City of Fall River Massachusetts

Office of the City Clerk

ORIGINAL POSTING: OCTOBER 18, 2019 AT 3:21 P.M.

RECEIVED

2019 OCT 18 P 4: 33

MEETINGS SCHEDULED **CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, OCTOBER 22, 2019
REVISED AGENDA

CITY CLERK
TALIN S. MONTANA
ASSISTANT CITY CLERK

5:55 PUBLIC HEARING

Curb Removal

1. Roger Poisson, 293 Driftwood Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
293 Driftwood Street	16'	10'	0'	26'

The petitioner has an existing 16 foot driveway and requests separate 10 foot driveway for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

6:00 P.M. COMMITTEE ON FINANCE COUNCIL (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF THEY RUN PAST 6:00 P.M.)

1. Citizens Input
2. *Discussion of Fiscal Year 2020 Quarter 1 Budget Report
3. Discussion re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street (see #1 below)
4. Discussion re: TIE Agreement for BCBBK, LLC – 713 Davol Street (see #2 below)

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE IF THAT MEETING RUNS PAST 7:00 P.M.)

PRIORITY MATTERS

1. *Acting Mayor and resolution re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street
2. *Acting Mayor and resolution re: TIE Agreement for BCBBK, LLC – 713 Davol Street

PRIORITY COMMUNICATIONS

3. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Grant leave to withdraw:

4. *Resolution – To discuss the development of a cultural district

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

Committee on Regulations recommending:

Grant leave to withdraw:

5. *Resolution – Odors and hours of operation at JZ Express, Inc. located at 969 South Main Street

ORDINANCES – None

RESOLUTIONS

6. *Creation of a state-authorized cultural district to be named Fall River Waterfront Cultural District
7. *Request that Administration rescind all remaining Streetscape bond authorizations and work with City Council to authorize bonding for roadway infrastructure improvements
8. *Committee on Ordinances and Legislation convene with Corporation Counsel, City Administrator and Chairs or representatives of Historical Commission and Preservation Society to discuss possible ordinance amendments

CITATIONS

9. Fall River Police Department Award Recipients and Retirees

John Albin	Gary K. Atkinson	Eric Bettencourt	Steven R. Burt
Mary Beth Buglio	Celeste Camara	Robert Canito	Dino Carlozzi
Barden Castro	Peter J. Cummings	Jose Dapedra	Michael C. Dean
William Desmarais	Michael Digangi	David Dos Santos	Michael Fogarty
Warren C. Francis	Dennis P. Gagne	Paul Gauvin	James T. Hoar
Gregory J. Homen	Jay Huard	Andrew C. Joseph	John P. Lapointe
Kenneth A. Machado	Coleen Medeiros	Kevin Medeiros	Theodore Nowicki
Tyler Paquette	Derek Pereira	David R. Ramunno	Thomas J. Roberts
Paul H. Santos	Jeffrey Silva	Jonathan Souza	
10. Alexandra's Boutique – their grand re-opening and opening of Alexandra's too
11. James M. Souza – receiving the Florence Brigham Award
12. Judith Perrault – receiving the Florence Brigham Award

ORDERS – HEARING

Curb Removal:

13. *Roger Poisson, 293 Driftwood Street, requests the removal of 10 feet at 293 Driftwood Street for a total of 26 feet

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

Taxicab Drivers:

James M. Evans Travis Long

15. Auto Repair Shop License Renewals:

John H. Knight, Knight's Quality Service Station, Inc. at 260 Linden Street

John B. Pacheco, The Shine Shop, Inc. d/b/a Ray's Auto Sale's at 707 Brayton Avenue

Vincent Nanni, Vin's Motor Sales, Inc. at 1426 Plymouth Avenue

COMMUNICATIONS – INVITATIONS – PETITIONS

- 16. *Claims
- 17. Drainlayer License – GT Excavating Corporation
- 18. Structure over a public way – Banners for the Fall River Holiday Parade Committee, Inc. located at Bedford Street at the Central Fire Station and South Main Street at Center Place
- 19. *The Fall River Holiday Parade Committee, Inc. requesting permission to hang banners from the railings of Government Center

BULLETINS – NEWSLETTERS – NOTICES

- 20. *Department of Public Utilities – Notice of public hearing for Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, for approval of their 2016-2018 energy efficiency three year term report


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 22, 2019

PRIORITY MATTERS

- 2a. *Acting Mayor and order to accept the gift of a piano from Ms. Nancy Dempsey for Flint Senior Center

PRIORITY COMMUNICATIONS

- 3a. *City Engineer requesting street opening for pavement less than five years old at 56 Frederick Street



City of Fall River Massachusetts **RECEIVED**
Office of the City Clerk

2019 OCT 18 P 3:21

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

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AGENDA

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ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

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City Clerk

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PRIORITY COMMUNICATIONS

- 3a. *City Engineer requesting street opening for pavement less than five years old at 56
Franklin Street



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2019 OCT 17 P 5:02

CLIFF A. PONTE
Acting Mayor

CITY CLERK _____
FALL RIVER, MA

October 17, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

The Tax Increment Financing (TIF) Board met on Thursday, October 17, 2019 and voted to approve a Tax Increment Exemption (TIE) Agreement for Downtown Development Companies, LLC for 18 residential units at 30 Third St.

An incremental tax assessment of \$1,490,756 will result in a real estate tax exemption, over 10 years, totaling approximately \$86,940.89.

Your approval of this TIE Agreement is respectfully requested.

Very Truly Yours,

Cliff A Ponte
Acting Mayor

City of Fall River, *In City Council*

RESOLUTION

APPROVING HOUSING DEVELOPMENT INCENTIVE LOCAL TAX INCENTIVE CERTIFIED PROJECT OF

Downtown Development Companies LLC

WHEREAS, Downtown Development Companies LLC has submitted a Housing Development Incentive Program (HDIP) Application to the City of Fall River and is seeking Certified Project Status under the Massachusetts Housing Development Incentive Program created by Chapter 40V of the Massachusetts General Laws and promulgated thereunder at 760 CMR 66.00 (HD TIE), and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Downtown Development Companies LLC plans to invest an estimated \$5,574,475 to create 16 market rate residential units and 2 affordable residential units at 30 Third Street, Fall River, Massachusetts, and

WHEREAS, Downtown Development Companies LLC is seeking a Local Tax Incentive as part of the Certified Project approval an HDIP-Investment Tax Credit and meets the minimum requirements of 760 CMR 66.00 and the project described in the Housing Development Incentive Program Application, and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at 30 Third Street, Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the Downtown Development Companies LLC Housing Development Incentive Program Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the Downtown Development Companies LLC Housing Development Incentive Program Application and forwards said application for final project certification to the Massachusetts Department of Housing and Community Development for its approval and endorsement.



100 Pleasant Street
Fall River, MA 02721
Tel: 508/667-3000
Fax: 508/667-3000
www.cordeiroproperties.com

Cordeiro PROPERTIES

RECEIVED

2019 OCT 17 P 5:01

CITY CLERK _____
FALL RIVER, MA

October 15, 2019

Mayor Jasiel Correia
City of Fall River
One Government Center
Fall River, MA 02721

Dear Mayor Correia,

Downtown Development Companies, LLC intends to apply for a Housing Development Incentive Program (HDIP) Tax Credit award from the Massachusetts Department of Housing and Community Development (DHCD) to create 18 residential rental units at 30 Third Street. Of the 18 residential units to be created, 16 will be market rate units. The total project cost is estimated to be \$5,574,475. Without an HDIP tax credit award, the project we envision will not be financially feasible.

The HDIP is designed to assist developers in creating market rate residential units in gateway cities as a way to help the community build and diversify its housing stock, spur economic development and enhance neighborhood stability. In the past few years, the City of Fall River has seen an increase in the number of market rate units available in the City. These units have been in high demand and the need for additional market rate units remains high.

Moving forward, the HDIP requires participation from the local government, as such I would respectfully request:

- Your written certification of the Third Street project as a Housing Development Incentive Program project.
- To negotiate a HD Tax Increment Exemptions (TIEs) for the Third Street project.

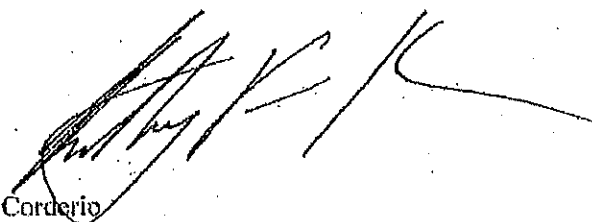
The DHCD views the TIE terms as an indication of the project's importance to the City. The more advantageous the TIE terms, the more likely Commonwealth Landing will be awarded HDIP tax credits.

Specifically, we request a TIE which abates 80% of the projects added value during the first five years and 20% of the projects added value for an additional five years. The structure of this 10 year exemption will provide more assistance as the project stabilizes and less as the project matures.

Cordeiro PROPERTIES

Time is of the essence, so I would respectfully request your prompt attention and action on this matter. Thank you in advance for your support. I look forward to hearing from you.

Sincerely,



Anthony F. Cordeiro
Downtown Development Companies, LLC

HDIP Local Incentive Only Application Exhibit 1: Local Incentive Valuation

FY	Municipal Tax Rate Per	Incremental Assessed Value	Projected Annual RE Property Tax Bill for	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Exempted Annual	Total Yearly Value of Local Tax
2021	\$14.58	\$1,490,756.00	\$21,735.22	80%	\$17,388.18	\$0.00	\$17,388.18
2022	\$14.58	\$1,490,756.00	\$21,735.22	80%	\$17,388.18	\$0.00	\$17,388.18
2023	\$14.58	\$1,490,756.00	\$21,735.22	80%	\$17,388.18	\$0.00	\$17,388.18
2024	\$14.58	\$1,490,756.00	\$21,735.22	80%	\$17,388.18	\$0.00	\$17,388.18
2025	\$14.58	\$1,490,756.00	\$21,735.22	80%	\$17,388.18	\$0.00	\$17,388.18
2026	\$14.58	\$1,490,756.00	\$21,735.22	20%	\$4,347.04	\$0.00	\$4,347.04
2027	\$14.58	\$1,490,756.00	\$21,735.22	20%	\$4,347.04	\$0.00	\$4,347.04
2028	\$14.58	\$1,490,756.00	\$21,735.22	20%	\$4,347.04	\$0.00	\$4,347.04
2029	\$14.58	\$1,490,756.00	\$21,735.22	20%	\$4,347.04	\$0.00	\$4,347.04
2030	\$14.58	\$1,490,756.00	\$21,735.22	20%	\$4,347.04	\$0.00	\$4,347.04
				TOTALS	\$86,940.89	\$0.00	\$86,940.89

Note: In Massachusetts, Proposition 2½ operates at the level of a municipality's total tax levy. Due to Proposition 2½, it is impossible to make reliable projections for individual parcels, whose taxes

*Estimated average of 75% of residential portion of the base value for this project is \$525,450.00

**Please note the above Incremental assessed value reflects an estimated average (of 75% of the estimated mixed use assessed value of \$1,987,675.00, less the above listed 75% base value for the residential use portion of this property

Mixed use property location: 18 - 30 Third St



CLIFF A. PONTE
Acting Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2019 OCT 18 P 2:22

CITY CLERK _____
FALL RIVER, MA

October 18, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

The Tax Increment Financing (TIF) Board met on Thursday, October 17, 2019 and voted to approve a Tax Increment Exemption (TIE) Agreement for BCBBK, LLC at 697-713 Davol Street for 49 units of housing.

An incremental tax assessment of \$10,256,070 will result in a real estate tax exemption, over 10 years, totaling approximately \$747,667.50.

Acting Mayor, Cliff A. Ponte, abstained from this vote.

Your approval of this TIE Agreement is respectfully requested.

Very Truly Yours,

Cliff A. Ponte
Acting Mayor

City of Fall River, *In City Council*

2

RESOLUTION

APPROVING
HOUSING DEVELOPMENT INCENTIVE
LOCAL TAX INCENTIVE
CERTIFIED PROJECT
OF
BCBKK, LLC

WHEREAS, BCBKK, LLC has submitted a Housing Development Incentive Program (HDIP) Application to the City of Fall River and is seeking Certified Project Status under the Massachusetts Housing Development Incentive Program created by Chapter 40V of the Massachusetts General Laws and promulgated thereunder at 760 CMR 66.00 (HD TIE), and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and BCBKK, LLC plans to invest an estimated \$11,000,000 to create 40 market rate residential units and 9 affordable residential units at 697-713 Davol Street, Fall River, Massachusetts, and

WHEREAS, BCBKK, LLC is seeking a Local Tax Incentive as part of the Certified Project approval an HDIP-Investment Tax Credit and meets the minimum requirements of 760 CMR 66.00 and the project described in the Housing Development Incentive Program Application, and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at 697-713 Davol Street, Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the BCBKK, LLC Housing Development Incentive Program Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the BCBKK, LLC Housing Development Incentive Program Application and forwards said application for final project certification to the Massachusetts Department of Housing and Community Development for its approval and endorsement.



RECEIVED

2019 OCT 17 P 5:01

CITY CLERK
FALL RIVER, MA

October 14, 2019

Mayor Jasiel Correia
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia,

BCBBK, LLC intends to utilize the Housing Development Incentive Program (HDIP) from the Massachusetts Department of Housing and Community Development (DHCD) to create 49 residential housing rental units at the property located at 697 – 713 Davol Street, Fall River, MA. Pursuant to M.G. L. Chapter 40V, 80% of the units will be market rate and the total project cost is estimated to be \$11,000,000.

The 47,700 sq. ft. of vacant property is located along Fall River's Waterfront, within the City of Fall River Housing Development Overlay District and one quarter mile from the South Coast Rail Project Davol Street commuter rail terminal which is currently under construction. The proposed six story new construction project will create 49 one and two bedroom units on Floors 2 through 6 of which 80% will be market rate units.

A portion of the first floor of the facility will be dedicated to a branch office of BayCoast Bank with the balance of the first floor space being dedicated additional complementary retail space and supportive services to the residential units inclusive of lobby, mail room, trash storage, bicycle storage utility rooms etc.

Specifically, we are seeking a local real estate tax exemption on the increased property value resulting from the proposed improvements. Without an HDIP local real estate tax exemption, the project we envision will not be financially feasible.

The HDIP is designed to assist developers in creating market rate residential units in gateway cities as a way to help the community build and diversify its housing stock, spur economic development and enhance neighborhood stability. In the past few years, the City of Fall River has seen an increase in the number of market rate units available in the City. These units have been in high demand and the need for additional market rate units remains high.

Moving forward, the HDIP requires participation from the local government, as such in order to be placed on the Fall River City Council October 22, 2019 agenda, I would respectfully request that this request be placed on the October 17, 2019 TIF Board meeting for the following purposes:

- Your written certification of the Turner/Davol Street project as a Housing Development Incentive Program project.
- To negotiate a HD Tax Increment Exemptions (TIE) for the Davol Street project.

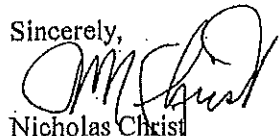
Specifically, we request a TIE which abates 80% of the projects added value during the first five years and 20% of the projects added value for an additional five years. The structure of

2

this 10 year exemption will provide more assistance as the project stabilizes and less as the project matures.

Time is of the essence, so I would respectfully request your prompt attention and action on this matter. Thank you in advance for your support. I look forward to hearing from you.

Sincerely,



Nicholas Christ
BCBBK, LLC

2

HDDP Local Incentive Only Application Exhibit 1: Local Incentive Valuation

FY	Municipal Tax Rate Per	Incremental Assessed Value	Projected Annual RE Property Tax Bill for Incremental Assessed Value	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Exempted Annual	Total Yearly Value of Local Tax
2021	\$14.58	\$10,256,070.00	\$149,533.50	80%	\$119,626.80	\$0.00	\$119,626.80
2022	\$14.58	\$10,256,070.00	\$149,533.50	80%	\$119,626.80	\$0.00	\$119,626.80
2023	\$14.58	\$10,256,070.00	\$149,533.50	80%	\$119,626.80	\$0.00	\$119,626.80
2024	\$14.58	\$10,256,070.00	\$149,533.50	80%	\$119,626.80	\$0.00	\$119,626.80
2025	\$14.58	\$10,256,070.00	\$149,533.50	80%	\$119,626.80	\$0.00	\$119,626.80
2026	\$14.58	\$10,256,070.00	\$149,533.50	20%	\$29,906.70	\$0.00	\$29,906.70
2027	\$14.58	\$10,256,070.00	\$149,533.50	20%	\$29,906.70	\$0.00	\$29,906.70
2028	\$14.58	\$10,256,070.00	\$149,533.50	20%	\$29,906.70	\$0.00	\$29,906.70
2029	\$14.58	\$10,256,070.00	\$149,533.50	20%	\$29,906.70	\$0.00	\$29,906.70
2030	\$14.58	\$10,256,070.00	\$149,533.50	20%	\$29,906.70	\$0.00	\$29,906.70
				TOTALS	\$747,667.50	\$0.00	\$747,667.50

Note: In Massachusetts, Proposition 2½ operates at the level of a municipality's total tax levy. Due to Proposition 2½, it is impossible to make reliable projections for individual parcels, whose taxes may increase

*Estimated average of 92% of residential portion of the base value for this project is \$11,000,000.

**Please note the above Incremental assessed value reflects an estimated average of 92% of the estimated misused use assessed value of \$11,000,000. less the above listed 92% base value for the residential use portion of this property

2

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between

THE CITY OF FALL RIVER

and

BCBBK, LLC

This AGREEMENT is made this ____ day of ____, 20____ by and between the City of Fall River, ("Municipality") and BCBBK, LLC, a Massachusetts Limited Liability Corporation with an address at 456 Rock Street, Fall River, MA 02720.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

- Act: M.G.L. c. 40V as may be amended from time to time.
- Completion: Certificates of occupancy have been issued for the entire Project.
- DHCD: Department of Housing and Community Development
- Event of Default: An "Event of Default" as defined in Section 5 below.
- Final Certification: Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
- Fiscal Year: An annual period of July 1 through June 30.
- HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.
- HD Zone: The Housing Development Zone adopted by the Fall River City Council on December 13, 2013 and approved by DHCD as evidenced by a Certificate of Approval dated January 10, 2014 and recorded with the Fall River Registry of Deeds.

2

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and BCBBK, LLC, Turner & Davol Street

Lead Municipality: Fall River

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 697 Davol Street - 713 Davol Street, Fall River Assessors Map 0-22, Lot 6,7 & 8 as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a) and approved by DHCD.

Sponsor: BCBBK, LLC, a Massachusetts Limited Liability Corporation, with an address at 456 Rock Street, Fall River, MA, its successors and assigns.

Section 3 – Sponsor's Covenants

A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

B. Market Rate Residential Units.

1) There shall be a total of 49 residential rental units created in the Project of which a minimum 80% (40 units) shall be MRRUs comprised of one and two bedroom units. The monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department, as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 10 years.

C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

A. Base Value. \$735,100.

B. MRRU Percentage. Minimum 80 per cent. The MRRU Percentage shall be confirmed as required in paragraph F, below.

C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 80% for Fiscal Years 1-5 and 20% for Fiscal Years 6-10.

D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).

E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.

F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final

Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be July 1, 2021. The Effective Date shall be confirmed as required in paragraph F, below.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;

2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and

3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: City of Fall River, One Government Center, Fall River, MA 02722, Attention: Mayor's Office

2) Sponsor: BCBBK, LLC, 456 Rock Street, Fall River, MA 02720.

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Mayor and City Council of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and BCBBK, LLC, Turner & Davol Street

EXHIBIT 1

MAP OF PROPERTY

2

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and BCBBK, LLC, Turner & Davol Street

EXHIBIT 2

DESCRIPTION OF PROPERTY

The property is located at 0 Turner Street, 697 Davol Street, and 713 Davol Street, which is currently a vacant lot located in a high traffic area in the City's waterfront district. The site formerly housed a restaurant and bar that was demolished to create an ideal site for a market rate housing project. The project will be a new construction and include many amenities sought by individuals interested in market rate residential units in Fall River.

2

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and BCBBK, LLC, Turner & Davol Street

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: QCT 6420

Proposed Minimum Initial
Monthly Rent: \$1,400.00

2

FALL RIVER ZONING BOARD OF APPEALS
DECISION

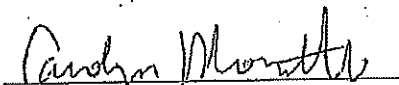
RECEIVED

Petitioner: BCBBK, LLC. c/o Arthur DeAscentis Esq.
Property Location: 697 & 713 Davel St., Lot O-22-6, 7, 8
Owned By: BCBBK LLC
Title Reference: Book 9283, Page 20,
Book 9252, Page 230,
Book 9443, Page 208

2019 AUG 28 P 12:01

CITY CLERK
FALL RIVER, MA

I hereby certify that the following is a true and correct copy of the action taken by the Fall River Zoning Board of Appeals on August 15, 2019, and that copies of the same have been filed with the City Clerk on August 29, 2019.


Carolyn Morrisette, Vice-Chair

In the matter of BCBBK, LLC, c/o Arthur DeAscentis Esq., Special Permit request to combine Lots and to construct a six-story mixed use building, with commercial use on the first floor, and residential use on the remaining floors (35 1-bedroom and 14 2-bedroom market rate apartments per MGL c. 40V) providing 62 parking spaces waiving parking requirements in [CMD] District & [HD] Overlay District. Combined Lot size 1+/- acre

In consideration of the bifurcated hearing before the Board, pursuant to Section 40A, Section 9, in a motion made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously voted 5-0 that such non-residentially zoned area would not be adversely affected by the proposed residential use of market rate apartment per MGL c.40V, and that permitted uses in such a zone are not noxious to a multi-family use.

Mr. Dupere, Mr. Frank, Ms. Morrisette, Mr. Saber and Mr. Calkins voted in favor of the motion.

In a motion amended with conditions, made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously voted 5-0 to GRANT the Special Permit WITH CONDITIONS being:

1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee.
2. Lot consolidation required prior to permitting.

Mr. Frank, Mr. Dupere, Ms. Morrisette, Mr. Saber and Mr. Calkins voted in favor of the amended motion and the Special Permit was granted.

The Board found that pursuant to Sec 86-445, the proposed reduction of parking is not inconsistent with public health and safety due to several applicable factors including: the proposal of 35 1-bedroom units and 14 2-bedroom units, the type of retail bank being proposed, characteristics of

2

facility requiring parking which reduces auto usage, and the availability of on-street parking nearby.

This decision must be recorded at the Registry of Deeds and Rights Authorized by this Decision shall be exercised within two years of the grant, otherwise said rights shall lapse.

This is to certify that twenty (20) days have elapsed since the filing on August 29, 2019, of the Decision of the Board of Appeals contained herein and no notice of any appeal against the same has been filed with the City Clerk.

Attest: *Wanda Silva Paulino Leite*

Date: SEP 18 2019

RECEIVED
2019 AUG 28 P 12:01
CITY CLERK
FALL RIVER, MA

SKETCH

Type		
Qty		
Unit		
Total		
Foundations		
Framing		
Prime Wall		
Sec Wall		%
Roof Struct		
Roof Cover		
Color		
View / Descr		
GENERAL INFORMATION		
Grader		
Year Bld		Est Yr Bld
Air L/C		Air %
Jurisdic		Fact
Const Mod		
Lump Sum Adj		

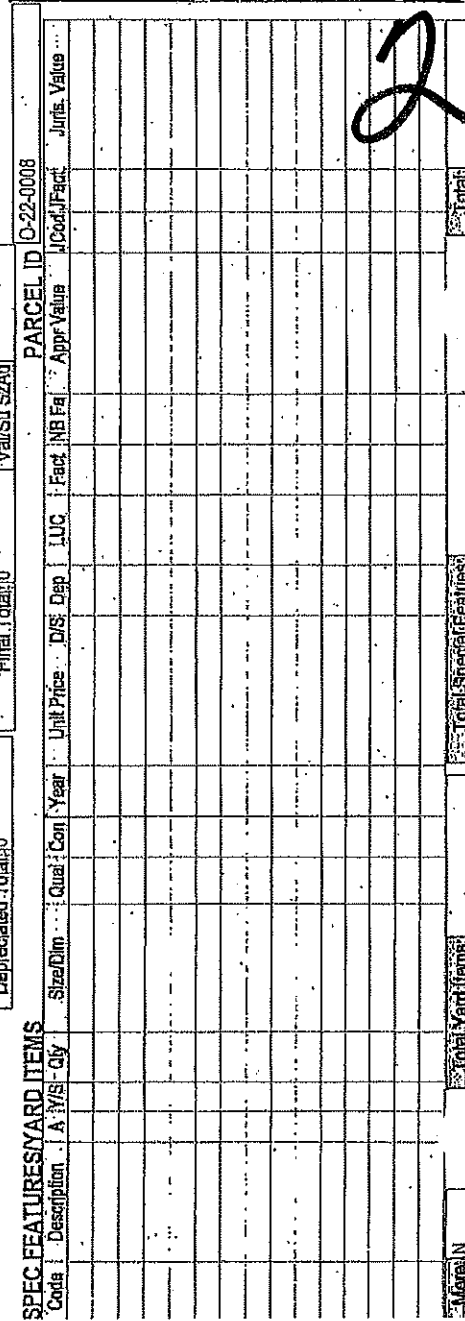
INTERIOR INFORMATION			
Avg Hotel:			
Prim Int Wall:			
Sec Int Wall:		%	
Partition:			
Prim Floors:			
Sec Floors:			0/

	Bsmnt Flic	
	Bsmnt Gar:	
	Electric	
	Insulation	
	Int vs Ext	
	Heat Fuels	
	Heat Type?	
	# Heat Sys.	% AC?
	% Heated	Central Vac:
	Solar HW:	-% Sprinkled
	% Com Wat	

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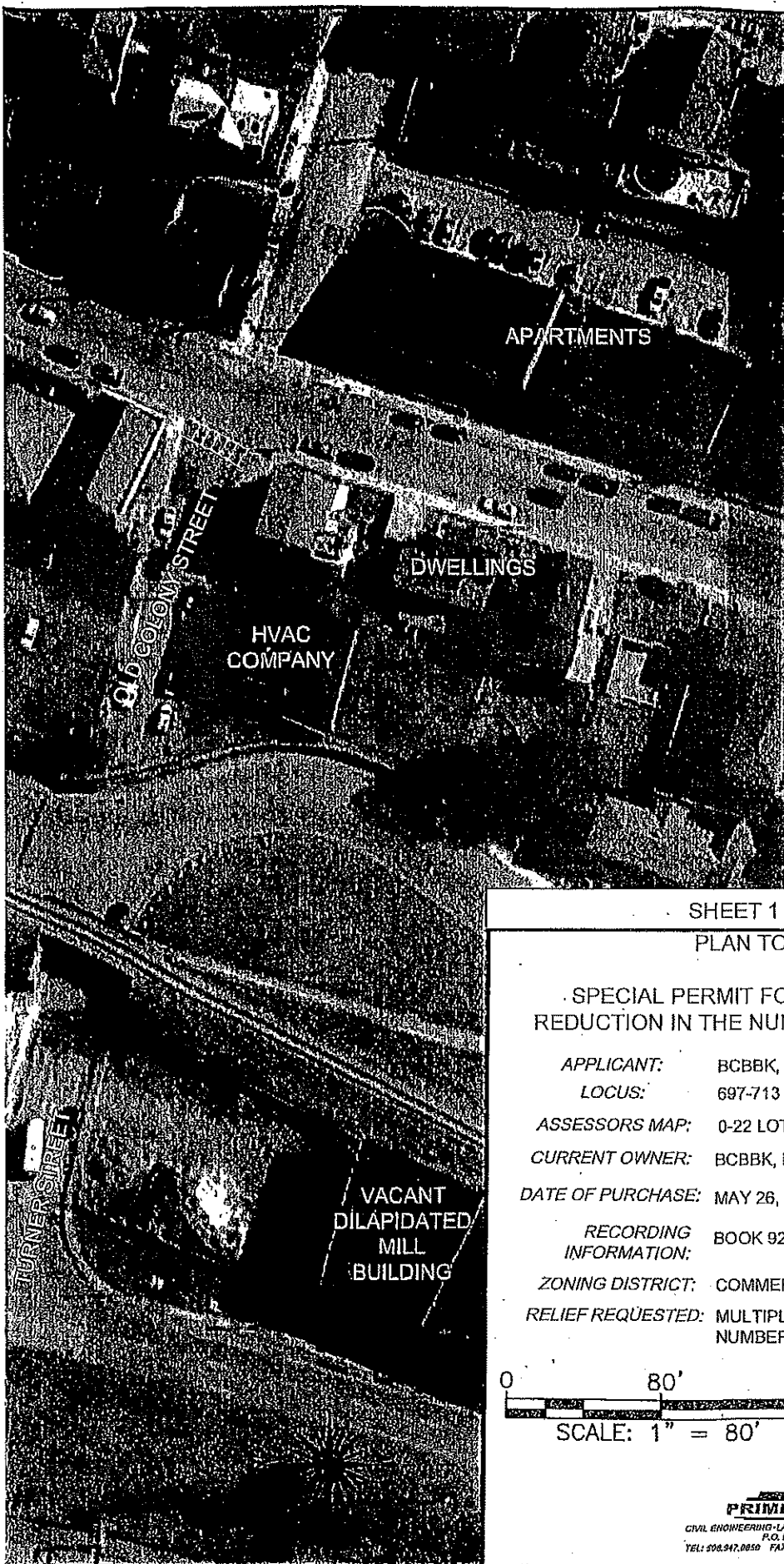
FRUIT PRODUCE		%	Quantity	Total:	0%
Sec Floor					
Bsmnt Flc					
Bsmnt Gar					
Electric					
Insulation					
Int vs Ext					
Heat Fuel					
Heat Type					
% Heat Sys					
Soaker					
Heat Blw					
Central Vene					
Adl Trnsfr					

IMAGE





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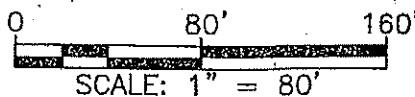


SHEET 1 - SITE CONTEXT PLAN

**PLAN TO ACCOMPANY PETITION
REQUEST FOR**

**SPECIAL PERMIT FOR MULTIPLE DWELLING UNITS AND
REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES**

APPLICANT: BCBBK, LLC, 456 ROCK STREET, FALL RIVER MA 02720
LOCUS: 697-713 DAVOL STREET, FALL RIVER MA
ASSESSORS MAP: 0-22 LOT 6, 7 AND 8
CURRENT OWNER: BCBBK, LLC
DATE OF PURCHASE: MAY 26, 2017 AND JULY 7, 2017
RECORDING INFORMATION: BOOK 9252 PAGE 230 AND BOOK 9283 PAGE 30
ZONING DISTRICT: COMMERCIAL MILL DISTRICT (CMD)
RELIEF REQUESTED: MULTIPLE RESIDENTIAL UNITS AND REDUCTION IN THE
 NUMBER OF REQUIRED PARKING SPACES



DATE: JULY 12, 2019

PREPARED BY:

PRIME ENGINEERING
 CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL ASSESSMENT
 P.O. BOX 1088, LAKEVILLE, MA 02347
 TEL: 508.947.0850 FAX: 508.947.2004 EMAIL: prime@primeengineering.org

2423-01-02

SKETCH

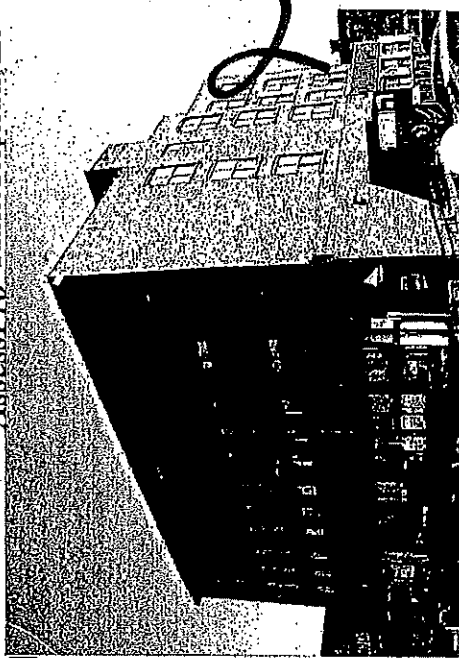
Type:	71 - OFFICE
Sy Ht:	4 - 4
(Liv) Units:	4 Total: 4
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	07 - BRICK
Sec Wall:	%
Roof Struct:	4 - FLAT
Roof Cover:	11 - MEMBRANE
Color:	TROLLY SQ OFFICES
View / Descri:	
GENERAL INFORMATION	
Grade:	C - AVERAGE
Year Bilt:	1906 EFF Yr Bilt:
Alt LUC:	Alt %:
Jurisdct:	Fact:
Const Mod:	
Lump Sum Adj:	

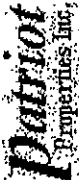
INTERIOR INFORMATION	
Avg H/F/L STD	
Prim Int Wall/2 - PLASTER	
Sec Int Wall/ SC - SUSP CEI	50%
Partitions:	
Prim Floors/04 - CARPET	
Sec Floors/14 - ASPH TIL	35%

Bsmnt Ftr:	12 - CONCRETE
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	
Heat Fuel:	2 - GAS
Heat Type:	1 - FORCED H/A
# Heat Sys:	4
% Heated:	100
Solar HW:	NO
% Central Vanc:	NO
% Sprinkled:	25
% Corr Wat:	

[illegible][illegible]

AssessPro Patriot Properties, Inc.





Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
House:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Blk Reason:	

[illegible]

PREVIOUS ASSESSMENT										Parcel ID		N-06-0021		USER DEFINED	
Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date					
2019	326	FV	880,700	1200	9,213	132,200	984,100	984,100	YER	12/20/2018				Prior Id # 1:	
2018	326	FV	742,900	1200	9,213	132,200	876,300	876,300	Year End Roll	12/5/2017				Prior Id # 2:	
2017	326	FV	742,900	1200	9,213	132,200	876,300	876,300	Year End Roll	12/8/2016				Prior Id # 3:	
2016	326	FV	972,200	1200	9,213	132,200	1,105,600	1,105,600	YEAR END	1/11/2016				Prior Id # 2:	
2015	326	FV	972,200	1300	9,213	132,200	1,105,700	1,105,700	Year End Roll	1/5/2015				Prior Id # 3:	
2014	326	FV	972,200	1300	9,213	132,200	1,105,700	1,105,700	year end	12/6/2013				Prior Id # 1:	
2013	326	EX	972,200	1300	9,213	137,700	1,111,200	1,111,200	Year End Roll	12/14/2012				Prior Id # 2:	
2013	326	FV	972,200	1300	9,213	137,700	1,111,200	1,111,200		2/13/2013				Prior Id # 3:	

Tax Yr	Use	Cat.	Bldg Value	Sq Ft	Yrd Items	Land Size	Land Value	Total Value	Assesd Value	Notes	Date
2019	326	FV	880,700		1200	9,213	132,200	984,100	984,100	YER	12/20/2018
2018	326	FV	742,900		1200	9,213	132,200	876,300	876,300	Year End Roll	12/25/2017
2017	326	FV	742,900		1200	9,213	132,200	876,300	876,300	Year End Roll	12/8/2016
2016	326	FV	972,200		1200	9,213	132,200	1,105,600	1,105,600	YEAR END	1/11/2016
2015	326	FV	972,200		1300	9,213	132,200	1,105,700	1,105,700	Year End Roll	1/5/2015
2014	326	FV	972,200		1300	9,213	132,200	1,105,700	1,105,700	year end	12/6/2013
2013	326	EX	972,200		1300	9,213	137,700	1,111,200	1,111,200	Year End Roll	12/14/2012
2013	326	FV	972,200		1300	9,213	137,700	1,111,200	1,111,200		2/13/2013

[illegible]

NARRATIVE DESCRIPTION						SALES INFORMATION							Notes					
						Grantor	Legal Ref.	Type	Date	Sale Code	Sale Price	V	Ist	Verif	Assoc PCL Value		Fact Dist:	
This Parcel contains 9,213 SQ FT of land mainly classified as RST/BAR with a(n) OFFICE Building Built about 1906, Having Primarily BRICK Exterior and MEMBRANE Roof Cover, with 4 Units, 0 Baths, 9 HallBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms.						KAROUSOS GEORG	6861-345	QC	1/31/2008	OTHER	850,000	No	No		1-08 \$850 (\$316.250M) / 1-08 \$1.3,		Reval Dist:	
						KAROUSOS GEORGE	3449-275		7/23/1998		465,000	No	No			Year:		
						STERBERG RICHA	1819-78		5/13/1987		265,000	No	No			Land Reason:		
																BldReason:		
OTHER ASSESSMENTS																		
Code		Description		Amount		Com		Int										

BUILDING PERMITS							ACTIVITY INFORMATION				
Date	Number	Description	Amount	CIO	Last Visit	F. Description	Comment	Date	Result	By	Name
10/1/2019	1814	REPAIRS	1,227,000.0					1/22/2019	ABATE REVIEW	DR	Doug Rebello
5/1/2019	701	INT ALTE	51,500.0					12/2/2013	PERMIT VISIT	DR	Doug Rebello
12/14/2018	328	RENOVATE	150,000.0					12/30/2009	MEAS+INSPECT	JV	
7/24/2013	789	REPAIRS	1,000.0					1/21/2009	PERMIT VISIT	7	
5/31/2013	551	RE-ROOF	29,900.0								
3/17/2009		GUT REN		C							
12/17/2008	1209	SIGNS	432.0				REPLACE EXISTING S				
10/16/2008	1051	SIGNS	800.0		1/21/2009						
3/18/2008	199	WALLS&FE	30,000.0		1/21/2009		8' HIGH WALL OVERLA				

PROPERTY FACTORS									
Item	Code	Desc	%	Item	Code	Desc	Item	Code	Desc
Z	B-L	Bus <=3units	100	U	C	ALL UTIL			
O				I					
R				I					
				Exempt					
D				Topo	1	LEVEL			
S				Street	7	SIDEWALK			

LAND SECTION (First 7 lines only)										VERIFICATION OF VISIT NO 1 DATA												
Use Code	Description	LUC	No of Units	Depth/ Price/Units	Unit Type	Land Type	LT Factor	Basic Value	Unit Price	Adj	Neigh Intlu.	Neigh Mod	Int 1 %	Int 2 %	Int 3 %	Appraised Value	Alt Class	% Land	Spec Land	Code	Fact Use Value	Notes
326	RST/BAR		9213		SQ FT	SITE		0	5.01	2,864,8207						132,196				CNTR	132,200	CH SITE
<div style="display: flex; justify-content: space-between;"> <div> Total AC/HQ 0.21150 </div> <div> Total SF/IN 6213.00 </div> <div> Parcel LUC 826 </div> <div> Prime NB Desc CI 07 SF </div> <div> Total 132,196 </div> <div> Spl Credit </div> <div> Total 132,200 </div> </div>																						

2020

2

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between

THE CITY OF FALL RIVER

and

DOWNTOWN DEVELOPMENT COMPANIES, LLC

This AGREEMENT is made this ____ day of ____, 20____ by and between the City of Fall River, ("Municipality") and Downtown Development Companies, LLC, a Massachusetts Limited Liability Corporation with an address at 171 Pleasant Street, Fall River.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act:	M.G.L. c. 40V as may be amended from time to time.
Completion:	Certificates of occupancy have been issued for the entire Project.
DHCD:	Department of Housing and Community Development
Event of Default:	An "Event of Default" as defined in Section 5 below.
Final Certification:	Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
Fiscal Year:	An annual period of July 1 through June 30.
HD Project:	A Certified Housing Development Project as defined in the Act and the Regulations.
HD Zone:	The Housing Development Zone adopted by the <u>Fall River City Council</u> on December 13, 2013, 2013 and approved by DHCD as evidenced by a Certificate of Approval dated January 10, 2014 and recorded with the Fall River Registry of Deeds.

2

Lead Municipality: Fall River

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 30 Third Street, Fall River as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a) and approved by DHCD.

Sponsor: Downtown Development Companies, LLC, a Massachusetts Limited Liability Corporation, with an address at 171 Pleasant Street, Fall River, its successors and assigns.

Section 3 – Sponsor's Covenants

A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

B. Market Rate Residential Units.

1) There shall be a total of 18 residential rental units created in the Project of which 16 shall be MRRUs comprised of one bedroom units. Monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department, as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 10 years.

C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

A. Base Value. \$984,100.

B. MRRU Percentage. Minimum 88 per cent. The MRRU Percentage shall be confirmed as required in

2

paragraph F, below.

C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 80% for Fiscal Years 1-5 and 20% for Fiscal Years 6-10.

D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).

E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.

F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final

2

Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be 2020. The Effective Date shall be confirmed as required in paragraph F, below.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;

2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and

3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

2

E. Notices. Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: City of Fall River, One Government Center, Fall River, MA 02722, Attention: Mayor's Office

2) Sponsor: Downtown Development Companies, LLC, 171 Pleasant Street, Fall River, MA 02721

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Mayor and City Council of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

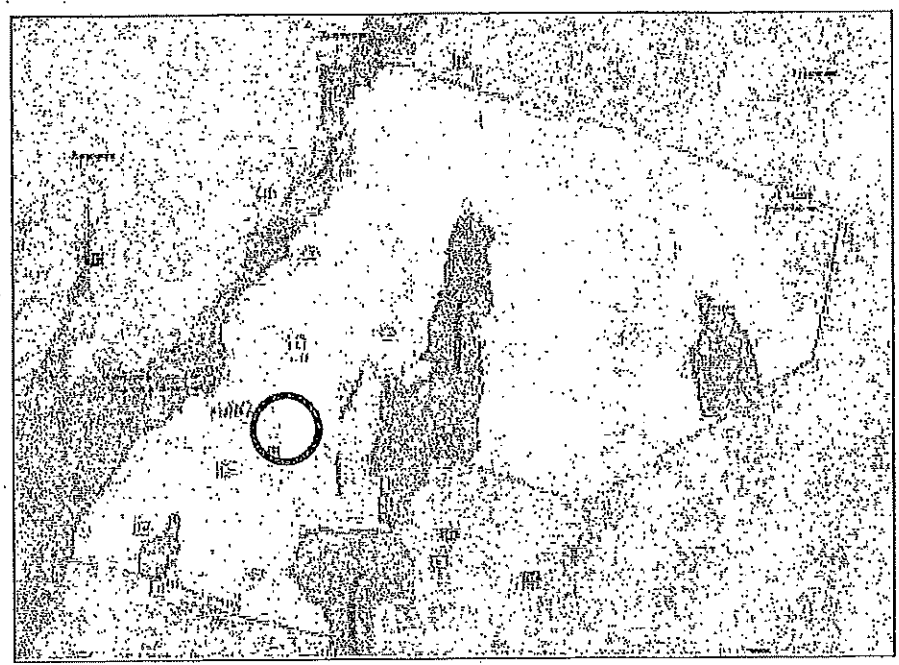
2

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and Trolley Building, 30 Third Street

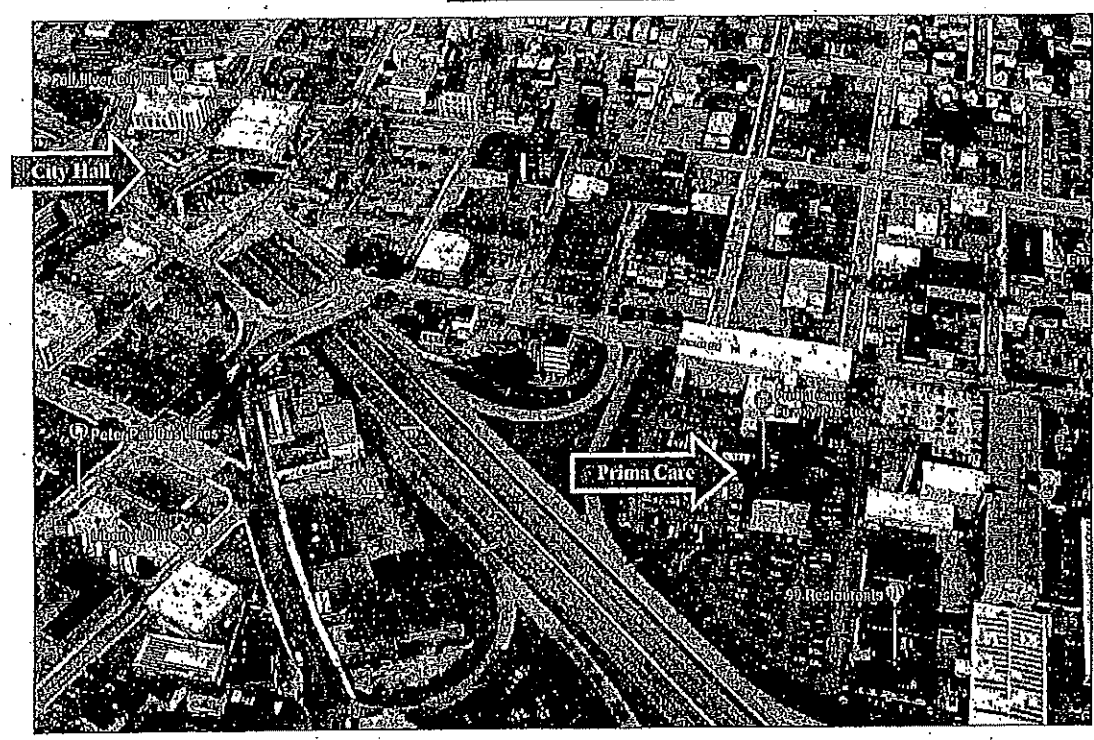
EXHIBIT 1

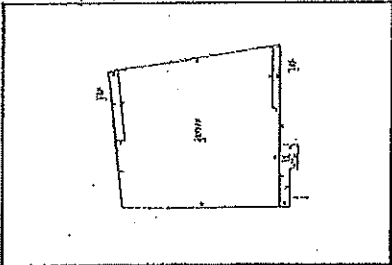
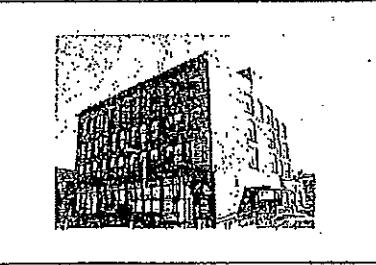
MAP OF PROPERTY

Area Map



Neighborhood Map



4/16/2010		Unofficial Property Record Card	
Unofficial Property Record Card - Fall River, MA			
General Property Data			
Parcel ID N-00-0021		Account Number	
Prior Parcel ID -		Property Location 18 30 THIRD ST	
Property Owner MKM MANAGEMENT LLC		Property Use RST/BAR	
Mailing Address 171 PLEASANT ST		Most Recent Sale Date 1/31/2000	
City FALL RIVER		Legal Reference 0001-345	
Mailing State MA Zip 02721		Grantor KAROUSOS, GEORGE	
Parcel/Zoning B-1		Sale Price \$50,000	
		Land Area 0.212 acres	
Current Property Assessment			
Card 1 Value	Building Value \$50,700	Xtra Features Value 1,200	Land Value 132,200
Total Value 984,100			
Building Description			
Building Style OFFICE	Foundation Type CONCRETE	Flooring Type CARPET	
# of Living Units 4	Frame Type WOOD	Basement Floor CONCRETE	
Year Built 1906	Roof Structure FLAT	Heating Type FORCED H/A	
Building Grade AVERAGE	Roof Cover MEMBRANE	Heating Fuel GAS	
Building Condition Average	Siding BRICK	Air Conditioning 25%	
Finished Area (SF) 26352	Interior Walls PLASTER	# of Bsm't Garages 0	
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0	
# of 3/4 Baths 0	# of 1/2 Baths 9	# of Other Fixtures 0	
Fireplaces 0			
Legal Description			
Narrative Description of Property			
This property contains 0.212 acres of land mostly classified as RST/BAR with 4(n) OFFICE style building, built about 1906, having BRICK exterior and MEMBRANE roof cover, with 4 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).			
Property Images			
			
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.			
fallriver.palinfoproperties.com/RecordCard.asp			
1/1			

2

18-30 Third Street, Fall River

43

4/20/2019 Unofficial Property Record Card

Unofficial Property Record Card - Fall River, MA

General Property Data

Parcel ID N-06-0000	Account Number
Prior Parcel ID	Property Location 55 BEDFORD ST
Property Owner MKM MANAGEMENT LLC	Property Use PARKLOT
Mailing Address 171 PLEASANT ST	Most Recent Sale Date 1/31/2009
CITY FALL RIVER	Legal Reference 8881-174
Mailing State MA Zip 02721	Grantor CITIZENS UNION SAVINGS BANK
Parcel/Zoning B-L	Sale Price 110,000
	Land Area 0.283 acres

Current Property Assessment

Card 1 Value	Building Value 0	Site Features Value 13,200	Land Value 164,300	Total Value 177,500
--------------	------------------	----------------------------	--------------------	---------------------

Building Description

Building Style	Foundation Type	Flooring Type N/A
# of Living Units 0	Frame Type	Basement Floor N/A
Year Built N/A	Roof Structure	Heating Type N/A
Building Grade	Roof Cover	Heating Fuel N/A
Building Condition N/A	Siding	Air Conditioning 0
Finished Area (SF) N/A	Interior Walls N/A	# of Bsm'l Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0
Fireplaces 0		

Legal Description

Narrative Description of Property

This property contains 0.283 acres of land mostly classified as PARKLOT with a(n) site building, built about N/A, having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

CITY OF FALL RIVER, MA OFFICE OF THE ASSESSOR TAX PAYER COPY

THE BOARD OF ASSESSORS VOTED ON 02/14/19 TO ALLOW A
REAL ESTATE ABATEMENT CERTIFICATE # 246427 DATED 02/20/19

LEVY YEAR: 2019 BILL NUMBER: 13858

PARCEL: N06-0021	LOC: 18 THIRD ST	REFERENCE
ORIGINAL LEVY	ABATE	ADJUSTED LEVY
31,145.10	8,887.42	22,257.68
462.92	133.31	322.61

Applicant: MKM MANAGEMENT LLC

Assessed Owner if Different: MKM MANAGEMENT LLC

MKM MANAGEMENT LLC
171 PLEASANT ST
FALL RIVER, MA 02721

[Signature]
BOARD OF ASSESSORS

THIS FORM APPROVED BY COMMISSIONER OF REVENUE STATE TAX FORM 147

Abatement for FY 2019

Robert P. Wood & Co., Inc.

EXHIBIT 2

DESCRIPTION OF PROPERTY

The property, located at 30 Third Street, was constructed in 1909 under the name of Chase, Allen & Slade and utilized as a whole grocery business. The store carried general and fancy lines of groceries, flour, canned goods, fine teas and coffees, spices and cigars. After 1940, the building saw varied uses including cafes and restaurants, professional offices, small garment shops and a textile company named "Kent Textiles, Inc." The project will consist of full redevelopment of the third and fourth floors of the building to create 12 residential units with commercial uses remaining on the first and second floors. The building's exterior and facade will be cleaned and rehabilitated in accordance with historic preservation standards.

2

HDIP – Form of Tax Increment Exemption Agreement – RENTAL
City of Fall River and Trolley Building, 30 Third Street

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: QCT 641100

Proposed Minimum Initial
Monthly Rent: \$1500

**City of Fall River
Massachusetts**

Office of Traffic and Parking

2019 OCT -9 P 5:44

Jasiel F. Correia II
Mayor

Laura Ferreira
CITY CLERK - **Parking Clerk**
FALL RIVER, MA

3

September 25, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 25, 2019, the following request met all guidelines and requirements. Approved in a motion made by the Traffic Board Commission.

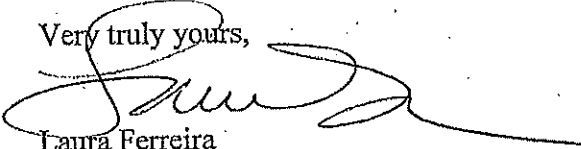
That Chapter 70, Section 281, of the Revised Ordinances be amended in the following section.

Article: 70 One-Way Street
Section: 281

By Inserting in a proper alphabetical order the following:

Bulter Street: Northerly From Dwelly Street to Slade Street

Very truly yours,


Laura Ferreira
Director of Traffic & Parking

**City of Fall River
Massachusetts**

RECEIVED
Office of Traffic and Parking

2019 OCT -9 P 5:45

Jasiel F. Correia II
Mayor

Laura Ferreira
CITY CLERK **Parking Clerk**
FALL RIVER, MA

September 25, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 25, 2019, the following request met all guidelines and requirements. Approved in a motion made by the Traffic Board Commission.

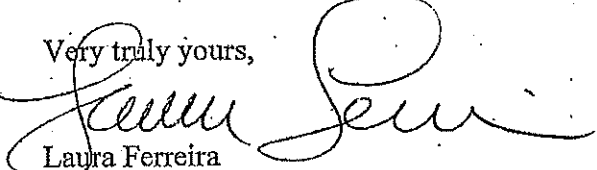
That Chapter 70, Section 281, of the Revised Ordinances be amended in the following section.

Article: 70 Parking Prohibited at all times
Section: 371

By Inserting in a proper alphabetical order the following:

Bulter Street: East From Dwelly Street to Slade Street

Very truly yours,


Laura Ferreira
Director of Traffic & Parking

**City of Fall River
Massachusetts**

Traffic & Parking Division

3

Jassiel F. Correia II
Mayor

Laura Ferreira
Parking Clerk

RECEIVED

2019 OCT 10 P 4:24

CITY CLERK
FALL RIVER, MA

October 10, 2019

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

At a meeting of the Traffic Commission held on Wednesday, September 25, 2019, the following request met all the guidelines, requirements and was approved by the Traffic Board.

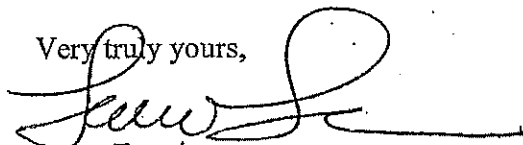
So therefore, Chapter 70 of the Revised Ordinances be amended in the following section.

Article:	70	Parking Prohibited
Section:	371	at all times

By inserting in proper alphabetical order the following:

Bay Street :	EAST	From Prince Street southerly for a distance of 110 feet
		From Prince Street to Flynn Street for a distance of 140 feet northerly
	WEST	From Prince Street southerly for a distance of 150 feet southerly
		From Prince Street northerly for a distance of 150 feet northerly

Very truly yours,



Laura Ferreira
Director of Traffic & Parking

Resolution – To discuss the development of a cultural district

CITY OF FALL RIVER

4

To the City Council

Councillors:

The Committee on Economic Development and Tourism at a meeting held on October 8, 2019
voted unanimously to recommend that the accompanying resolution be granted leave to
withdraw.



Assistant Clerk of Committees

City of Fall River, In City Council

(Vice President Pam Laliberte-Lebeau)

WHEREAS, Fall River wishes to pursue a state-authorized cultural district through the enabling legislation, M.G.L., Chapter 10, Section 58A, and

WHEREAS, Fall River has a mixed-use geographical area that has a concentration of cultural facilities and assets, and

WHEREAS, Fall River has held the public hearing required to establish a state-designated cultural district, and

WHEREAS, Fall River created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district, and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with the Administration, Corporation Counsel, Sandy Dennis and/or a designee from the Creative Arts Network and a representative from the Massachusetts Cultural Commission to discuss the proposed geographical boundaries and agreement necessary to create said cultural district and in doing so agrees to: foster the development of a cultural district, endorses the state-sponsored cultural district goals (attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development), will appoint a city official to represent the city within the district partnership of said cultural district, will encourage all who own property or businesses within the cultural district to involve themselves and participate in the full development of the district, and will direct city agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

In City Council, July 15, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

31 JUL
10:34 AM

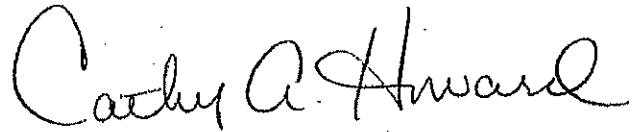
CITY OF FALL RIVER

5

To the City Council

Councillors:

The Committee on Regulations, at a meeting held on October 7, 2019 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Pam Laliberte-Lebeau absent and not voting.



Assistant Clerk of Committees

City of Fall River, *In City Council*

5

(Councilor Leo O. Pelletier)

WHEREAS, licenses to operate an auto body shop and an auto repair shop were granted to Souhad Saliba, doing business as JZ Express, Inc., in October of 2017, and

WHEREAS, during the license renewal process, neighbors expressed concerns regarding odors emanating from the business, and

WHEREAS, neighbors recently expressed similar concerns regarding odors and hours of operation, now therefore

BE IT RESOLVED, that the Committee on Regulations meet to review the licenses held by Souhad Saliba, operating at 969 South Main Street, to address these concerns.

In City Council, April 10, 2018
Adopted:

A true copy. Attest:

Alison M. Bouchard

City Clerk

Tabler

5-15-18

City of Fall River, *In City Council*

6

(Vice President Pam Laliberte-Lebeau)

WHEREAS, Fall River wishes to pursue a state-authorized cultural district through the enabling legislation MGL Chapter 10, Section 58A, and

WHEREAS, Fall River has a mixed-use geographical area that has a concentration of cultural facilities and assets, and

WHEREAS, Fall River has held the public hearing required to establish a state-designated cultural district, and

WHEREAS, Fall River created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district, and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district, now therefore

BE IT RESOLVED, that the City create a state-authorized cultural district for at least (5) years to be named the Fall River Waterfront Cultural District, and in doing so agrees to: foster the development of a cultural district, endorses the state-sponsored cultural district goals (attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development), will appoint a city official to represent the city within the district partnership of said cultural district, will encourage all who own property or businesses within the cultural district to involve themselves and participate in the full development of the district, and will direct city agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

7

City of Fall River, *In City Council*

(Vice President Pam Laliberte-Lebeau)
(Councilor Shawn E. Cadime)

WHEREAS, the Purchase Street Streetscape project has gone over budget, and payments are currently in dispute, and

WHEREAS, the East Main Street Streetscape project has resulted in an inferior quality product, which is currently in dispute, and

WHEREAS, the Streetscapes projects have utilized both Chapter 90 funds as well as Highway Improvement funds, which were not intended to be utilized, and

WHEREAS, the finished product of Streetscapes has not lived up to its hype considering the money that was spent, now therefore

BE IT RESOLVED, that the Administration rescind all remaining Streetscape bond authorizations that have not been short-term or long-term borrowed, including North Main Street at \$1.4 million, South Main Street at \$1.6 million, and Rock Street at \$775,000.00, as well as immediately halt any further spending and/or work authorizations on the \$2.4 million Bedford Street project, and provide an accounting of expenses to date, and

BE IT FURTHER RESOLVED, that the City Council and Administration work collaboratively to authorize bonding in the amount of the above rescinded bond authorizations for roadway infrastructure improvements throughout the city, which will be mutually agreed upon by the Administration and City Council.



City of Fall River Massachusetts
Office of the City Clerk

7

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

September 18, 2019

Honorable Jasiel F. Correia II
Mayor
One Government Center
Fall River, MA 02722

Dear Mr. Mayor,

At a meeting of the City Council held on Tuesday, September 10, 2019 a discussion was held regarding the Quarter 4 Budget Report, and more specifically, capital projects relating to streetscapes. The Director of Financial Services, as confirmed through Bond Counsel, advised that any variation from the original intent of these loan orders would need to be re-submitted to the City Council by the Mayor.

On a motion made and seconded, it was voted to withdraw authorization for streetscapes projects and apply funding for specific road repairs. Councilor Steven A. Camara voted in opposition.

The City Council respectfully requests that authorization for streetscapes projects be rescinded and that new loan orders be introduced for the funding of specific road repairs.

I am available for any additional questions that you may have.

Sincerely,

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

8

(Vice President Pam Laliberte-Lebeau)

WHEREAS, there are many historic buildings throughout the City, and

WHEREAS, several of these buildings are city owned, and

WHEREAS, there should be careful thought and consideration into the use, reuse and/or sale of these properties, and

WHEREAS, the Historical Commission and Preservation Society have provided input on appropriate guidelines to consider, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation, convene with Corporation Counsel, the City Administrator, along with the Chairs or representatives from the Historical Commission and the Preservation Society to review our current ordinances and discuss any possible amendments.

City of Fall River, *In City Council*

13

ORDERED, that permission be and the same is hereby granted to:

Roger Poisson, 293 Driftwood Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
293 Driftwood Street	16'	10'	0'	26'

The petitioner has an existing 16 foot driveway and would like to add a separate 10 foot driveway for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.



City of Fall River
Notice of Claim

RECEIVED

2019 OCT -7 A 9:08

CITY CLERK 19-96
FALL RIVER, MA

1. Claimant's name: Jessica Ortiz
2. Claimant's complete address: 1488 Pleasant St Apt 2 E
3. Telephone number: Home: 508-406-1254 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
auto accident
5. Date and time of accident: 09/07/19 Amount of damages claimed: \$ 2104.35
18:25
6. Exact location of the incident: (include as much detail as possible):
1508 Pleasant St. Fall River, MA 02723
7. Circumstances of the incident: (attach additional pages if necessary):
My car (Nissan Maxima 04, white) was parked and unoccupied. Police car (plate #275 J) had rolled back and hit my car (left rear side). Police officers in the scene stated damages will be paid due to their responsibility.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No
Amica Insurance → won't pursue it since I don't have full coverage

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 9/23/19

Claimant's signature: Jessica Ortiz

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☐ City Council ☐ City Administrator

Police

Date: 10/7/19



RECEIVED

City of Fall River
Notice of Claim

2019 OCT 17 A 11:50

1. Claimant's name: MARIE I. ALVES CITY CLERK 19-97
FALL RIVER, MA
2. Claimant's complete address: 181 South Main St Unit 212
3. Telephone number: Home: 508-837-1216 Work: Retired
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: Oct 2 2019 Amount of damages claimed: \$ 844.78
6. Exact location of the incident: (include as much detail as possible):
South Main St NEAR ALLANS Pond shop at the light
7. Circumstances of the incident: (attach additional pages if necessary):
they were street repair workers with
green vests telling me to go I was
parking my car 10 miles and home, I was
going to complete stop but was being told to go.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: Oct 17 2019

Claimant's signature: Marie I. Alves

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this form to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCM

Date: 10/17/19



Fall River Holiday Parade Committee, Inc.

19

RECEIVED

2019 OCT 17 P 1:04

CITY CLERK
FALL RIVER, MA

October 17, 2019

Honorable Members of the City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

This year's 35th Annual Children's Holiday Parade will step off at 1:00 p.m. from Kennedy Park on Saturday, December 7, 2019 and will march down to Government Center.

As part of our fundraising efforts, we usually display the banners of businesses that donate to our parade on the Government Center railing facing Sullivan Drive and South Main Street during the parade.

As such, we are requesting your permission to place such banners on the Government Center railing from Friday, December 6, 2019 to Sunday, December 8, 2019. As we have done in the past, we can work with the custodial staff to ensure the banners are placed in such a manner as not to scratch or deface the railings.

Thank you in advance for your continued support.

Sincerely,
Carol A. Valcourt, Co-Chair

Kenneth C. Pacheco, Co-Chair

20

RECEIVED

2019 OCT -4 A 11:55

CITY CLERK
FALL RIVER, MA



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARING AND PROCEDURAL CONFERENCE

D.P.U. 19-98

September 13, 2019

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for approval of their 2016-2018 Energy Efficiency Three-Year Term Report.

On August 1, 2019, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("Companies"), filed with the Department of Public Utilities ("Department") their 2016-2018 Three-Year Energy Efficiency Term Report ("Term Report"). The filing documents actual energy savings, benefits, and expenditures resulting from the implementation of the Companies' 2016-2018 three-year energy efficiency plan approved by the Department in Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 15-168 (2016). The Department has docketed this matter as D.P.U. 19-98.

The Department will review the Term Report to determine, among other things, whether the Companies: (1) reported their program savings, benefits, and costs accurately and reliably; and (2) implemented their energy efficiency programs in a manner that was consistent with statutory requirements and the Department-approved three-year plan. See G.L. c. 25, § 19(d)(2); G.L. c. 25, § 21(b)(3); G.L. c. 25, §§ 19(a) and (c). Based on the results of the investigation, the Department will approve final recovery of costs incurred during the three-year term, including performance incentive payments. G.L. c. 25, § 19.

The Department will conduct a public hearing to receive comments on the Companies' filing. The hearing will take place on **Wednesday, October 30, 2019, at 2:00 p.m.** at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110. A procedural conference will immediately follow the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **October 30, 2019**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business on **October 21, 2019**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed

10-4-19 emailed all ev. & heard cases to Co. Public Util.

late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on October 28, 2019.

An original hard copy and one copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One copy of all written comments or petitions to intervene should also be sent to the Companies' attorney, Stacey M. Donnelly, Esq., National Grid, 40 Sylvan Road, Waltham, Massachusetts 02451, and by e-mail, Stacey.Donnelly@nationalgrid.com.

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@mass.gov and to the Hearing Officer, Krista Hawley, Krista.Hawley@mass.gov, or (2) on a CD-ROM or USB drive. The text of the e-mail or CD-ROM/USB must specify: (1) the docket numbers of the proceeding (D.P.U. 19-98); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "19-98").

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3500. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3500.

Any person desiring further information regarding the Companies' filing should contact Stacey M. Donnelly, Esq. at (781) 907-1833. Any person desiring further information regarding this notice should contact Krista Hawley, Hearing Officer, Department of Public Utilities, at (617) 305-3500.



CLIFF A. PONTE
Acting Mayor

City of Fall River
Massachusetts
Office of the Mayor

2a
RECEIVED

2019 OCT 18 P 12:27

CITY CLERK _____
FALL RIVER, MA

October 18, 2019

Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

RE: Piano Donation

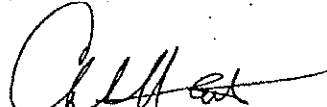
Honorable Members of the City Council:

Ms. Nancy Dempsey would like to donate a piano to the Flint Senior Center, located at 69 Alden Street Fall River, MA. Based on prices listed on the internet, it would appear to have a value between \$1,000.00 and \$1,500.00.

Attached for your review is the letter of acceptance from the Council on Aging.

Your acceptance of this donation is respectfully requested.

Very truly yours,


Cliff A. Ponte
Acting Mayor

City of Fall River, In City Council

2a

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A 1/2 , the Fall River Council on Aging be, and the same is hereby authorized to accept a gift of a piano valued between \$1,000 and \$1,500, for the Flint Senior Center, located at 69 Alden Street, from Ms. Nancy Dempsey.

2a



**City of Fall River
Massachusetts**

***Health & Human Services Division
Council on Aging***

JASIEL F. CORREIA II
Mayor

Tess Curran, MPH
Director of Health & Human Services

LAUREL L. JONAS, MA
Associate Director of Council on Aging

City of Fall River
Mayor Jasiel F. Correia II
1 Government Center
Fall River, MA 02722

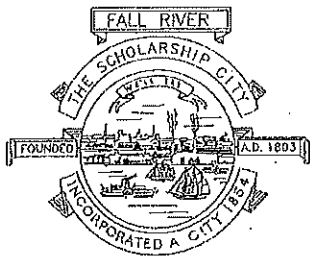
Mayor Correia:

The Fall River Senior Centers are extremely fortunate to have a very giving community. The new Flint Senior Center, located at 69 Alden St., has been asked to accept the donation of a piano – all delivery costs to be paid by the donor, Ms Nancy Dempsey.

The Council on Aging would be pleased to accept this gracious donation with your approval. Thank you for your consideration of this matter.

Respectfully,

Laurel L. Jonas
Associate Director
Fall River Council on Aging



City of Fall River Massachusetts Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

PUBLIC HEARING

INÊS LEITE
ASSISTANT CITY CLERK

Notice is hereby given that a public hearing will be held by the City Council on Tuesday, October 22, 2019 at 5:55 p.m. in the Council Chamber, Government Center, to hear all persons interested and wishing to be heard on the following:

Curb Removal

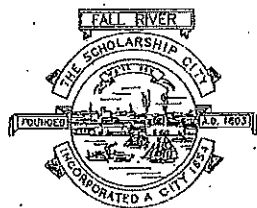
1. Roger Poisson, 293 Driftwood Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
293 Driftwood Street	16'	10'	0'	26'

The petitioner has an existing 16 foot driveway and would like to add a separate 10 foot driveway for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

Alison M. Bouchard
City Clerk



**City of Fall River
Massachusetts**

Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

JASIEL F. CORREIA II
Mayor

3a
RECEIVED

2019 OCT 18 P 1:32

CITY CLERK
JOHN A. PHILLIPS JR.
FALL RIVER, MA
Director

JR FREY, P.E.
City Engineer

To: Fall River City Council
From: J R Frey, P.E., City Engineer *JR*
Date: October 17, 2019
Subject: Street Opening Request for Pavement Less Than Five Years Old

The Engineering Division has received a request for a road opening to install water and sewer utilities at 56 Frederick Street. Frederick Street was paved in 2018. The improvements are one year old.

The Engineering Division recommends approval of the request subject to the following conditions for pavement restoration in streets less than five years old:

- 1) All work shall meet or exceed the "Standards Employed by the Public Utility Operators When Restoring Municipal Streets" (the Standards) as published by the Commonwealth of Massachusetts Division of Telecommunications and Industry and with the requirements of the Fall River City Council;
- 2) All excavated material shall be removed from the site and appropriately disposed of;
- 3) Backfill shall consist of Controlled Density Fill (CDF) in conformance with City Ordinance;
- 4) Binder material meeting Superpave 12.5mm MassDOT specification shall be placed in two (2) lifts to match existing pavement thickness, with tack applied along the edges, the subgrade, and between lifts;
- 5) A settlement period of six (6) weeks shall occur, and within three (3) weeks of the conclusion of the settlement period, the contractor shall return to complete the final patch;
- 6) The final patch shall be constructed by milling the pavement by 1-1/2", one-foot (1') outside of the utility trenches;
- 7) Tack shall be applied to the entire exposed surface and a surface course meeting the Superpave 9.5mm MassDOT specification shall be placed with a minimum compacted thickness of one and one-half inches (1 1/2");
- 8) The three (3) seams shall be heated using infrared to a surface temperature sufficient to allow remixing asphalt without oxidation or burning, but in no case shall the surface temperature exceed 350 degrees F;

- 9) The surface shall be compacted using a steel drum roller, resulting in a smooth, tight, pavement surface which matches the grade of the existing pavement;
- 10) Sand should be evenly distributed over the surface to fill small voids and absorb excess sealant if surface sealant is applied;
- 11) The repaired area shall be allowed to cool to 175 degrees F before opening to traffic.

Prior to opening the street, the applicant shall provide to the City Engineer a copy of the contract for any subcontractor providing work covered by this application. A minimum of 24-hours in advance of excavation, the contractor must call the Engineering Division at 508-324-2512 to request inspection services. Material specifications shall be provided to the City Engineer for all materials brought to the site for use as backfill, base course, and surface course.

